



Tioga County Worksession Minutes June 22, 2017 – 10:00 a.m.

Legislators present:

Legislator Hollenbeck
Legislator Huttleston
Legislator Monell
Legislator Roberts
Chair/Legislator Sauerbrey
Legislator Standinger
Legislator Sullivan

Absent:

Legislator Mullen
Legislator Weston

Guests:

Matt Freeze, Reporter, Morning Times

Staff present:

County Attorney Peter DeWind
Legislative Clerk Maureen Dougherty
Deputy Legislative Clerk Cathy Haskell
Personnel Officer Bethany O'Rourke
Chief Accountant/Budget Officer Rita Hollenbeck (*arrived @ 10:07 a.m.*)

Worksession commenced at 10:00 a.m. in the Hubbard Auditorium for a Public Hearing on the Public Health CDBG Grant to partially fund or replace the current mobile dental trailer. Public Hearing adjourned at 10:01 a.m. and the Legislative Worksession resumed in the Legislative Conference Room at 10:05 a.m.

Shared Services Update –

Chair Sauerbrey reported the second Shared Services Meeting was held last night with the municipal mayors and supervisors. Chair Sauerbrey reported all local area school superintendents or their designees were invited to attend, however, due to this being the last week of school and graduation, only two school districts were in attendance; Superintendent and Business Official from Spencer-Van Etten Central School and Director of Management Services from Waverly Central School. Chair Sauerbrey reported the agenda outlined an update from the County Attorney, process, next steps, and review of the original itemized list of 19 potential areas for tax savings. Ms. Sauerbrey reported the Panel was able to reduce this list to 12 items, which will eventually need to be further reduced. Chair Sauerbrey reported

one of the benefits of this process is the municipal officials are communicating and discussing potential ideas on how they can cooperatively work together. Chair Sauerbrey reported the process requires a plan be submitted to the Legislature by August 1, 2017, therefore, this will occur at the July 20, 2017 worksession. Chair Sauerbrey reported the Shared Services Panel does not have a finished plan, therefore, the Legislature will be presented with the itemized list that is currently being worked on with the intention of moving the process forward to reduce the list and start the calculation process to determine potential tax savings.

County Attorney DeWind reported a written formal report will need to be done by August 1, 2017 and submitted for Legislature review and feedback. Mr. DeWind reported the feedback will then be provided to the Shared Services Panel to determine whether a modified report is necessary. The Panel of municipal officials and school districts who choose to participate in advance of the September 15, 2017 deadline will be given the opportunity to either vote on the Plan, take no action, or vote the Plan down for the time being which will automatically move the Plan into the next year and allow continuation of the process. Legislator Sullivan inquired as to whether the Legislature is charged with approving the report that is submitted this year. Mr. DeWind reported the Legislature's review is more for editorial content and feedback only. Legislator Sullivan inquired as to whether there was 100% participation from the towns and villages at last night's meeting. Chair Sauerbrey reported the Village of Candor and Village of Owego were not represented and the Town of Tioga was represented by a councilman in the supervisor's absence. Chair Sauerbrey reported everything is being documented and the minutes can be shared with the Legislature. Legislator Sullivan inquired as to whether there was an update regarding the matching grant funds. Mr. DeWind reported he spoke with the Department of State a couple of weeks ago regarding our process and they indicated there are still no formal forms created nor have funds been allocated for next year. Mr. DeWind reported the application process is still in development. Mr. DeWind reported legislation states there will be funds available, but some are skeptical as to whether this is true or if there will be sufficient funds available to match the tax savings.

Approval of Worksession Minutes – June 8, 2017

Legislator Sullivan moved to approve the June 8, 2017 Legislative Worksession minutes as written, seconded by Legislator Monell with Legislators Hollenbeck, Huttleston, Monell, Roberts, Sauerbrey, Standinger, and Sullivan voting yes with Legislators Mullen and Weston being absent. Motion carried.

Action Items:

Currently, there are no action items for discussion.

Other –

- ▶ ***CSEA Negotiations Team Legislative Representative*** – Chair Sauerbrey reported CSEA would like to meet again on either July 14th or August 9th and Legislator Weston is unavailable to attend either one of these meetings, therefore, inquired as to whether another Legislator was interested in temporarily serving on the negotiations team and attending one of these meetings. In addition to Legislator Weston, Legislator Standinger also serves on the negotiations team. Legislator Sullivan reported she would be available on August 9th, but not on July 14th. Legislator Hollenbeck reported if the meeting is scheduled for July 14th then he could attend in Legislator Weston's stead.

Based on the date chosen, Personnel Officer O'Rourke will contact either Legislator Sullivan or Legislator Hollenbeck regarding the meeting details.

► **Pharmaceutical Lawsuit Participation** – Chair Sauerbrey inquired as to whether the Legislature was interested in joining with many other counties across the State in a lawsuit against the pharmaceutical companies in regards to the opioid issue. Mr. DeWind reported there are two main law firms; Napoli Shkolnik and Simmons Hanley Conroy that NYS counties are retaining. Mr. DeWind reported the objective of the lawsuit is based on the choice to prescribe opioids and the effect this has had on Medicaid reimbursements, County personnel costs, emergency costs, and a litany of other areas resulting in billions of dollars statewide. Mr. DeWind reported the counties are joining to determine whether there is any compensation that could be obtained. Mr. DeWind reported we would be participating in a lawsuit against opioid manufacturers; specifically, ones who provide pain killers where this has opened the door for people to develop an opioid addiction. Mr. DeWind reported this is similar to the tobacco litigation where at the end of the process there could be a fund established to reimburse counties for expenses. Legislator Roberts inquired as to whether there is a cost to participate in the lawsuit. Mr. DeWind reported there is no cost to the County. Mr. DeWind reported if there is a class action settlement then those counties who participated will get some form of settlement to reimburse expenses. Legislator Roberts inquired as to who pays the attorney fees. Mr. DeWind reported this is paid out of the settlement. Legislator Monell inquired in the event there is no settlement then how will they be paid. Mr. DeWind reported this is one of the topics for discussion with the law firm as to how they want to set up the retainer. Currently, these retainers are set up where there is no cost to the municipalities. Mr. DeWind reported if the County is interested in participating we will need to develop a finished product to enter into litigation, which includes identifying and substantiating the expenses and impact to the County related to the opioid addiction such as personnel costs, Medicaid reimbursement, incarceration costs, police activities, etc. Legislator Roberts reported he believes we need to pursue moving forward for the financial benefit of the taxpayers and Legislator Monell concurred. All legislators were in support of Mr. DeWind's pursuit of determining the financial impacts to the County and doing the research with the law firms.

► **Sales Tax Extender** – As of yesterday, Chair Sauerbrey reported the Assembly and Senate did not come to an agreement regarding the sales tax extender bill. Chair Sauerbrey reported Ms. Dougherty is doing her due diligence, but she also has contacted the Assemblyman, Senator, and the Governor's representative. Ms. Dougherty reported session ends today and will not convene until the Fall, which results in requesting a waiver of 90 days from the NYS Taxation and Finance Department. This needs to be done 90 days before the established deadline of December 1, 2017, which will result in a short timeframe to obtain the waiver. Ms. Dougherty reported this affects all 53 counties.

► **E911 Surcharge Local Law** – Ms. Dougherty reported E911 Surcharge Local Law will also be discussed in the Public Safety Committee, but wanted to address the process. Ms. Dougherty reported the County has an established local law regarding the E911 Surcharge (.30 cents), however, the State is informing counties with local laws that they need to be rescinded and replaced with a new local law. Ms. Dougherty reported the

option is available to include pre-paid and burner phones. Ms. Dougherty reported she prepared the local law and forwarded to the Treasurer's Office, Law Dept., and Sheriff's Office for review. Ms. Dougherty reported this involves a significant amount of money that funds the Sheriff's Office E911 system that we could potentially lose if we do not follow the procedure for rescinding and replacing the local law. Ms. Dougherty reported the public hearing is tentatively set for August with adoption of local law to follow in September.

- ▶ **2018 Budget Guidelines** - Chief Accountant/Budget Officer Hollenbeck distributed copies of the suggested guidelines to the legislators for review/discussion. Ms. Hollenbeck reported she is conducting a Budget 101 Refresher Training in Munis next week and currently has 20 people enrolled in this training. Ms. Hollenbeck reported next week is the Leader's Meeting where she would like to discuss and distribute these guidelines to the Department Heads providing they are acceptable to the Legislature.

Ms. Hollenbeck reviewed a few of the bulleted guidelines:

- **0% Increase in Local Share for County** - Ms. Hollenbeck reported she is aware that some of the Departments will not be able to comply with this guideline due to State funding cuts and additional costs such as Raise the Age. Legislator Monell reported this guideline has been suggested in the past and for those departments that are unable to comply they will need to present their situation to the Legislature.
- **Decrease in Budgetary Accounts that Historical Data Does Not Support** - Ms. Hollenbeck reported all Departments should be doing this, but wanted to specifically note this in the guidelines as this pertains to unspent funds in Departmental budgets. Ms. Hollenbeck reported she has been working to close this gap over the past couple of years and will continue to do so.
- **Maintain or Decrease Amount Appropriated from Fund Balance** - Legislator Sullivan inquired as to whether this guideline has been stated in the past. Ms. Hollenbeck reported the County has always tried to decrease the amount of fund balance dependence. Ms. Hollenbeck reported the public budget message has been fairly consistent that Departments should not rely on the fund balance. In addition, Ms. Hollenbeck reported some of the fund balance is restricted as the funds are dedicated to reserve accounts.

Chair Sauerbrey reported the Succession Planning Committee continues to meet and is interested in requesting a small amount of funds be added to the Personnel's 2018 budget for educational purposes. Ms. Hollenbeck reported she would like to request that all new initiatives go through the Department's Legislative Committee prior to budget submission, as well as including supporting documentation attached to their budgets.

Ms. Dougherty inquired as to whether Ms. Hollenbeck will be providing guidelines to the Departments regarding software/hardware needs and utilization of the reserve accounts versus adding these expenses in their Departmental budgets. Ms. Hollenbeck reported she does not promote software/hardware purchases and use of these capital reserves. Ms. Hollenbeck reported the process requires Departments with software/hardware needs to go through IT for these types of purchases, as the IT

Department has a specific budgeted line item every year in their capital budget. Ms. Hollenbeck reported Departments will still need to account for these purchases in their budgets, which then would need to be appropriated out of the specific reserve accounts. Legislator Monell reported the Legislature should have a forewarning about these types of requests, as it would need to go through their respective committees for approval. Ms. Hollenbeck reported anticipated grant funding should not be included in budgets until the grants have been awarded and a resolution has been adopted to accept the grant award. All legislators were in favor of the guidelines as presented for Ms. Hollenbeck to share with the Department Heads at next week's Leader's Meeting.

Executive Session -

Motion by Legislator Hollenbeck seconded by Legislator Monell to move into Executive Session to discuss an individual personnel matter. Motion carried to go into Executive Session at 10:35 a.m. County Attorney DeWind remained in attendance.

Executive Session adjourned at 11:05 a.m. and the meeting reconvened with the following discussion/action:

1. ***Paying Costs for Demolished Properties*** – Question was raised and further exploration is necessary to determine whether the County is responsible for paying the demolition costs if the taxpayer fails to pay.

ACTION ITEM: This topic will be added to the July 6, 2017 Legislative Worksession for further discussion.

2. ***Third Special Legislature Meeting Minutes*** – Motion by Legislator Hollenbeck seconded by Legislator Monell to amend the Third Special Legislature Meeting minutes of May 18, 2017 with the removal of all comments with Legislators Hollenbeck, Huttleston, Monell, Roberts, Sauerbrey, Standing, Sullivan voting yes and Legislators Mullen and Weston being absent. Motion carried.

UPDATE: Minutes of the Third Special Legislature Meeting of May 18, 2017 have been amended with the removal of all comments. Updated minutes have been sent to the Legislature and posted on the County's website.

Meeting adjourned at 11:08 a.m.

Next worksession is scheduled for Thursday, July 6, 2017.

Respectfully submitted by,
Cathy Haskell
Deputy Legislative Clerk