

Tompkins County Legislature
March 17, 2009

Approved 4-7-09

Call to Order

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

Pledge of Allegiance to the Flag and roll Call of members

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

Present: 13 Legislators (Ms. Herrera arrived at 5:33 p.m.). Excused: 2 (Legislators Randall and Shinagawa).

Presentation of Proclamation(s)

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

World Water Days for UNICEF Week in Tompkins County – March 22-29, 2009 to Mac Larsen. Mr. Larson accepted the proclamation and said last year they managed to raise \$2,400 in the Ithaca area following the presentation of the proclamation and while that may seem like a small amount, UNICEF's multiplier is 40 equating this to 86,000 days of clean water for people in great need. He said 1.2 million are expected to die this year as opposed to last year when the proclamation read 1.5 million children. This is a very worthwhile accomplishment towards the goal of reducing childhood mortality by 50 percent by the year 2015.

Earth Hour in Tompkins County – March 28, 2009 – 8:30 p.m. to 9:30 p.m. to Legislator Kiefer. Ms. Kiefer accepted the proclamation and said when the World Wildlife Fund created this event three years ago it was somewhat controversial; but the threat of global warming is now widely recognized. She doesn't think it is trivial to turn off lights for one hour to show support for World wide actions to reduce global warming. She noted one neat thing that happened at Cornell last year was the athletic department rescheduled its workout at Schoelkopf Field so that the bright lights wouldn't be on during that time.

Ms. Herrera arrived at this time.

Privilege of the Floor by the Public

Bethany Schroeder, Town of Ithaca resident, read and submitted the following statement:

“For those of you who don't know me, my name is Bethany Schroeder. I am a volunteer with the Ithaca Health Alliance and Free Clinic. I also serve as the president of the board of directors.

“Last month I addressed the Tompkins County Legislature in behalf of the members and patients we serve. In my comments I briefly reviewed the eleven-year history of the Health Alliance and our three years of work at the Free Clinic. Today I'd like to give you an update that focuses on trends we are more recently beginning to understand.

“In January and February of this year, we served 175 and 176 patients, respectively. Our general Clinic operations are available on Mondays and Thursdays. Physicians cared for between and 8 and 22 patients each shift, depending on the day of the week. Although we did not typically turn patients away, our physicians were required to see patients beyond normal hours, meaning they got home late, as did the rest of our volunteers and staff. In addition to general medical services, our volunteer ancillary clinicians and complementary and alternative practitioners provided services including chiropractic, herbal therapy, acupuncture, physical and occupational therapy, nutritional consultations, and nursing care. Unless a patient canceled at the last minute for one or these services, our volunteers were busy every minute of

every Clinic shift. Furthermore, roughly two-thirds of the patients we saw during both months were new to the Clinic.

“On the one hand, we are fulfilling our covenant with those who helped establish the Free Clinic and with those for whom we want to provide care. On the other hand, we are at full capacity, and we are increasingly challenged to serve all the area residents who visit us. Clinic visitors include the homeless, the jobless, and the many working people who simply do not make enough money to purchase health insurance or else make just a little too much to qualify for state insurance.

“On discharge from the Clinic, we conduct a short interview with each patient in hopes of improving care and identifying trends. In February alone, 30 of the 176 patients who visited the Clinic said that had the Clinic not been open, they would have sought care at the Emergency Room or Convenient Care Center. Since these 30 people did not have the funds to pay for care, we estimate that the burden to the local health delivery system would have amounted to a minimum of \$12,000. In keeping with this development, donated memberships through the Ithaca Health Alliance for the modest profile of services our members support is markedly up, especially since the last quarter of 2008. By the end of 2008, 26 people received these memberships. Fortunately, one of the area’s local businesses made money available to the Health Alliance in order to increase the number of donated memberships to the community at large. We cannot help wondering how long this level of generosity will be available or when our neighbors, friends, and fellow residents will get relief from the many economic burdens they bear.”

Pete Meyers, City of Ithaca resident and Tompkins County Worker’s Center, spoke of the resolution being considered tonight entitled “Supporting the ‘Fair Share Tax Reform Act of 2009’ in the New York State Legislature, to Improve Equity in Taxation for New Yorkers and Help Close the States Projected Budget Gap”. He said this bill would essentially raise the taxes on the top 5% of New York’s population and would raise approximately \$6 Billion. He urged the County Legislature to make a strong statement on behalf of Tompkins County and support this resolution.

Theresa Alt, City of Ithaca resident, spoke in support of the resolution being considered tonight entitled “Supporting the ‘Fair Share Tax Reform Act of 2009’ in the New York State Legislature, to Improve Equity in Taxation for New Yorkers and Help Close the States Projected Budget Gap”. She spoke of a time when State taxes were far more in tune with what people could afford to pay and the State sent money to local governments to do essential things such as education, road maintenance, welfare, etc. Once tax cutting for the uppermost brackets began these expenses got shifted to property and sales taxes. Those two taxes have very little regard to whether an individual is able to pay them. The STAR program was offered to homeowners and while landlords may pay the property tax, the costs are passed along to renters. Property tax is a very blunt instrument and something that there should be far less reliance on.

Presentation of Distinguished Youth Award

Mr. Hattery, District No. 14 Legislator, presented the March Distinguished Youth Award to sisters Megan Cornelius, age 14, and Emily Morse, age 10, of Dryden, for life-saving efforts that prevented tragic results from a Christmas Eve morning house fire at the Susan Cornelius residence. Past Dryden Fire Chief Ron Flynn, who submitted the nomination, praised their mature and quick-thinking actions—reporting the fire, getting out of the house and awakening the occupant of a basement apartment, all in a very short time. Chief Flynn stated, “Megan’s and Emily’s efforts saved lives!!! If it were not for their very mature and calm actions, this fire could have produced tragic results, with a fatality involved.” Mr. Hattery also thanked the members of the Dryden Fire Department, and all firefighters, for their ongoing sacrifice and dedicated service to the community.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, also thanked all of the paid and volunteer firefighters for their service. He called attention to an article in the Ithaca Journal and thanked Senator Schumer for “picking up the ball” on excess electric rates. The Public Service Commission (PSC) is again looking at the increase that Iberdrola is proposing with regard to NYSEG (New York State Electric and Gas) and Mr. Proto encouraged everyone to write a letter to the PSC about the proposed increase.

Mr. Proto commented on Saint Patrick’s Day being today and that Saint Joseph’s Day which is important to Italians is tomorrow. He also commented that a constituent of his living in Brooktondale watches the Legislature meetings.

Ms. Robertson, District No. 13 Legislator, announced a meeting on natural gas drilling is scheduled for March 26th from 7:00 to 9:15 p.m. at the Ithaca High School Cafeteria. Albert F. Appleton, former New York City Commissioner of Environmental Protection, will be the featured speaker. Other speakers include Barbara Arrindell and Joe Levine of Damascus Citizens for Sustainability. The presentations will be on water resources, watersheds and rural landscapes, and sustainable development.

The New York State Department of Environmental Conservation (DEC) issued their draft scope on gas drilling a couple of weeks ago and the Planning, Development, and Environmental Quality Committee received a memo from Scott Doyle of the Planning Department summarizing what is in the draft scope, particularly things that we asked to be included that were not. Ms. Robertson highlighted an article in the paper recently with a headline that read: “New York Understaffed to Handle Gas Rush”. One of the issues addressed in the County’s resolution sent to DEC related to staffing. In the article it states there are 19 employees that will deal with oil and gas regulations at the DEC. They will have to handle a rush of activities and issuance of permits. The State of Pennsylvania has a larger staff and is in a hiring freeze; however, they are hiring an additional 37 employees to deal with the oversight of drilling in the Marcellus Shale. At this time there is no provision in the New York State budget to hire additional DEC staff to oversee this.

Ms. Chock, District No. 3 Legislator, read and submitted the following statement concerning affordable housing and neighborhoods:

“Something that came up at the last meeting and I’ve been asked related to the Affordable Housing MOU should be cleared up, because I think there are some misunderstandings about the issue.

“Tompkins County’s support for affordable housing will be for new and rebuilt, high quality homes and apartments that will add to the tax base and enhance rural and urban neighborhoods.

“When we talk about affordable housing, especially in the context of workforce housing, we’re not talking about housing for those at the very bottom, those who can’t make ends meet – although that is ALSO an issue we need to be aware of and figure out how to address. These are housing for solid middle class with assistance at the beginning.

“The affordable housing that this will address is for those who CAN afford a good, solid middle-class house with some assistance.

“Those who will buy these houses under the Housing Trust will be people who have been able to qualify to make regular mortgage payments, pay insurance, pay taxes, and who will understand and care that they can maintain the investment. The Housing Assistance Fund will help to design and plan rental or ownership projects of a similar nature. These projects will add to the tax base in the County.

“When Better Housing, INHS, others buy, rehab, and sell homes, these are often the highest quality homes on the block or in the rural neighborhood. They are in the business of improving the housing stock. Their financing helps people who CAN achieve the homeownership dream once given the initial leg up or who can renovate and fix up the homes they already own. The point is to enhance neighborhoods.”

Ms. Chock suggested INHS and Better Housing make a presentation to the Legislature that show before and after slides because it is astounding what they manage to achieve.

Mr. Stevenson, District No. 8 Legislator, thanked Legislator Hattery for recognizing the Dryden volunteer fire department; it means a lot to firefighters to be recognized by their local officials.

Ms. Robertson followed up on comments made by Ms. Chock regarding the housing program and said the County’s share is coming from recycled HUD money from the Homeownership Program not taxpayers money.

Report from Municipal Official(s)

There was no municipal official present.

Presentation – “State of the College” Address by Dr. Carl Haynes, President, Tompkins Cortland Community College (TC3)

Dr. Haynes distributed copies of the college’s annual report. He outlined some of the challenges facing the College. The good news is the enrollment is growing and fairly significantly. The two factors include: low cost for people wanting to access higher education and because of the layoffs within the community people are looking for retraining. Last year, enrollment grew by 8%, this year it is at least 6% and next year it will likely be 8-10%. That represents a 20-25% increase in a three-year period. The positive side of the growth is that it brings in revenues and the State is funding all full-time equivalent (FTE) students. The challenges include the Governor’s proposal to cut 10% of the College’s base aid rate per FTE the College receives resulting in an impact of \$850,000 for next year. The College does not intend to experience any layoffs.

At this time, Dr. Haynes highlighted the six major pillars identified in the report: learning centeredness, our people, strengths, global, partnerships, and technology. He also announced the College will be celebrating its 40th Anniversary this year and invited Legislators to a celebration on May 2.

Legislators thanked Dr. Haynes for the presentation.

Mr. Dennis asked if the College was going to develop a curriculum in green construction. Dr. Haynes said the College has a grant and is currently working with the construction technology group.

Ms. Kiefer asked if a site in Cortland County had been chosen yet similar to the Tioga Building space occupied in Tompkins County. Dr. Haynes said a proposal is being considered by the County.

Ms. Robertson spoke briefly about the Workforce Investment Board youth funding and asked if the College has been working with Workforce Development. Dr. Haynes said he has been working with both Tompkins and Cortland Counties in developing youth programs and commented that within the Stimulus Plan youth has been redefined to include 18-24 year olds. The one area being considered for funding is a program similar to the PACE program.

Ms. Chock asked if Dr. Haynes could provide information on what challenges they may be seeing among students including the cost of continuing their education or inability to find jobs. Dr. Haynes said he does not believe there have been any issues with students not being able to continue their education. The one area that is more pertinent are the people who are not attempting to come and access the resources that can be provided. In response to students unable to find jobs, he said he is not able to answer at this time. Surveys are conducted with graduates, but he does not have that information from last year with him.

Mrs. McBean-Clairborne referenced the pillar “climate” and commended the College for their work and efforts in diversity and inclusion.

Chair’s Report and Appointment(s)

Mr. Koplinka-Loehr announced that on April 4 there will be a remembrance and celebration of Constance Cook’s life and that May 2 is the Diversity Consortium Roundtable. Mr. Koplinka-Loehr expressed his appreciation to County employees during these difficult economic times. He said he will be appointing a Legislator to the negotiating team for TC3. Legislator Dennis has expressed interest, but if there are others interested to let him know.

Mr. Koplinka-Loehr made no appointments.

Report from the County Administrator

Mr. Mareane reminded Legislators that the quarterly meeting of Legislators and Department Heads is scheduled for April 6 from 3:30 to 5:30 in the Beverly Livesay Conference Room. An agenda will be circulated by the end of the week for that meeting.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires had no report.

Addition of Resolution(s) to the Agenda

It was MOVED by Mr. Dennis, seconded by Ms. Herrera, to add the resolution entitled “Supporting the ‘Fair Share Tax Reform Act of 2009’ in the New York State Legislature, to Improve Equity in Taxation for New Yorkers and Help Close the State’s Projected Budget Gap”. A voice vote resulted as follows: Ayes – 10; Noes – 2 (Legislators Hattery and Sigler); Temporarily out of the Room – 1 (Legislator Proto); Excused – 2 (Legislators Randall and Shinagawa). MOTION CARRIED.

Withdrawal of Resolution(s) from the Agenda

Mr. Koplinka-Loehr granted permission to the appropriate committee chair permission to withdraw the following resolutions from the agenda:

Approval of Designations of Successors
Sponsorship of the 2009 Diversity Consortium Community Roundtable Event

Approval of Appointment(s) Under the Consent Agenda

It was MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to approve the following appointment(s) under the Consent Agenda:

Environmental Management Council

Joanne Trutko – City of Ithaca representative; term expires December 31, 2010

Recreation Partnership

Duane T. Randall - County Legislator; term expires December 31, 2009

Planning Advisory Board

Pamela Mackesey - Planning Committee Chair; term expires December 31, 2009

Water Resources Council

Will Burbank – County Legislator; term expires December 31, 2011

Local Emergency Planning Committee

Martha Robertson – Public Safety Committee Chair; no set term

Advisory Board on Indigent Representation

Martha Robertson – County Legislator; term expires December 31, 2009

Emergency Communications Review and Oversight Committee

Carol Chock – Public Safety Committee member; term expires December 31, 2011

Traffic Safety Committee (all are Public Safety Committee member representatives)

Carol Chock, Mike Sigler; terms expire December 31, 2010

Jim Dennis, Greg Stevenson; terms expire December 31, 2011

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Gino Bush – At-large (ex-offender) representative; term expires December 31, 2011

Martha Robertson – Public Safety Committee Chair; term expires December 31, 2009

Approval of Resolution(s) Under the Consent Agenda

It was MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present, to approve the following resolution(s) under the Consent Agenda:

RESOLUTION NO. 36 - BUDGET ADJUSTMENTS - VARIOUS DEPARTMENTS

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, 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 Government Performance and Workforce Relations, the Public Safety, the Planning, Development, and Environmental Quality, and the Health and Human Services Committees, That the Director of Finance be directed to make the following budget adjustments on his books:

Workforce Investment Board

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6290.43790	Federal Job Training	\$ 6,250	6290.54400	Program Expense

Explanation: New York State is making these funds available to implement a gas card initiative in Tompkins County through June 30, 2009.

Office for the Aging

Revenue Acct	Title	Amt	Approp Acct	Title(s)
6787.41650	PERS Income	\$10,000	6787.52219	PERS Units
6779.43803	State Revenue	\$ 4,303	6779.51000	Salary
6779.43803	State Revenue	\$91,556	6779.54400	Program Expense

Explanation: Reappropriated money to be used in 2009. Reappropriated money to be used in 2009 Restore Program.

Board of Elections

Revenue Acct	Title	Amt	Approp Acct	Title(s)
1450.54400	Program Expense	\$17,744	1452.52220	Election Grants – Departmental Equipment

Explanation: Leftover Grant money from 2008 which needs to be moved to 2009 budget.

Probation and Community Justice

Revenue Acct	Title	Amt	Approp Acct	Title(s)
3996.43389	Other Public Safety	\$ 6,510	3996.54491	Subcontracts

Explanation: Appropriation of unused 2007 STOP (Violence Against Women) Grant funds.
SEQR ACTION: TYPE II-20

RESOLUTION NO. 37 – AUTHORIZATION TO CONTRACT WITH TOMPKINS COUNTY AREA DEVELOPMENT FOR TOURISM CAPITAL GRANTS PROGRAM

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the County has provided funding for tourism entirely from the Room Occupancy Tax account, and the County Legislature appoints members to the Strategic Tourism Planning Board (STPB) to make recommendations concerning expenditures from that account, and

WHEREAS, the Tompkins County Legislature approved an increase in the Room Tax in 2001 to support the development of tourism products and attractions, among other objectives, including the funding of feasibility studies, seed money, or funding for tourism capital projects, and

WHEREAS, the STPB also recognizes the need to encourage the development of tourism products and attractions through the Tourism Capital Projects Grant Program, in order to increase the tourism business in the County, and to increase the income from the Room Occupancy tax, and

WHEREAS, the STPB has recommended that Tompkins County Area Development (TCAD) continue to administer the Tourism Capital Projects Grants process that has a program budget of \$140,276 for 2009, and

WHEREAS, STPB will be responsible for recommending grants from this program to the appropriate Legislative committee, and TCAD will administer the application process, will review and analyze the feasibility and economic impact of a project, will provide oversight for each project, and provide such analysis with recommendations to the appropriate Legislative committee, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign an agreement with Tompkins County Area Development (TCAD) pertaining to this program,

RESOLVED, further, That, of the total program amount of \$140,276, up to \$14,027 (10 percent of program expenditures) shall be paid to TCAD for administrative evaluation and oversight services,

RESOLVED, further, That the Planning, Development, and Environmental Quality Committee or its successor is authorized to recommend expenditures be made from this Program Account, with the understanding that such expenditures shall be subject to the approval by the Tompkins County Legislature.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 38 - AWARD OF TOURISM CAPITAL GRANTS

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Tompkins County Tourism Program includes Tourism Capital grants and Tompkins County Area Development (TCAD) administers the Tourism Capital Grants process, which includes designing the application process, reviewing and analyzing the feasibility and economic impact of tourism projects, and providing oversight for tourism projects, and

WHEREAS, funding exists within the Room Tax Occupancy budget for Tourism Capital Grants, and

WHEREAS, TCAD reviewed the following project with the Strategic Tourism Planning Board (STPB), and the STPB anticipates that the following project will encourage the development of tourism products and attractions in order to improve community assets, to increase the tourism business in the County, and to increase the income from the Room Occupancy tax, and the following grant award has been reviewed and recommended by the STPB, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the County Administrator or his designee is authorized to sign all documents related to the project:

Entity	Project	
Kitchen Theatre	Pre-construction project for Facility	\$21,000

SEQR ACTION: TYPE II-20

RESOLUTION NO. 39 - AUTHORIZING AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 - FEDERAL TRANSIT ADMINISTRATION SECTION 5307 GRANT FOR TOMPKINS CONSOLIDATED AREA TRANSIT AND GADABOUT

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, pursuant to the American Recovery and Reinvestment Act of 2009 (ARRA), the Secretary of the United States Department of Transportation is authorized to fund capital projects under Federal Transit Administration Section 5307 of Chapter 53, Title 49, of the United States Code, and

WHEREAS, the County of Tompkins is the Designated Recipient by the Governor of New York State for the Federal Transit Administration (FTA) Section 5307 urban program and is responsible for proposing how said federal funds are used, and

WHEREAS, the County, Tompkins Consolidated Area Transit, Inc. (TCAT), and GADABOUT Transportation Services, Inc. (GADABOUT), agreed to sub-allocate the Federal ARRA funds, (based on their respective bus replacement needs), with 5/6 for TCAT and 1/6 for GADABOUT, and

WHEREAS, the County desires to submit a request for a grant of funds to the FTA, in the amount of \$1,417,685 to be used for capital projects in 2009 as approved by the Ithaca-Tompkins County

Transportation Council and included in the 2007-2012 Transportation Improvement Program as amended on February 26, 2009, and

WHEREAS, the source of funds are \$1,192,685 in Federal stimulus funds (ARRA) and \$225,000 in New York State Department of Transportation State Dedicated Funds, and

WHEREAS, the County, as FTA grant recipient, will apply on behalf of Tompkins Consolidated Area Transit (TCAT) and GADABOUT Transportation Services, Inc. (GADABOUT), subrecipients, to receive and use said funds as follows:

Project Descriptions	<i>Federal ARRA</i>	<i>NYS DOT SDF</i>	<i>TOTAL</i>
Purchase Two (2) Hybrid Transit Buses for TCAT	\$855,000	\$ 225,000	\$1,080,000
Purchase Three (3) Paratransit Buses for GADABOUT	\$180,000	\$0	\$180,000
Preventive Maintenance - TCAT	\$138,904	\$0	\$138,904
Preventive Maintenance - GADABOUT	\$18,781	\$0	\$18,781
Total	\$1,192,685	\$ 225,000	\$1,417,685

, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes the County Contracts Coordinator to execute and file applications on behalf of the County of Tompkins with the United States Department of Transportation for the American Recovery and Reinvestment Act of 2009, FTA Section 5307 Grant, in the amount of \$1,417,685,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign:

1. Any and all agreements between Tompkins County and the Federal Transit Administration for the Project.
2. Any and all agreements between Tompkins County and the State of New York for the Project.
3. Any and all agreements between Tompkins County and TCAT and GADABOUT, and any third-party subcontractors necessary to complete the project, if applicable.

SEQR ACTION: TYPE 11-20

**RESOLUTION NO. 40 - AUTHORIZING NEW YORK STATE DEPARTMENT OF
 TRANSPORTATION AGREEMENT – JOB ACCESS AND REVERSE
 COMMUTE AND NEW FREEDOM OPERATING ASSISTANCE
 GRANTS - 2009**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the United States provided Federal funds to New York State to be competitively distributed to municipalities for the purpose of carrying out transit projects pursuant to Sections 5316 and 5317 of Title 49, United States Code, entitled Job Access and Reverse Commute (JARC) and New Freedom programs, respectively, and

WHEREAS, New York State Department of Transportation awarded \$150,000 in JARC and \$50,000 in New Freedom funds to Tompkins County to expand mobility options targeted for low-income individuals and those with disabilities in rural towns of Tompkins County, and

WHEREAS, \$100,000 is to support Tompkins Consolidated Area Transit's vanpool and \$50,000 is for the County's rural feeder projects, which are designed to increase access to employment for welfare recipients and low income persons, as identified through a coordinated planning process, and consistent with the eligible activities described in Federal Transit Authority (FTA) Circular 9050.1 for a term of twenty-two months, and

WHEREAS, \$50,000 for rural public transportation services beyond those required by the Americans with Disabilities Act of 1990 (ADA), that assist individuals with disabilities with transportation, including to and from jobs and employment support services, as identified through a coordinated planning process, and consistent with the eligible activities described in FTA Circular 9045.1 for a term of twenty-two months, and

WHEREAS, Tompkins County and the New York State Department of Transportation, as Designated Recipient of the FTA – JARC and New Freedom programs, are entering into an agreement that authorizes the undertaking of the project and payment for the Federal Transit Administration Share for the project, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes executing Contract No. C003814, Job Access and Reverse Commute and New Freedom Program grant for a total of \$200,000, with the New York State Department of Transportation,

RESOLVED, further, That the County Contracts Coordinator is authorized to sign:

1. Any and all agreements between Tompkins County and the State of New York for the Project.
2. Any and all agreements between Tompkins County and Tompkins Consolidated Area Transit and GADABOUT, and any third-party subcontractors necessary to complete the project, if applicable.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 41 – AUTHORIZING APPLICATION FOR NEW YORK STATE
DEDICATED TRANSIT FUNDING FOR TOMPKINS
CONSOLIDATED AREA TRANSIT, INC., YEAR 11, 2006/2007**

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, the Governor of the State of New York awarded a grant of State Dedicated Transportation Funds in the amount of \$325,000 for State Fiscal Year 2006/2007 to purchase buses and improve transit facilities in Tompkins County, and

WHEREAS, Tompkins County, wishes to apply for \$325,000 in State Dedicated funds (SDF) on behalf of Tompkins Consolidated Area Transit, Inc., to plan and make public improvements to the public transportation system, and

WHEREAS, the \$325,000 State Dedicated Transportation Fund grant will reimburse 100% of the cost of proposed projects as follows:

Project Description	SDF Funds
Purchase (1) 40 ft. low-floor hybrid electric diesel replacement bus	\$225,000
Purchase Smartcard Fare Collection Equipment	\$100,000
Total	\$325,000

, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the Tompkins County Legislature authorizes the application for \$325,000 in State Fiscal

Year 2006/2007 State Dedicated Transportation Funds SDF to the New York State Department of Transportation for the above-listed project,

RESOLVED, further, That Tompkins County will accept SDF funds through a supplemental contract agreement with the New York State Department of Transportation (NYSDOT) after the State's approval of the grant application,

RESOLVED, further, That Tompkins County will reimburse Tompkins Consolidated Area Transit one-hundred percent of the project cost after the County receives SDF funds from New York State Department of Transportation.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 42 - APPROPRIATION OF 2009-2010 BUDGETS FOR THE ITHACA-TOMPKINS-COUNTY TRANSPORTATION COUNCIL

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, Tompkins County serves as the Host Agency for the Ithaca-Tompkins County Transportation Council, the Metropolitan Planning Organization for the Ithaca-Tompkins County area, and

WHEREAS, the County has a contract with the New York State Department of Transportation to provide funding for the Ithaca-Tompkins County Transportation Council through grants provided by the Federal Highway Administration and Federal Transit Administration, and

WHEREAS, the Ithaca-Tompkins County Transportation Council has grant authorizations for its 2009-2010 fiscal year, beginning April 1, 2009, and ending March 31, 2010, in the amounts of \$265,943 from the Federal Highway Administration, \$4,656 Statewide Planning Research funds, and \$41,983 from the Federal Transit Administration, and

WHEREAS, the Policy Committee of the Ithaca-Tompkins County Transportation Council has adopted resolution 09-2, *APPROVAL OF THE 2009-2010 ITHACA-TOMPKINS COUNTY TRANSPORTATION COUNCIL OPERATING BUDGET*, which requests that the Host Agency (Tompkins County) take the appropriate actions to fully implement said operating budget, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the budgets for the Ithaca-Tompkins County Transportation Council, as presented in "ATTACHMENT A" to this resolution, be amended in the 2009 Tompkins County budget and that the County Finance Director be authorized to expend such funds for the period from April 1, 2009, through March 31, 2010.

SEQR ACTION: TYPE II-20

**Resolution No. 42
 ATTACHMENT A**

2009-2010 ITCTC OPERATING BUDGET

	Current Year Funds				
CODE	DESCRIPTION	09/10 FHWA	09/10 FTA	09/10 SPR	09/10 TOTAL

.4959	REVENUES: FEDERAL AID	\$265,943	\$41,983	\$4,656	\$312,582
	EXPENSES: COMBINED SALARIES	180,731	24,645		205,376
.8800	FRINGE	65,063	8,872		73,935
.2206	COMPUTER EQUIPMENT	0	0		0
.2210	OTHER EQUIPMENT	0	0		0
.2214	FURNITURE & FIXTURES	500	0		500
.2230	COMPUTER SOFTWARE	0	0		0
.4302	OFFICE SUPPLIES	750	750		1,500
.4330	PRINTING	500	500		1,000
.4332	BOOKS/PUBLICATIONS	800	0		800
.4400	PROGRAM EXPENSE	0	0		0
.4486	SCI	2,500	0		2,500
.4601	RESCISSON RELIEF			4,656	4,656
.4402	LEGAL ADVERTISING	2,000	0		2,000
.4412	TRAVEL/TRAINING	1,000	1,500		2,500
.4414	LOCAL MILEAGE	750	750		1,500
.4416	PROFESSIONAL DUES	200	500		700
.4424	EQUIPMENT RENTAL	3,500	0		3,500
.4425	SERVICE CONTRACTS	1,000	0		1,000
.4432	RENT	1,000	0		1,000
.4442	PROFESSIONAL SERVICE FEES	1,000	1,000		2,000
.4452	POSTAGE SERVICES	534	1,466		2,000
.4472	TELEPHONE	615	1,500		2,115
.4618	INTERDEPARTMENTAL CHARGE	500	500		1,000
.4905	CENTRALLY DISTRIBUTED ITEMS	3,000	0		3,000
	TOTAL EXPENSES	\$265,943	\$41,983	\$4,656	\$312,582

RESOLUTION NO. 43 - OPPOSING GOVERNOR PATERSON'S PROPOSED YOUTH PROGRAMS BLOCK GRANT AND RETROACTIVE ELIMINATION OF THE COMMUNITY OPTIONAL PREVENTIVE SERVICES (COPS) PROGRAM

MOVED by Mr. Proto, seconded by Mrs. McBean-Clairborne, and unanimously adopted by voice vote by members present under the Consent Agenda.

WHEREAS, Governor Paterson has submitted his budget recommending a "Youth Programs Block Grant" and

WHEREAS, this proposed Block Grant recommends a January 1, 2009, effective date that leaves many programs uncertain of funding and of their existence, and

WHEREAS, this proposed block grant would combine youth development, prevention, and intervention services of (Youth Development and Delinquency Prevention – YDDP; Special Delinquency Prevention Programs – SDPP; Runaway and Homeless Youth Act – RHYA; Alternatives to Detention

and Alternatives to Residential Placement) with state-mandated services (Secure and Non-Secure Detention Services provided by the Department of Social Services), and

WHEREAS, the Block Grant would repeal key provisions of New York State Executive law that provide for per capita funding for the County, and its municipalities, and administrative aid for the county and city youth bureaus, jeopardizing the legal framework and cost-sharing partnership that has assured prevention, youth development, and intervention services for all you in New York State for over sixty years, and

WHEREAS, the total allocation statewide would be reduced by 24.5 percent, and

WHEREAS, the combination of detention and prevention services recommended in this proposed block grant is detrimental to our young people, and

WHEREAS, the proposal of combining mandated, non-secure and secure detention with development and prevention funding will pit comprehensive community-based youth development and prevention programs against the more costly detention programs, and

WHEREAS, Governor Paterson has also proposed the elimination of the Community Option Preventive Services (COPS) program retroactive to October 2008, and

WHEREAS, COPS state aid is used by the Department of Social Services to contract with agencies providing intensive prevention services designed to reduce placements in foster care and institutions costing \$100,000 or more/year/youth, and

WHEREAS, Youth Development, Prevention, Early Intervention, and COPS programs are essential and cost-effective components of our system of services for youth and families, and

WHEREAS, a 24.5 percent reduction in administrative state aid would reduce the County Youth Services Department's capacity to leverage other grants and resources to support critical services such as housing for homeless youth, and

WHEREAS, the Tompkins County Legislature believes that providing services and programs for youth is an investment, not only in delinquency prevention, but also in the development of our young people in all ways thus enriching our society and nation, now therefore be it

RESOLVED, on recommendation of the Health and Human Services Committee, That the Tompkins County Legislature hereby requests Governor Paterson and the New York State Legislature to eliminate the concept of this proposed Block Grant,

RESOLVED, further, That the Governor and Legislature re-affirm support for Executive Law 420 Article 19a to maintain the current Youth Bureau System, which is in the best interest of the over 8,000 youth served by Youth Development and Prevention Services in Tompkins County,

RESOLVED, further, That copies of this resolution be sent to Governor David Paterson, Senator Malcolm Smith, Senator Dean Skelos, Senator Carl Kruger, Senator Velmanette Montgomery, Senator James Seward, Senator Michael Nozzolio, Senator George Winner, Assemblyman Sheldon Silver, Assemblyman James Tedisco, Assemblyman Herman D. Farrell, Jr., Assemblyman William Scarborough, Assemblywoman Barbara Lifton, Chief Budget Examiner Daniel Sheppard, New York State Association of Counties, Association of New York State Youth Bureaus, and Municipalities in Tompkins County.

SEQR ACTION: TYPE II-20

* * * * *

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

Ms. Kiefer, Vice Chair, reported the Committee met on March 13. She reminded committee chairs whose committees have policies to review to make sure that policy revisions come forward because the Government Performance and Workforce Relations Committee can't act on them until program committees act. The Committee discussed briefly a resolution concerning the open meetings law as well as the other resolutions reflected on the agenda.

RESOLUTION NO. 44 - ESTABLISHING A PROCESS TO FILL VACANCIES OR CHANGE POSITION CLASSIFICATIONS

MOVED by Ms. Kiefer, seconded by Mr. Sigler. Ms. Herrera asked for a summary of the changes in the resolution since it was last considered. Ms. Kiefer clarified that the Commissioner of Personnel will review reclassifications for the purpose of civil service and personnel policy compliance and the County Administrator will review them for the purpose of budgetary and organizational matters. The implication is that the County Administrator will have the final say, but the resolution outlines an appeal process. If a position remains vacant for three months and the department head feels the continued vacancy is having a deleterious affect on the department's ability to get the work done an appeal is possible. The appeal would first go to the County Administrator, and next, if necessary, to the Legislative Committee that deals with personnel.

Ms. Herrera said she was at the original Budget Committee meeting where this was discussed and said it appeared that the intention was to streamline a process. She supports an appeals process, however, she believes the process sounds more complicated now and has not been streamlined. Ms. Kiefer did not believe it was to streamline the process but that the intention was to make sure the County's overall financial situation was being considered. Mr. Mareane said the appeals process is an appropriate safeguard, it is a safety check and likely won't be utilized frequently. He does not believe that it will not slow things down.

In response to a concern and request by Mr. Proto, Mr. Mareane said he will report monthly on these positions to the Legislature, including which positions are being held and which are in the appeals process.

A voice vote resulted on the resolution as follows: Ayes – 13, Noes – 0, Excused – 2 (Legislators Randall and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, labor costs represent the largest single expenditure in nearly all governmental budgets, including the budget of Tompkins County, and

WHEREAS, the County's ability to respond to changing economic and budgetary conditions depends in large measure on its ability to control its labor costs, in part through the strategic management of normal workforce attrition, and

WHEREAS, the decision to fill a vacant position currently rests with the affected department head, and

WHEREAS, County department heads have managed this process responsibly, basing the hiring decision on both the need for the position and the resources within the department to support the cost of the position, and

WHEREAS, while the current decision-making process can and does consider the budgetary resources of the department, the process does not allow for consideration of the overall resources and current and future budget conditions of the entire County, and

WHEREAS, a central, fiscally based review of departmental recommendations to fill vacant and to reclassify existing positions would enhance the County's ability to maintain a balanced budget, and

WHEREAS, the fiscal challenges facing the County are expected to grow as the result of a global economic downturn that has had a particularly severe impact on New York State, resulting in a projected 2009-10 State budget deficit of \$13.7 billion and increasing the need for the County to respond to rapid budget changes, and

WHEREAS, the County Legislature, which is responsible for resource allocation and spending, desires to establish a revised process to review the necessity for filling vacant positions to provide an additional tool to manage the County's finances, and

WHEREAS, the County recognizes its obligation to address imbalances between the classification of a job title and the responsibility actually assigned to an incumbent in that title by either reclassifying the position or adjusting responsibilities to reflect the existing classification, and

WHEREAS, this process shall include the review and approval of requests to fill any permanently or temporarily unfilled position, including positions unfilled by virtue of the incumbent's disability, Project Assistant positions, or requests to increase hours of existing employees for the purpose of assuming the caseload or workload of a vacated position for the duration of the vacancy, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations, and the Budget, Capital, and Finance Committees, That any and all personnel changes, including filling vacant positions and reclassifying existing positions, shall be subject to review and approval by the Commissioner of Personnel for the purpose of civil service and personnel policy compliance and County Administrator for the purpose of budgetary and organizational management,

RESOLVED, further, That the County Administrator shall report to the appropriate standing committee responsible for personnel on a monthly basis regarding the status of all vacant positions or reclassifications requested by department heads, and such report shall be distributed to the full Legislature,

RESOLVED, further, That if the County Administrator decides to hold a position vacant, but after three months the effected Department Head believes that decision is negatively affecting the department's ability to meet its obligations, the Department Head may appeal the holding of the vacancy to the County Administrator and thereafter, if necessary, to the Legislative Committee responsible for personnel,

RESOLVED, further, That relevant committees shall update related County policies and procedures.

SEQR ACTION: TYPE II-20

**RESOLUTION NO. 45 - SETTING SALARIES OF MEMBERS OF THE TOMPKINS COUNTY
LEGISLATURE TO BE ELECTED FOR THE TERM COMMENCING
JANUARY 1, 2010**

MOVED by Mr. Dennis, seconded by Mr. Hattery.

The following substitute resolution was MOVED by Ms. Herrera, seconded by Ms. Kiefer:

**RESOLUTION NO. - SETTING SALARIES OF MEMBERS OF THE TOMPKINS COUNTY
LEGISLATURE TO BE ELECTED FOR THE TERM COMMENCING
JANUARY 1, 2010**

WHEREAS, elections for all 15 members of the Tompkins County Legislature will be held in 2009 for terms commencing on January 1, 2010, and

WHEREAS, it is appropriate that the level of compensation be established well in advance of the election so that prospective candidates and voters will be informed as to the salaries to be paid to Legislators for lost opportunity for employment during time required, and

WHEREAS, a May 1996 self-monitoring survey of Tompkins County Legislators members determined that the average monthly time commitment was 30 hours per week, and another self-monitoring study in 2006 determined that a Legislator's position qualified as being fulltime, and

WHEREAS, New York State now requires a minimum of 30 hours per week to be worked by elected officials in order to qualify for fulltime New York State Retirement credit, and

WHEREAS, it is reasonable (and allows broad representation from citizens from all backgrounds) to allow a person to be able to serve as an elected Tompkins County Legislator and also hold a half-time job, and

WHEREAS, the most recently determined "living wage" (April 23, 2007) for a *single* fulltime wage earner in Tompkins County, as determined by Alternatives Federal Credit Union, is \$20,450, and

WHEREAS, an annual Cost of Living Adjustment (COLA) for County Representatives is a reasonable way to recognize this time commitment, and

WHEREAS, inflation for 2005-2007 averaged 3.5% (small cities index) and the social security COLA for 2009 is 5.8%, and

WHEREAS, the average legislative salaries in 2008 in twelve relevant chartered counties with County Executives (theoretically less demands on legislators than with an appointed County Administrator) was \$25,055 per year, and

WHEREAS, the January 1, 2009, through December 31, 2009, Legislative salary is set at \$18,700, now therefore be it

RESOLVED, That the annual salary for a member of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be as follows:

January 1, 2010-December 31, 2010: \$19,450

January 1, 2011-December 31, 2011: \$20,200

January 1, 2012-December 31, 2012: \$20,950

January 1, 2013-December 31, 2013: \$21,700

RESOLVED, further, That the annual salary for the Chair of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be one and one-half the salary of a Legislator not serving as Chair,

RESOLVED, further, That the fiscal target for the Tompkins County Legislature be adjusted accordingly each year for the salary increases of the Legislature.

SEQR ACTION: TYPE II-20

Ms. Herrera said according to her calculation, a legislator working 40 hours per week on County business earns approximately \$8.99 per hour. She said in these economic times there is a danger that there may be elimination of the kind of representation by people who have a more intimate awareness and connection with the effects of a downturn in the economy and also who are more profoundly affected by fluctuations and rises in particular in tax rates in the County. She also said Legislature salaries are not presently consistent with a livable wage but this is a starting point. She thinks this resolution represents more humane compensation and is more inclusive in terms of class and race.

Ms. Robertson expressed her opposition to the substitute resolution.

Ms. Mackesey understands Ms. Herrera's comments and also believes it is important to have a more diverse Legislature. The concern she has is there needs to be a limit to the amount of salary that can be paid to a Legislator. If there was a proposal to reduce the size of the Legislature, she would be supportive of the proposed dollar amount.

Ms. Chock said in other years she would support keeping the reimbursement at a rate that would allow all interested people in different circumstances and considering doing this kind of work. She said the County may be asking its employees to look for areas to cut and in this year when we are seeing major layoffs by local employers and other cuts, that this Legislature needs to do their share too.

Ms. Kiefer spoke of a goal the Legislature set several years ago to broaden representation from the community on the Legislature which is done by gradually increasing the salary. However, that attempt has not quite been reached. She tried to find a middle ground between what the Committee approved and what Ms. Herrera is offering and will offer a substitute or an amendment at the appropriate time.

Mrs. McBean-Clairborne said she will support the substitute resolution proposed by Ms. Herrera. She doesn't like this to be characterized as just trying to attract a diverse pool of candidates. People who are working as Legislators deserve to be paid. She will not agree to not compensate Legislators for the work they do. When she first ran for the Legislature, she did because it was a public service position that

offered some kind of compensation. There were several factors considered when she ran. She hopes that the Legislature would also not agree to not give its employees a raise.

Mr. Hattery pointed out that the original resolution as offered by Mr. Dennis at zero percent was a resolution the Government Operations Committee discussed and considered in 2008.

Ms. Robertson believes this is not the time to consider raising salaries and noted that the State Governor has voluntarily taken a ten percent pay cut this year, the Dryden School Board is proposing for the coming school year salary increases only where it is contractually required, and the Superintendent is refusing a \$10,000 raise already budgeted. She spoke briefly about the proposed substitute resolution and said over a four-year period it equals \$112,500, not including what the Legislature Chair would receive.

Mr. Proto said he sympathizes with the comments made by Mrs. McBean-Clairborne and noted she did not imply that money should be the first motivation for running for election to the County Legislature. He expressed concern with the message that is being sent to County employees. The bank that he is employed by did not give any raises. He spoke of the difficulties in the economy and the impact it has had on many people. He does not support an increase in the Legislature's salary at this time, and would prefer to Table the resolution until after July when the implications of the State budget are known.

Mr. Burbank agreed with many of Mr. Proto's comments. He spoke of the philosophical debate of advocating diversity on this Legislature while at the same time trying to serve the public that is undergoing enormous stress. The amount of money is small but the action is symbolic. He appreciates the hard work put into Ms. Herrera's proposal and the proposed substitute that will be offered by Ms. Kiefer, but said he cannot support either proposal. He said when compared to most counties in New York State, Tompkins County is already on the higher end of pay for Legislator compensation.

Ms. Kiefer called the Question, seconded by Mr. Sigler. A voice vote resulted as follows: Ayes – 10; Noes – 3 (Legislators Chock, McBean-Clairborne, and Proto); Excused – 2 (Legislators Randall and Shinagawa). **MOTION TO CALL THE QUESTION CARRIED.**

A vote on the substitute resolution resulted as follows: Ayes – 3 (Legislators Herrera, McBean-Clairborne, and Koplinka-Loehr); Noes – 10; Excused – 2 (Legislators Randall and Shinagawa). **MOTION TO SUBSTITUTE FAILED.**

Ms. Kiefer said it is easy at this difficult economic time to consider a zero percent increase for the next four-year term. However, she is optimistic about the economy and while she doesn't think things will get better immediately, she thinks 2012 will be better than they are now.

It was **MOVED** by Ms. Kiefer, seconded by Ms. Mackesey, to offer the following substitute resolution:

**RESOLUTION NO. - SETTING SALARIES OF MEMBERS OF THE TOMPKINS COUNTY
LEGISLATURE TO BE ELECTED FOR THE TERM COMMENCING
JANUARY 1, 2010**

WHEREAS, elections for all 15 members of the Tompkins County Legislature will be held in 2009 for a 4-year term commencing on January 1, 2010, and

WHEREAS, in recent years Tompkins County Legislative salaries have been set with the intention of allowing broad representation from citizens from all backgrounds to be able to serve as an elected Tompkins County Legislator, and

WHEREAS, the 2009 salary for a Tompkins County Legislator is \$18,700, and

WHEREAS, the ongoing economic meltdown nationally and globally makes it impossible to predict with any assurance the County's ability to raise revenues to support salary increases in the near term, now therefore be it

RESOLVED, That the annual salary for a member of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall remain unchanged for 2010 and 2011 and shall be increased by only \$500 each succeeding year, as follows:

January 1, 2010-December 31, 2010:	\$18,700
January 1, 2011-December 31, 2011:	\$18,700
January 1, 2012-December 31, 2012:	\$19,200
January 1, 2013-December 31, 2013:	\$19,700

RESOLVED, further, That the annual salary for the Chair of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be one and one-half the salary of a Legislator not serving as Chair,

RESOLVED, further, That the fiscal target for the Tompkins County Legislature be adjusted accordingly each year for the salary increases of the Legislature.

SEQR ACTION: TYPE II-20

* * * * *

Mr. Koplinka-Loehr said Michael Lane, former Legislator, is in attendance and looked closely at this issue in 1996. He spoke of his personal situation when he ran for office back in 1997 and said he ran for office knowing it was the intention of the Legislature to give a modest level of compensation and said it would have been difficult for him to consider such a position if the amount of compensation was not increased given the amount of time required.

Ms. Chock said she would like to share Ms. Kiefer's optimism but also fears there could be inflation before this is over. It is important to set the amount now and not put it off until July; there are people deciding right now about whether or not to run for office. She said it cannot be raised once adopted but it can be lowered. She would be in favor of a compromise.

Mr. Dennis spoke for Legislator Shinagawa who is not in attendance, but submitted the following statement:

"I apologize for not being able to attend tonight's meeting. While I can not vote on the issue of legislator salaries today, I want to make sure my position is clearly on the record. Out of the Government Performance and Workforce Relations Committee, I supported the "no increase over four years" resolution. I believe that as elected officials of the public, it is our responsibility and duty to demonstrate and show our constituents that we are attune to their struggles and hardships. Across this land, families not only face salary freezes but also the loss of jobs. It is difficult for me to authorize my own pay increase, paid for by taxpayers, when people in our very county are struggling to get by. The sum of money may be small--however, it is symbolic of our overall approach to spending public dollars as legislators. I want the public to have faith that I, and this Legislature, are responsible stewards of public dollars in these trying times. Therefore, I support no increases over 4 years. If that does not pass tonight, I am in favor of at least a two year freeze with very moderate increases after that. Even a freeze for just two years demonstrates that this legislature understands the hardships our residents are facing. Thank you."

Mrs. McBean-Clairborne stated that she, too, is a County resident and feels the struggles as well.

Ms. Mackesey said she will support substitute resolution as it is a compromise.

Ms. Robertson said she understands both sides of the argument, agrees this is a compromise and that if times are still bad in two years the scheduled raises could be returned.

It was MOVED by Mrs. McBean-Clairborne, seconded by Ms. Herrera, to amend the substitute resolution to include an annual \$300 increase over the four-year term. A voice vote resulted as follows: Ayes – 3 (Legislators Herrera, McBean-Clairborne, and Koplinka-Loehr); Noes – 10; Excused – 2 (Legislators Randall and Shinagawa). AMENDMENT TO THE SUBSTITUTE RESOLUTION FAILED.

It was MOVED by Ms. Chock, seconded by Mrs. McBean-Clairborne, to amend the substitute resolution to change the salary for the four-year period as follows:

January 1, 2010-December 31, 2010:	\$18,700
January 1, 2011-December 31, 2011:	\$19,000
January 1, 2012-December 31, 2012:	\$19,500
January 1, 2013-December 31, 2013:	\$20,000

A voice vote resulted as follows: Ayes – 3 (Legislators Chock, Herrera, and McBean-Clairborne); Noes – 10; Excused – 2 (Legislators Randall and Shinagawa). AMENDMENT TO THE SUBSTITUTE RESOLUTION FAILED.

A voice vote on the substitute resolution proposed by Ms. Kiefer as follows: Ayes – 5 (Legislators Chock, Kiefer, Mackesey, Robertson, and Koplinka-Loehr); Noes – 8 (Legislators Burbank, Dennis, Hattery, Herrera, McBean-Clairborne, Proto, Sigler, and Stevenson); Excused – 2 (Legislators Randall and Shinagawa). MOTION TO SUBSTITUTE THE RESOLUTION FAILED.

A roll call vote resulted as follows on the original resolution: Ayes – 7 (Legislators Burbank, Dennis, Hattery, Proto, Robertson, Sigler, and Stevenson); Noes – 8 (Legislators Chock, Herrera, Kiefer, Mackesey, McBean-Clairborne and Koplinka-Loehr); Excused – 2 (Legislators Randall and Shinagawa). RESOLUTION LOST.

WHEREAS, elections for all 15 members of the Tompkins County Legislature will be held in 2009 for terms commencing on January 1, 2010, and

WHEREAS, it is appropriate that the level of compensation be established well in advance of the election so that prospective candidates and voters will be informed as to the salaries to be paid to Legislators for lost opportunity for employment during time required, and

WHEREAS, a May 1996 self-monitoring survey of Tompkins County Legislators members determined that the average monthly time commitment was 30 hours per week, now therefore be it

RESOLVED, That the annual salary for a member of the Tompkins County Legislature elected for the term commencing January 1, 2010, shall be as follows:

January 1, 2010-December 31, 2010:	\$18,700
January 1, 2011-December 31, 2011:	\$18,700
January 1, 2012-December 31, 2012:	\$18,700
January 1, 2013-December 31, 2013:	\$18,700

RESOLVED, further, That the annual salary for the Chair of the Tompkins County Legislature elected for the term commencing January 1, 2010 shall be one and one-half the salary of a Legislator not serving as Chairman,

RESOLVED, further, That the fiscal target for the Tompkins County Legislature be adjusted accordingly each year for the salary increases of the Legislature.

SEQR ACTION: TYPE II-20

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

Mr. Dennis, Chair, deferred his Committee report.

RESOLUTION NO. 46 - SUPPORTING THE "FAIR SHARE TAX REFORM ACT OF 2009" IN THE NEW YORK STATE LEGISLATURE, TO IMPROVE EQUITY IN TAXATION FOR NEW YORKERS AND HELP CLOSE THE STATE'S PROJECTED BUDGET GAP

MOVED by Mr. Dennis, seconded by Ms. Robertson. Mr. Koplinka-Loehr responded to Mr. Proto's question about the vote to add this resolution to the agenda and stated there were ten votes in favor and two opposed.

Ms. Robertson said a similar resolution was approved by the Town of Ithaca. She corrected a statement made by Pete Meyers under privilege of the floor and said that 3.5% of New Yorkers would be affected not 5%. Since this resolution was written Governor Paterson has withdrawn his proposal for 137 regressive taxes and fees. There is also a resolution by Senator Klein that would do similar work at the top end but doesn't raise enough revenue to avoid the worst cuts. Assemblywoman Lifton's office said the number of people in Tompkins County is approximately 500 people whose taxes would go up if this passes.

Mr. Burbank said it is important to deal with this at the local level because we are feeling the effects of cuts being shifted to the localities. Over the past 20 years the tax system in New York State has become increasingly regressive, less fair, and more hurtful to people. He shared some information from the Fiscal Policy Institute. The overall tax system has regressed because of local heavy reliance on property taxes, sales taxes, and fees. While no one likes to be in favor of tax we have to look about who is most able to pay.

Ms. Kiefer was excused at 7:55 p.m.

Mr. Sigler believes the resolution is based on 2006 projections and incorrect assumptions and does not believe it is going to raise \$6 Billion. He said if the point of taxes is to pay for what a government does there is no point in doing this. If this is meant to modify behavior he is not sure what kind of behavior it is trying to modify. This is going to raise less and less money as it goes along because more and more people will not pay this in New York State. There is no question why North Carolina is a high-tech state, 114,000 people moved out of California last year, or that New York State is going lose another two Congressmen in the 2010 census. You are going to tax the people that do the most fiscally for the State. He said for every one person lost under this it will take three people to make up that loss in income. He referenced the following document: E.J. McMahon Testimony: Proposed Income Tax Increases and said it is available at <http://www.empirecenter.org/Documents/PDF/McMahon-Tax-Testimony.pdf>.

Mr. Proto believes attention is being directed at the wrong set of items. Not everyone who lives in apartments is of the lower income. As an apartment owner, other areas need to be considered other than taxes such as increased costs for utilities and insurance. There also needs to be concern expressed for the level of income and contribution level for not-for-profits. The State is not focusing on the number of State authorities off budget or land-banked properties. Of the 62 counties, there are a lot that are holding properties that will not be used, but are receiving tax exemptions of one way or another. This is an income source for communities and the State. In the early 1970's there was the introduction of the Federal 501c list of organizations and categories that receive an exemption, most of the entities receiving the exemptions in some cases were business entities that used to pay a business tax. The company or corporation is exempt from the corporate tax but the employees are paying income taxes.

It was MOVED by Mr. Dennis, seconded by Ms. Mackesey, to Call the Question. A voice vote resulted as follows: Ayes – 6 (Legislators Chock, Dennis, Mackesey, McBean-Clairborne, Robertson, and Stevenson); Noes – 6 (Legislators Burbank, Hattery, Herrera, Proto, Sigler, and Koplinka-Loehr);

Excused – 3 (Legislators Kiefer, Randall, and Shinagawa). MOTION TO CALL THE QUESTION FAILED.

Following further discussion, a roll call vote resulted as follows: Ayes – 9 (Legislators Burbank, Chock, Dennis, Herrera, Mackesey, McBean-Clairborne, Robertson, Stevenson, and Koplinka-Loehr); Noes – 3 (Legislators Hattery, Proto, and Sigler); Excused – 3 (Legislators Kiefer, Randall, and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, there is no evidence that moderate tax rate increases at the top levels induce outmigration. In fact, after New York passed a temporary surcharge on higher-income taxpayers in 2003, the number of high-income returns grew by 30% while the surcharge was in effect. Evidence from New Jersey shows that since 2004, when that state raised the tax rate on half-millionaires by 2.6%, the number of people earning at least \$500,000 has grown by 70% and people have not left the state as a result, and

WHEREAS, in December, more than 100 New York State economists, including Nobel-prize winner Joseph Stiglitz, endorsed a proposal similar to Fair Share Tax Reform, saying “We are concerned...that steep state budget cuts will exacerbate the economic downturn and harm vulnerable low- and moderate-income New Yorkers....Economic theory and historical experience gives a clear and unambiguous answer: it is economically preferable to raise taxes on those with high incomes than to cut state expenditures.”, and

WHEREAS, more than 150 of the state's religious leaders endorsed Fair Share Tax Reform in an open letter to Governor Paterson and Albany legislators in December 2008, saying: “We implore you to ask those New Yorkers who are most well-off to share in the sacrifice and give up a little bit more of their income for the good of our State. A slightly higher contribution from New York’s wealthiest residents would significantly reduce the need to cut important healthcare and education programs so severely.”, and

WHEREAS, according to a Quinnipiac poll in December 2008, voters support, by 84 to 13 percent, raising the state income tax on people who make more than \$1 million per year, now therefore be it

RESOLVED, on recommendation of the Budget, Capital and Finance Committee, That the Tompkins County Legislature agrees with Governor Paterson that all New Yorkers should share in sacrifice in these difficult fiscal times, especially those most financially able to do so,

RESOLVED, further, That the Tompkins County Legislature calls on the New York State Senate and Assembly to pass the Fair Share Tax Reform Act of 2009, as one of the actions needed to close the state's budget shortfall, raising \$6 billion by slightly raising income tax rates for the top 5 percent of New York taxpayers, and therefore eliminating the need for some of the devastating cuts to the most vulnerable of our citizens,

RESOLVED, further, That copies of this resolution be sent to Governor David Paterson, New York State Senator Leader Malcolm Smith, Senators Dean G. Skelos, Eric T. Schneiderman, Jeffrey D. Klein, James L. Seward, George H. Winner, Jr., and Michael F. Nozzolio, Assembly Speaker Sheldon Silver, Assemblymember James Tedisco, Assemblywoman Barbara S. Lifton, and New York State Association of Counties.

SEQR ACTION: TYPE II-20

RESOLUTION NO. 47 - ADOPTION OF CASH MANAGEMENT AND INVESTMENT POLICY

MOVED by Mr. Dennis, seconded by Mr. Stevenson. Mr. Proto disclosed his employment by HSBC Bank and that his wife works with Tompkins Trust Company and neither receive any direct compensation related to this resolution. Mr. Koplinka-Loehr believes it does not constitute a conflict. A voice vote resulted as follows: Ayes – 12, Noes – 0, Excused – 3 (Legislators Kiefer, Randall, and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, Article 2 -Section 10 of the General Municipal Law requires each local government to authorize depositories for public funds, and

WHEREAS, Article 2 -Section 11 of the General Municipal Law requires each local government to authorize Permitted Investments for public funds not required for immediate expenditure, and

WHEREAS, Article 3 -Section 39 of the General Municipal Law requires each local government to adopt a comprehensive investment policy which details the local government's operative policy and instructions to officers and staff regarding the investment of public funds, and that the Investment Policy shall be annually reviewed by the local government, now therefore be it

RESOLVED, on recommendation of the Budget, Capital, and Finance Committee, That the Cash Management and Investment Policy dated January 2009, is hereby adopted.

SEQR ACTION: TYPE II-20

Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, deferred her report to next meeting.

Report from the Public Safety Committee

Ms. Robertson, Chair, said the Committee met yesterday and said the Sheriff brought a proposal forward for discussion as part of the America Reinvestment Recovery Act and it will come to the Legislature at the next meeting. The Committee discussed the criminal justice system and what questions committee members have about what works well and what doesn't. The Committee is also looking at data inventory and how to get that information organized.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee will meet next week.

Report from the Legislative Rules and Procedures Committee

Mr. Proto, Member, reminded Legislators that if anyone has suggestions for the Rules of the Legislature or Code of Ethics to submit them to the Clerk of the Legislature.

Report from the Health and Human Services Committee

Mr. Proto, Chair, said the youth services block grant action by the state reduces funding by almost 25% and the concern is that it will pit organizations against each other. The Health Department asked to seek proposals for pre-school and early intervention program transportation. There is a proposal to work with the school districts about using school buses to transport some of the children. Under a Federal grant, Ms. Zahler asked permission to apply for the Community Coalition for Healthy Youth; there is no local match. The second half of the meeting the Committee spent time on hearing the impacts of the Governor's proposed budget on the departments that report to the Committee. David Stoyell of the Office for the Aging reported that the member item had been restored. The next Committee meeting is April 14.

Report from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, said she did not have a report. The Committee will this Thursday at 3:30 p.m.

Tompkins County Legislature
March 17, 2009

Approval of Minutes

It was MOVED by Ms. Robertson, seconded by Mr. Stevenson, and unanimously adopted by voice vote by members present, to approve the minutes of the March 3, 2009, meeting as corrected. MINUTES APPROVED.

Adjournment

The meeting adjourned at 8:30 p.m.

Respectfully submitted, Cathy Covert, Clerk of the Legislature