

First Special & Organizational Meeting
January 3, 2006

The First Special and Organizational Meeting was called to order by the Clerk at 8:04 A.M.

The following County Legislators were present:

DISTRICT 1

Richard L. Huttleston

DISTRICT 5

Andrew J. Quinlan

DISTRICT 2

Martha C. Sauerbrey

DISTRICT 6

Dale N. Weston

DISTRICT 3

Michael Roberts

DISTRICT 7

Richard E. Harrington

William Oberbeck

DISTRICT 4

George L. Penney

Donald J. Burns

There were approximately 35 people in attendance.

Legislator Burns had a moment of silence.

Mr. Burns led all Legislators and those in attendance in the Pledge of Allegiance.

County Clerk Robert Woodburn swore in Legislators Burns, Huttleston, Penney, Quinlan, and Sauerbrey.

The Clerk announced that the first order of business was the election of a Chair. Legislator Quinlan nominated Legislator Burns. Legislator Weston moved to close the nominations, seconded by Legislator Oberbeck. On roll call vote eight Legislators voted for Legislator Burns as Chair, Legislator Harrington voting no, and the Clerk cast one ballot and Donald J. Burns was declared appointed Chair of the Tioga County Legislature for a one year term.

County Clerk Robert Woodburn swore in Legislator Donald Burns as Chair of the Tioga County Legislature.

Chair Burns spoke. "First off I would like to thank my fellow Legislators for the support that they have shown me this morning. I think we have a unique situation with a number of new Legislators and a number of Legislators that are returning to office to begin to reexamine our Government in this County and to look for new and better ways to do things. I look forward to a very rewarding and useful year this next year. I thank all of you."

Chair Burns stated that the next issue on the agenda is the Deputy Chair. "The Deputy Chair is a position that was created, I believe it was four years ago. There is an issue here as to whether or not it is something we want to continue. Is there any discussion we want to have on the issue whether or not we want to have a Deputy Chair?"

Legislator Penney spoke. "Do you feel you would like to have a Deputy Chair?"

Chair Burns spoke. "It is an issue that can be done either way. In the past when the last Legislature came in in 2001 the issue of a Deputy was something that was done by simply when the Chair would leave Town they would simply appoint an individual Legislator to take over during the time they were gone. It is something that has continued in terms of individual Legislators, for instance if I left Town Mr. Johnson would fill in for me typically, but you could request anyone. That is the way it was done in the past. Either way is appropriate."

Legislator Huttleston spoke. "We never had a Deputy. What happened was years ago when they had the elected Chair, was if he was out of Town or was not available they appointed one of the other Legislators. I think the system worked fine. It gives everybody a little chance to fill the seat. We always have to have somebody on call because of emergencies and everything 24 hours a day 7 days a week 365 days a year. If they are out of Town you have to have somebody that would have to fill in in case there was something that came up. My stance on it would be just to have the Chair appoint when they are not going to be available."

Chair Burns spoke. "I do think it does eliminate the situation what happens if you have both the Chair and the Deputy out of Town at the same time? It does create some more flexibility and it creates the issue that basically fill this seat and you give them time. I have to refer to my Clerk do we need to raise this as a vote?"

Clerk Dougherty spoke. "If you do not want to appoint a Deputy just no nominations and we move on to the next issue. I guess I would rather go around and hear anybody else if they have comments about the Deputy Chair starting with Mr. Harrington or if you just want to move on."

Legislator Harrington spoke. "I would just say I think it is a good idea to continue with the Deputy Chair. I think that there never is any question in the absence of the Chair who the individual is that whoever has a need can turn to so I think that it is one thing for the Chair to appoint someone at their discretion when they are going to be not available, but I think it is more important to have somebody that everybody knows is there in place. I think it is a good process."

Legislator Huttleston spoke. "I do not know how it was created. I guess to do away with it I do not think you have to have a referendum or anything. I know we operated for years without a Deputy and it seemed to work out all right."

Chair Burns spoke. "If I recall there was no resolution to create the position."

Legislator Oberbeck spoke. "I think the position is basically by title only from my year experience here. That it basically just allows somebody to have that title. Around the table as I look we have capable people that could handle that position at any given time if so designated. Either way. I do not think there is a blatant necessity for it, no, but I do see the advantage of having somebody designated as far as having a go to person. I think at the discretion of the Chair of the Legislature that would be fine, whatever the recommendation is from the Chair of the Legislature."

Chair Burns spoke. "I think I prefer to go back to the old system myself, simply appointing someone who is available at the time."

Legislator Penney spoke. "I feel we have a consensus there that the position is not necessary."

Legislator Quinlan spoke. "I think we need somebody in case you do get ill or what have you that could fill in for you, but I do not who it would be, probably the most experienced, but they should have somebody to fill it, just like having another pump lets say."

Legislator Roberts spoke. "I do not think we need a Deputy Chair."

Legislator Sauerbrey spoke. "I do not think we need to appoint a Deputy."

Legislator Weston spoke. "I think that we need to appoint a Deputy Chair for the reason that if there is a calamity of some sort in the County that that person would know who would go to the Public Safety building to be there to be on call in order to be able to sign the papers that are necessary in order to get the process underway."

Clerk Dougherty spoke. "The only comment I want to make is when we went back and we did not have the Deputy before, past protocol if we go back there what I do is when the Chair is going to be out of Town and he appoints somebody else I try to send it around to the pertinent Department Heads and especially to Sheriff Howard so that they know who is going to be acting in the Chair's absence. That is the protocol that we would go back to if we are not going to have a Deputy anymore."

Legislator Oberbeck spoke. "This raises a question, Dale raises a good question. Is there some legal aspect to this we have not looked at in case of that? Is there some sort of authority that is attributed to that, even if it is just a signature?"

Chair Burns spoke. "Our dilemma is we have not appointed our County Attorney yet."

Clerk Dougherty spoke. "Like you said four years ago was when we first started the Deputy Chair and up till then for the last 20 or 30 years we just had the Chair, and in his absence he has appointed somebody else that was available, and we checked and made sure that other person was available. If we had a crisis or an emergency they were called in for it. Now Sheriff Howard can declare emergencies without the Chair, correct Gary? If Gary needed to put out an emergency situation he can go ahead and do that without the Chair. If you are talking about going back to whether there is something that needs signing or whatever, in view of contracts if we came into a situation where you had to have a contract signed right away and there is an appointed person I do not know how that protocol goes and you will have to research that once your County Attorney gets in place, but with an appointed Deputy they could sign that contract right away. Anytime in the year if you decided you wanted a Deputy we can come back and appoint a Deputy."

Legislator Oberbeck spoke. "I think that might be pertinent to make sure that we are not making a decision here today that could have a long lasting effect on the operations of the County."

The Chair called for nominations for County Attorney. Legislator Oberbeck nominated Mark A. Dixon. Legislator Huttleston moved to close the nominations, seconded by Legislator Oberbeck. On roll call vote all Legislators voted for Mark A. Dixon as County Attorney, and the Chair cast one ballot and Mark A. Dixon was declared appointed County Attorney of Tioga County for a three year term.

County Clerk Robert Woodburn swore in Mark A. Dixon as the County Attorney.

The Chair called for nominations for Clerk of the Tioga County Legislature. Legislator Oberbeck nominated Maureen L. Dougherty. Legislator Huttleston moved to close the nominations, seconded by Legislator Oberbeck. On roll call vote all Legislators voted for Maureen L. Dougherty as Clerk of the Tioga County Legislature and the Chair cast one ballot and Maureen L. Dougherty was declared appointed Clerk of the Tioga County Legislature for a three year term.

County Clerk Robert Woodburn swore in Maureen L. Dougherty as the Clerk of the Tioga County Legislature.

The Chair called for nominations for Budget Officer for Tioga County. Legislator Huttleston nominated Ronald N. McEwen. Legislator Huttleston moved to close the nominations, seconded by Legislator Oberbeck. On roll call vote all Legislators voted for Ronald N. McEwen as Budget Officer for the County of Tioga and the Chair cast one ballot and Ronald N. McEwen was declared appointed Budget Officer for Tioga County for a three year term.

County Clerk Robert Woodburn swore in Ronald N. McEwen as the Budget Officer for Tioga County.

County Clerk Robert Woodburn swore in the Treasurer, James McFadden, and the Election Commissioners, Republican Bernadette Toombs, and Democrat Cinda Lou Goodrich.

County Attorney Mark Dixson appointed the Assistant County Attorneys. "Pursuant to County Law Section 502 the following Assistant County Attorneys are to serve in the order so designated:

**Christian Root, First Assistant County Attorney
Karen Hall, Second Assistant County Attorney
Judith Quigley, Third Assistant County Attorney**

"and pursuant to County Law Section 502 subdivisions 1 and 5 this notice of appointment shall be filed and recorded with the County Clerk and filed with the Clerk of the Legislative Board."

County Clerk Robert Woodburn swore in Assistant County Attorneys Christian Root, Karen Hall, and Judith Quigley.

The Chair called for nominations for Office of Disaster Preparedness Director. Legislator Oberbeck nominated Richard LeCount. Legislator Oberbeck moved to close the nominations, seconded by Legislator Roberts. On roll call vote all Legislators voted for Richard LeCount as Office of Disaster Preparedness Director for the County of Tioga and the Chair cast one ballot and Richard LeCount was declared appointed Office of Disaster Preparedness Director for a one year term.

The Chair called for nominations for Public Information Officer. Legislator Huttleston nominated Maureen L. Dougherty. Legislator Huttleston moved to close the nominations, seconded by Legislator Oberbeck. On roll call vote all Legislators voted for Maureen L. Dougherty as Public Information Officer for the County of Tioga and the Chair cast one ballot and Maureen L. Dougherty was declared appointed Public Information Officer for a one year term.

The Chair called for nominations for Republican Majority Leader. Legislator Sauerbrey nominated William Oberbeck. Legislator Sauerbrey moved to close the nominations, seconded by Legislator Weston. On roll call vote all Legislators voted for William Oberbeck as Republican Majority Leader and the Chair cast one ballot and William Oberbeck was declared Republican Majority leader for a one year term.

The Chair called for nominations for Independent Minority Leader. Legislator Oberbeck nominated Richard Huttleston. Legislator Oberbeck moved to close the nominations, seconded by Legislator Roberts. On roll call vote all Legislators voted for Richard Huttleston as Independent Minority Leader and the Chair cast one ballot and Richard Huttleston was declared Independent Minority Leader for a one year term.

Attorney Fred Luther had privilege of the floor. "I am an Attorney in Waverly. I am the immediate Past President of the Tioga County Bar Association. I am here addressing the issue of the appointment of the Assigned Counsel for a four year term. I think that there are some serious concerns with the program that Tioga County has used in the past. Nothing against Mr. Kachadourian, I think he is a very fine person, but I think there are some real issues with the plan and that it does not comply with Section 722 of the County Law. Section 722 of the County Law provides four ways or a combination of the four ways which the Legislature is to provide for the representation of indigent persons.

“The requirement that there be representation appointed for indigent persons is provided by the New York State and the Federal Constitution, and certain New York State statutes. If you look at New York State Constitution Article 1 section 6 United States Constitution the Sixth Amendment Criminal Procedure Law section 1710, Family Court Acts sections 249, 262, and 1120, and they require representation. The original plan as it was implanted was a two person plan I believe. The plan now has been for a number of year’s one person. It is simply a Law that I do not think that that one person is able to give representation to people to the extent that the requisite standards need to be met. Thank you.”

Legislator Harrington read a personal disclosure. “I am retired from IBM and I am active in various agencies, Government, and community organizations. I serve in various capacities such as voter Directors of three organizations including serving as Treasurer of Tioga Opportunities. I receive no remuneration for any of these organizations.”

Legislator Huttleston read a personal disclosure. “I have my own real estate appraisal business and I do no appraisals for County owned properties or appraisals of properties for purchase or proposed purchase by Tioga County.”

Legislator Penney read a personal disclosure. “I belong to no organizations that would be of any conflict that I am aware of.”

Chair Burns read a personal disclosure. “I am an instructor for Broome Tioga BOCES. I teach an early morning class over distance learning on a contractual basis and I also teach courses in US Government and Public Policy for Broome Community College in the evening one night a week.”

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 1-06 TRIPS AUTHORIZED

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Huttleston.**

RESOLVED: That the Chair and the Clerk of the County Legislature, the County Attorney, County Legislators and County Manager be, and they hereby are, authorized to make such trips as their duties may require and that their actual and necessary expenses for travel, meals and lodging incurred on such trips be a County charge.

CARRIED

REFERRED TO: **FINANCE COMMITTEE**

RESOLUTION NO. 2-06 ***DESIGNATION OF OFFICIAL
DEPOSITORIES***

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.**

RESOLVED: That, pursuant to the powers vested in this Legislature by Section 212 of the County Law, as amended, the following Banks within New York State be, and they hereby are designated as depositories for the deposit of all monies received by the County Treasurer, to an amount not to exceed the sum set opposite the name of each Bank as follows:

Partners Trust Bank	\$25,000,000
JP Morgan Chase	\$25,000,000
Chemung Canal	\$25,000,000
Citizens Bank	\$25,000,000
Community Bank	\$25,000,000
HSBC	\$25,000,000
M&T	\$25,000,000
Tioga State Bank	\$25,000,000
National Bank and Trust	\$25,000,000

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: **LEGISLATIVE WORKSESSION COMMITTEE**

RESOLUTION NO. 3-06 ***DESIGNATE OFFICIAL NEWSPAPERS***

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Huttleston**

RESOLVED: That the Tioga County Courier and the Morning Times are hereby designated official newspapers for the publication of all local laws, notices and other matters required by law to be published pursuant to County Law §214, Subd. 2; and be it further

RESOLVED: That the Press and Sun Bulletin, a daily newspaper, is hereby designated as the official newspaper for purposes of publishing all local laws, notices and other matters required by law to be published at such times that there is insufficient time to publish in the above two newspapers.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 4-06 *DESIGNATION OF NEWSPAPER BY
REPUBLICAN PARTY***

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.**

RESOLVED: That the Morning Times is hereby designated as the newspaper published in the County of Tioga for the Republican Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 5-06 *DESIGNATION OF NEWSPAPER BY
DEMOCRATIC PARTY***

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.**

RESOLVED: That the Tioga County Courier is hereby designated as the newspaper published in the County of Tioga for the Democratic Party to publish the Election notices issued by the Secretary of State, and to publish the official canvass pursuant to County Law §214, Subd. 1.

CARRIED

REFERRED TO: **LEGISLATIVE WORKSESSION COMMITTEE**

RESOLUTION NO. 6-06 ***SET SALARY OF CHAIR***

**Adoption moved by Legislator Huttleston,
seconded by Legislator Oberbeck.**

RESOLVED: That the salary of the Chair of the Tioga County Legislature be set at \$15,400 per year, which includes the salary received as County Legislator.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: **LEGISLATIVE WORKSESSION COMMITTEE**

RESOLUTION NO. 7-06 ***FIX DATES AND TIMES OF
TIOGA COUNTY LEGISLATIVE
MEETINGS***

**Adoption moved by Legislator Huttleston,
seconded by Legislator Weston.**

RESOLVED: That the Tioga County Legislature during 2006 shall meet regularly in the Edward D. Hubbard Auditorium of the County Office Building, 56 Main Street, Owego, New York at 1:30 P.M. on the Tuesday following Committees which are held during the first full week of the month; and be it further

RESOLVED: That the, March, June, September and December 2006 Legislative meetings shall be held at 6:00 P.M.

Legislator Penney made a motion for an amendment to the above resolution. "I would like to amend this resolution by stating that the meetings held in the evening where this resolution says 6:00 P.M., I would suggest that would be better at 7:00 P.M. in order to encourage public participation."

There being no second motion failed.

Discussion ensued on the above resolution.

Legislator Penney again made a motion for an amendment to the above resolution, seconded by Legislator Huttleston and to read as follows:

Change the time from “6:00 P.M. to 7:00 P.M.” for the evening meetings. On roll call vote on the above amendment Legislator Penney voted Aye, Legislators Harrington, Huttleston, Oberbeck, Burns, Quinlan, Roberts, Sauerbrey, and Weston voting no, and the amendment failed.

On roll call vote on the above resolution as originally presented, all Legislators voted Aye and the resolution was adopted.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 8-06 *APPOINT PUBLIC DEFENDER
AND ASSISTANTS***

Adoption moved by Legislator Oberbeck,
seconded by Legislator Huttleston.

RESOLVED: That Robert Miller be, and he hereby is, appointed Public Defender for Tioga County, for the year 2006; and be it further

RESOLVED: That George Awad be, and he hereby is, appointed First Assistant Public Defender for Tioga County, for the year 2006; and be it further

RESOLVED: That Robin Hutchison be, and he hereby is, appointed Second Assistant Public Defender for Tioga County, for the year 2006.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

**RESOLUTION NO. 9-06 *APPOINT ANN T. SCHRADER AS
PURCHASING COORDINATOR***

Adoption moved by Legislator Oberbeck,
seconded by Legislator Huttleston.

WHEREAS: County Policy 23 entitled “Bidding Policy and Procedure” states that the County Manager shall recommend to the Legislature which employee shall be assigned the additional duties of Purchasing Coordinator on an annual basis; and

WHEREAS: The position of Purchasing Coordinator under the jurisdiction of the County Manager’s Office has improved the professionalism and consistency of County purchasing procedures; now therefore be it

RESOLVED: That Ann T. Schrader, Confidential Secretary to the County Manager, be named as Purchasing Coordinator for 2006 and be given a stipend of \$3,000.00 as set forth in the County budget.

Legislator Penney made a motion to amend the above resolution. "I would change the first Whereas which states that the County Manager, I would substitute the Information Technology Director. Actually the Bidding Policy and Procedure documents states both the Information Technology Director and the County Manager. In lieu of the fact that the County Manager position is in question at the present time I would substitute the Information Technology Director."

Legislative Clerk Dougherty spoke. "Policy 23 states that the County Manager shall have the sole discretion of nominating who the Purchasing Coordinator shall be. Information Technology Director is stated in that policy as having oversight over the equipment purchases in that policy. She does not have the oversight over nominating the Purchasing Coordinator. If and when the discussion comes up with the County Manager we will have to change policies depending on which way the situation goes with the County Manager. In the interim that appointment is by the County Manager."

Legislator Huttleston spoke. "What would happen if we put in there County Manager and/or County Chairman, and same thing down through you could change it."

Legislative Clerk Dougherty spoke. "It is stated in the policy and without changing the policy I do not believe you can do that, correct Mark?"

County Attorney Dixson spoke. "Correct."

Legislator Oberbeck spoke. "We have a Local Law that created the County Manager's position which gave the authority to the Chair as Acting County Manager to do that so by title as Acting County Manager I think that fills that void."

County Attorney Dixson spoke. "Section VII designation of Purchasing Coordinator states "The County Manager shall recommend to the County Legislature the employee who shall carry the additional designation of Purchasing Coordinator. That is down here, what you are referring to is up here under B."

Legislator Penney withdrew his amendment.

On roll call vote on the above resolution as originally submitted, all members voted Aye and the resolution was adopted.

REFERRED TO: LEGISLATIVE WORKSESSION COMMITTEE

RESOLUTION NO. 10-06 APPOINT COUNTY AUDITOR

**Adoption moved by Legislator Huttleston,
seconded by Legislator Roberts.**

RESOLVED: That Maureen L. Dougherty, be and she hereby is appointed Tioga County Auditor for a three (3) year term, commencing January 2, 2006 and ending December 31, 2008; and be it further

RESOLVED: That Arlene Howe be and she hereby is appointed Deputy Tioga County Auditor, to act in the absence of the County Auditor, said term to be the same as that of the County Auditor; and be it further

RESOLVED: That the County Auditor shall be paid an annual salary of two thousand nine hundred sixty dollars (\$2,960.00) and the Deputy County Auditor shall be paid an annual salary of five hundred dollars (\$500.00).

**Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED**

REFERRED TO: ADMINISTRATIVE SERVICES

**RESOLUTION NO. 11-06 APPOINTMENT OF
ADMINISTRATIVE CORONER**

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.**

WHEREAS: The Tioga County Coroners have selected an Administrative Coroner for 2006; and

WHEREAS: Such Administrative Coroner will perform the supervisory duties of managing their budget, paying the bills, and various office functions of the Coroner's office; and

WHEREAS: The Administrative Coroner will have no supervisory authority over the other Coroners; therefore be it

RESOLVED: That Jeanne Hyde, Tioga County Coroner, has been selected by the four duly elected County Coroners to be designated as the Administrative Coroner for 2006 and be given a stipend of \$3,000.00 as set forth in the County budget.

Roll Call:
Ayes 09
Noes 00
Absent 00
CARRIED

REFERRED TO: LEGAL/FINANCE COMMITTEE

RESOLUTION NO. 12-06 *EXTEND ASSIGNED COUNSEL CONTRACT*

Adoption moved by Legislator Huttleston,
seconded by Legislator Roberts.

WHEREAS: The current contract for Assigned Counsel services expires on December 30, 2005; and

WHEREAS: The Tioga County Bar Association has previously approved this program which has been in effect for the past ten years; and

WHEREAS: For the ten years that the current program utilized by Tioga County has been in effect, the County has been able to provide effective legal representation to indigent persons in a professional and cost-effective manner; and

WHEREAS: The County Legislature wishes to extend the current contract for an additional four year period in order to continue providing effective legal counsel for the indigent; now therefore be it

RESOLVED: That the Assigned Counsel contract with Mark Kachadourian, Esq. be extended for a four year term from January 1, 2006 through December 31, 2009 at an annual cost not to exceed \$108,500.00 upon terms and conditions acceptable to the County Attorney and upon terms and conditions consistent with the contract which expired on December 31, 2005.

Chair Burns spoke. "I would like to raise this issue. As some of you are aware I have raised this issue a couple of times over the last several years about what I suspicion may be. I have an uneasy feeling that may question the legality of what we are doing and I am wondering if this necessarily has to be a four year appointment. I have some questions on why this did not go out to bid. I have questions as to its legality and I think it is something we need to examine this whole issue of our Legal Aid. Does this have to be a four year appointment?"

County Attorney Dixson spoke. "No this is a contractual relationship."

Chair Burns spoke. "We could make this a one year contract?"

County Attorney Dixson spoke. "One year contract provided that Mark Kachadourian agrees to the one year."

Chair Burns spoke. "I assume we would simply pass it and that would be his decision to make."

County Attorney Dixson spoke. "That is right and if he does not then we would have to go back to the old system."

Chair Burns spoke. "As I understand it as a Legislator I can make a motion. I would like to make a motion that this resolution for the contract be amended to be for a period of one year rather than four and I would need a second."

Legislator Quinlan seconded.

Legislator Sauerbrey spoke. "What if he does not agree, is he still obligated under his previous contract to fulfill the responsibilities until such a time as we come to an agreement. In other words, are the services of the indigent gonna be served while we make a decision on this?"

County Attorney Dixson spoke. "I have not seen the previous contract. I have only seen the new contract, so I do not know the answer to that question. I do not know if Christian have you reviewed that at all?"

County Assistant Attorney Christian Root spoke. "Last time I looked at it I think what they had done in the past they had worked out a temporary contract basis with them. I do not think there is anything in the prior contract that obligates them to continue. During the negotiations I know he has in the past and they have worked that out, but I do not think there is anything in the contract that would require him to do that."

Legislator Huttleston spoke. "To give you some background, the reason we did this was before Assigned Counsel was an open ended book. We never had a contract and what happened was we could never plug anything into the budget because we never knew what it was going to run. Assigned Counsel you do not have any control over so we did put it out for bid a long time ago and decided to go that route, and it worked out and saved the County a lot of money because we knew exactly what we were paying every year, and the other thing is you look at too is you look at the performance and, as I understand from the legal profession, that they have been happy with the performance of the people that have been doing that. It

has been open to bid. I think we put it out for bid and everybody had a chance to bid on it, and if you look at this price and I cannot remember some of the figure, probably Ron McEwen can way back, but I know that our Assigned Counsel costs us a heck of a lot more than \$108,500 a year. Now you are pegging us in for a four year contract for \$108,500. Now if you go to a one year, is that figure going to change, is it going to be different, I do not know.

“I always asked, Tom Emmett was here at the time, he was the County Attorney, and I do not approve anything on this Legislative Body without the blessing of the Attorney, and the Attorney said that he thought we were all right with the contract. Then we had a new Attorney when we had Mr. Dutko come in. This was addressed again and I said to him is it legal or not legal? I could not get an answer out of him. The only thing he did say was it was creative. The last Attorney here said it was creative, but I could not pin him down if it was legal or not legal. I personally think that it has worked out, it saved the County money, and I do not know any of the players involved with this and so I have no reason to pick one over the other. I think we can extend our contract legally, the existing contract, for three months and relook at it, and give you a chance Mark to get in. I do not know if it would be fair to ask you today or maybe you have looked into this. Are you going to say it is creative too?”

County Attorney Dixson spoke. “I am going to say that your previous County Attorney said it was creative and that is all I will say on it. I am not going to give you an opinion in open session on this contract, but you can either extend it for three months, you can extend it for a year, you can extend it four years, but it has to be upon agreement of the person who is providing the services. You can vote anyway you want, whether he is going to agree to it is another question. I am not giving you a recommendation.”

Chair Burns spoke. “I guess the only issue I would like to raise is I think we have an opportunity to take a look at this whole issue over the next year and that is why I have put the motion on the floor. Unless there is a discussion I think we at least need to vote on the motion that is before us.”

Legislator Penney spoke. “I would like to say that I agree with that. That we should look at this and I feel if the cost that you stated is what it is, we might even be able to do it at a lower cost.”

Legislator Oberbeck spoke. “I guess I want to echo what Marte was saying about what is going to happen in the interim if we either have our ability to maybe to create any inaction today regarding this contract because what is going to happen to the people that this position serves? What is the effect on them if today we walk out of here saying on our side we agree to one year and without this gentleman knowing what our decision is, and find out the decision and maybe it becomes a

negotiating factor, what happens to the people that he is currently serving that the contract is legally over as of the date on this?"

County Attorney Dixon spoke. "He has an ethical obligation to continue to represent them and you would have the obligation that they have."

Legislator Oberbeck spoke. "At the past or that would be the negotiating point?"

County Attorney Dixon spoke. "It would be at the, I believe, at the rate that is set forth in the law."

Legislator Huttleston spoke. "What he is saying is by law you have to give assigned counsel, but they are going to charge you whatever they want to. They are not going to be tied to a contract."

Legislative Clerk Dougherty spoke. "Without Mark researching this and if Mark Kachadourian did not accept the contract, here again Mr. Dixon has to research this, if we go back to the old system the way it worked originally I believe that the Court would start appointing Attorneys to pick it up so the people, the indigents, are going to still be taken care of, but it is going to be through Court-appointed lawyers and it is going to go back to the old antiquated system if Kachadourian is not obligated to continue with his contract. Then we are back to the old system and it brings the burden back into my office with all the Attorneys handling Assigned Counsel and we therefore have to start processing all that all over again."

County Attorney Dixon spoke. "Those persons who are now represented by Mr. Kachadourian would continue to be represented by him. Any new appointments would be made by the Judge."

Legislator Oberbeck spoke. "We would be billed at a State allocated rate or something?"

County Attorney Dixon spoke. "I do not know what that is."

Legislator Huttleston spoke. "Whatever the bill is is what you pay. Ron can speak to it some to I think."

RESOLVED: That Legislators Richard Harrington and Dale Weston are hereby appointed Directors of the Tioga County Soil and Water Conservation District for a one year term of January 2, 2006 through December 31, 2006; and be it further

RESOLVED: That Ronald E. Dougherty be hereby reappointed Director at Large for a three year term of January 2, 2006 through December 31, 2008.

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

**RESOLUTION NO. 14-06 APPOINT MEMBERS
BOARD OF ETHICS**

**Adoption moved by Legislator Roberts,
seconded by Legislator Oberbeck.**

WHEREAS: Appointments need to be made on the Board of Ethics; and

WHEREAS: Andrew Fagan, Minority appointment; J. Dickson Edson, Chair appointment; Henry Huizinga, Majority appointment; and Gwen Smith, Chair appointment are all willing to serve another term; and

WHEREAS: There are two vacancies on the Board of Ethics, a minority and a majority appointment; and

WHEREAS: Walter Johnson is willing to fill the vacancy for the minority appointment and Clarence R. Windnagle is willing to fill the vacancy for the majority appointment; therefore be it

RESOLVED: That the following be hereby appointed for terms as follows:

<u>Name</u>	<u>Term</u>
Andrew Fagan, Waverly, New York Minority appointment	1/2/06-12/31/08
J. Dickson Edson, Apalachin, New York Chair appointment	1/2/06-12/31/08
Henry Huizinga, Owego, New York Majority appointment	1/2/06-12/31/07
Gwen Smith, Owego, New York Chair appointment	1/2/06-12/31/07
Walter Johnson, Owego, New York (new appointment) Minority appointment	1/2/06-12/31/08

**Clarence R. Windnagle (new appointment)
Majority appointment**

1/2/06-12/31/08

CARRIED

REFERRED TO: LEGISLATIVE WORKSESSION

**RESOLUTION NO. 15-06 *APPOINT MEMBERS
FISH & WILDLIFE
MANAGEMENT BOARD***

**Adoption moved by Legislator Oberbeck,
seconded by Legislator Roberts.**

RESOLVED: That Richard E. Harrington be appointed as the Legislative Representative to the Fish and Wildlife Management Board for a one-year term through December 31, 2006; and be it further

RESOLVED: That Dave Crance be appointed as the Sportsman Member Representative to the Fish and Wildlife Management Board, replacing Ronald E. Dougherty, for a two-year term from January 3, 2006 through December 31, 2007.

CARRIED

The meeting was adjourned at 9:12 A.M.