



Tioga County Legislative Worksession Minutes **January 9, 2020 – 1:00 p.m.**

Legislators Present:

Legislator Balliet
Legislator Hollenbeck
Legislator Roberts
Chair/Legislator Sauerbrey
Legislator Standinger
Legislator Sullivan
Legislator Weston

Legislators Absent:

Legislator Monell
Legislator Mullen

Guests:

Matt Freeze, Reporter, Morning Times

Staff Present:

County Attorney Peter DeWind
Legislative Clerk Cathy Haskell
Deputy Legislative Clerk Cheryl Heffernan
Chief Accountant/Budget Officer Rita Hollenbeck
Personnel Officer Bethany O'Rourke
Sustainability Manager Ellen Pratt (*departed at 1:40 p.m.*)
Tioga County Public Defender George Awad (*departed at 2:25 p.m.*)
Commissioner of Public Works Gary Hammond
Director of Administrative Services (Public Health) Denis McCann (*departed at 2:20 p.m.*)

Call Meeting to Order -

Chair Sauerbrey called the meeting to order at 1:00 p.m.

Executive Session -

Chair Sauerbrey called an Executive Session at 1:00 p.m. Motion by Legislator Roberts, seconded by Legislator Hollenbeck to move into Executive Session to discuss contract matters. Motion carried to go into Executive Session at 1:00 p.m. with County Attorney DeWind, Commissioner of Public Works Hammond, and Sustainability Manager Pratt remaining in attendance. Executive Session adjourned at 1:40 p.m.



2020 Mileage/Per Diem Rate Discussion -

Legislative Clerk Haskell discussed the current mileage and per diem rates, based on an employee inquiry, as they are below the Federal standard rates. Ms. Haskell reported the Legislature adopted a resolution in 2007 establishing the mileage reimbursement rate for five cents less than the annual Federal IRS standard rate and adopted a resolution in 2010 establishing the per diem rates for 30% less than the General Services Administration (GSA) standard rates. Ms. Haskell surveyed other counties through the NYS Legislative Clerk Board list serve and received 19 responses indicating the majority are following the established Federal IRS mileage and GSA per diem rates.

Legislator Weston reported the 2007 mileage rate resolution was adopted due to the price of gas at the time.

Chair Sauerbrey inquired as to how often the IRS mileage rates change. Ms. Haskell reported the IRS mileage rates are determined and subject to change annually.

Legislator Roberts proposed following the established IRS mileage rate of 57.5 cents for 2020 and continue with the IRS standard rate every year thereafter, but did not support changing the current GSA per diem rates.

On a straw poll vote, Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standing, Sullivan and Weston were in favor of Legislator Roberts proposal to amend the 2007 resolution and establish the County's 2020 mileage reimbursement rate, in accordance with the 2020 IRS standard rate of 57.5 cents, and follow every year thereafter, with Legislators Monell and Mullen being absent.

Ms. Haskell will prepare a late-file resolution for presentation at the January 14, 2020 Finance, Legal & Safety Committee amending the 2007 resolution and establishing the County's 2020 mileage reimbursement rate, in accordance with the 2020 IRS standard rate of 57.5 cents, and follow every year thereafter.

Chair Sauerbrey asked Chief Accountant Hollenbeck to send out a memo to all staff upon adoption of the resolution regarding the change in mileage.

Legislator Sullivan inquired as to the current GSA per diem rate. Ms. Haskell reported the rates are different per county and based on location of travel. Currently, the rates are approximately \$39.00 - \$60.00 per day.

All Legislators, with Legislators Monell and Mullen being absent, agreed to uphold the 2010 resolution and continue with 30% less than the established GSA per diem rates.

Legislature



Approval of Worksession Minutes, December 17, 2019 -

Legislator Standinger motioned to approve the December 17, 2019 Legislative Worksession minutes as written, seconded by Legislator Hollenbeck with Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston voting yes and Legislators Monell and Mullen being absent. Motion carried.

Action Items -

Currently there are no action items.

Legislative Support – Legislative Clerk Haskell –

Approval of Legislative Support Committee Minutes - December 5, 2019:

Legislator Standinger motioned to approve the December 5, 2019 minutes as written, seconded by Legislator Hollenbeck with Legislators Balliet, Hollenbeck, Roberts, Sauerbrey, Standinger, Sullivan, and Weston voting yes and Legislators Monell and Mullen being absent. Motion carried.

Legislative Clerk Haskell reported the following:

- The January Legislative Meeting is on January 14, 2020 at 12:00 p.m. in the Hubbard Auditorium. Finance, Legal & Safety Committee will meet at **10:30 a.m.*** in the Legislative Conference Room. ***Please note time change effective January 14, 2020.**
- Legislator Hollenbeck will do the prayer, pledge, and start the voting process at the January 14, 2020 Legislature Meeting.
- **Standing Committees 2020** - Chair Sauerbrey will announce the 2020 Standing Committees at the January 14, 2020 Legislature meeting noting there are no changes from 2019.
- **Legislature Fund** – To date, Ms. Haskell reported she has received the annual \$20.00 contribution from all but two Legislators. This fund will be used for memorial contributions, flowers, etc. as deemed appropriate by the Legislature.
- **Two-Year Sales Tax Extender Bill** - Ms. Haskell reported the County's current Sales Tax Extender Bill expires as of November 30, 2020, therefore, the Legislature needs to adopt a resolution and begin the process for a new two-year Extender Bill. Ms. Haskell contacted Assemblyman Friend's Office earlier this week to inquire and start the process. This process typically starts in February and Ms. Haskell is currently waiting for direction from the Assemblyman's Office how and when they wish to proceed. Ms. Haskell was advised the Governor most likely would not sign the Bill until the last week.



- **Board of Ethics Appointments** - Ms. Haskell received notification from the Law Office regarding three Board of Ethics members whose terms will expire March 31, 2020. Of the three, two members expressed interest in being re-appointed to serve another two-year term leaving one vacancy for Legislature consideration. Ms. Haskell reported the upcoming vacancy is for a member who was appointed in September 2019 to serve an unexpired term that expires March 31, 2020.

Legislator Standinger inquired as to how long a member needs to be off the Board before they can be re-considered for a new term. Mr. DeWind reported members need to be off the Board for a period of one term.

Recognition Resolution (1) –

- **Recognition of Kandi Saxton's 18 Years of Dedicated Service to Tioga County:** Ms. Saxton will not be attending the January 14, 2020 Legislature Meeting, therefore, this resolution will just be noted in the minutes.

Proclamation (1) –

- **Winter Safety Month:** Legislator Standinger will read and present this proclamation at the January 14, 2020 Legislature meeting.

Legislative Appointments (1) -

- **Cornell Cooperative Extension:** Chair Sauerbrey will be appointing Legislator Balliet to the Cornell Cooperative Extension Board for a one-year term for 2020 at the January 14, 2020 Legislature meeting.

Resolutions -

Ms. Haskell reviewed all resolutions with the Legislature for the upcoming January 14, 2020 Legislature Meeting and discussion occurred on the following:

- **Accept Year Two Funding for Hurrell-Harring Grant and Amend 2020 Budget:** The County previously adopted a resolution in November 2019 authorizing the acceptance of Year Two Hurrell-Harring Grant funding and budget approval and this resolution requests allocation of such funds.

Chair Sauerbrey inquired as to the timing of when funds can be expended. County Attorney DeWind received the provisional award letter this week, however, noting this is not the actual final contract paperwork and it is unknown when this paperwork will be received. Mr. DeWind reported it is similar to the practice the County did last year and he is confident that the County



will ultimately be receiving the budget modification paperwork, however, advised limiting expenditures until the final modification paperwork is received.

Chief Accountant/Budget Officer Hollenbeck reported the County is currently paying salaries out of the ILS Hurrell-Harring Grant Fund as of January 1, 2020 for previously approved positions. With the exception of payroll, Mr. DeWind reported he would like to minimize the drawdown amount of this year's funding until such time the final modification paperwork is received.

- **Authorize Salary Increase (Public Defender's Office):**

Chair Sauerbrey reported it is important to note that this funding comes from the ILS Grant. Chair Sauerbrey requested clarification on the CAP Court arraignment process. Mr. DeWind reported he just found out this week by way of a signed order from Chief Administrative Judge Marks that all local court processes change over to CAP Court as of Monday, January 13, 2020. Mr. DeWind reported the plan for coverage is two part-time public defenders to cover the two centralized arraignments per day (approximately 8:00 a.m. and 7:00 p.m.), seven days a week, which will require a public defender to be present at both arraignments. With the exception of those receiving appearance tickets, everyone is arraigned. Mr. DeWind reported we have one of the two positions filled and ready to start on January 13, 2020 to cover the morning arraignments, however, the Public Defender's Office is having difficulty finding a suitable candidate to fill the second position for evening coverage.

Legislator Hollenbeck inquired about the \$35,000 salary increase.

Mr. DeWind reported there is funding in the Year Two ILS Grant for two part-time public defenders for CAP Court coverage at the base salary of \$35,000 plus benefits, however, Mr. Awad has been unable to find a suitable candidate to cover the evening arraignments. Mr. DeWind reported this resolution reflects Mr. Awad's proposal to take the second part-time defender salary and add it to Mr. Cline's current salary to cover the mandated evening arraignments. As a result, Mr. DeWind reported the County has a full-time employee working an additional 17 hours per week to temporarily cover the part-time position.

Mr. Awad reported he has been trying to hire the second attorney since November 2019 and has been unsuccessful so far. Mr. Awad referenced the public defenders will be on-call seven days a week, 365 days per year which



is a deterrent in the recruitment process. Mr. Awad reported Mr. Cline agreed to the extra CAP Court responsibilities until a suitable part-time public defender can be hired. Mr. Awad reported recruiting efforts continue, as the position is still advertised on the County website, as well as advertising through the Tompkins County Bar Association, and contacting several Broome County attorneys to seek potential interest.

Legislator Sullivan inquired about the temporary arrangement expectation. Mr. Awad reported Mr. Cline has agreed to do this until a suitable candidate is hired or until he determines he no longer wishes to work the additional hours.

Chair Sauerbrey inquired if this arrangement could be on a per diem basis for each arraignment appearance instead of increasing an employee's salary by \$35,000 on a temporary basis. Chair Sauerbrey also inquired as to who will be tracking the additional hours and number of appearances.

Mr. Awad reported he does not believe he would be able to find an attorney to assume these on-call responsibilities on a per diem basis. Mr. Awad reported the primary issue is being on-call seven days a week, 365 days per year. Mr. Award reported ILS is suggesting for the Year Three Grant to recruit a third public defender due to potential burn out related to the on-call expectation.

Personnel Director O'Rourke inquired if all viable options have been explored. Chair Sauerbrey reported several options have been considered.

Legislator Weston inquired if this could be on a trial basis and re-visited in three or four months to determine trends and possibly make adjustments if one public defender was willing to cover both arraignments. Mr. DeWind and Mr. Awad concurred that ILS is requiring two or more public defenders to be on staff to handle CAP Court.

Chair Sauerbrey also expressed to Mr. Awad that he is responsible for coverage of any CAP Court arraignments when his public defenders are unavailable.

Chair Sauerbrey and Legislator Hollenbeck expressed they are not in favor of this resolution. Legislator Standing reported he does not have an issue with the resolution.



- **Authorize Appointment of Chief Accountant (Treasurer's Office):**

Chair Sauerbrey clarified this resolution is exclusive to the Chief Accountant position that will be vacated as of February 1, 2020 due to Ms. Hollenbeck's retirement and does not include the Budget Officer position. Chair Sauerbrey reported the Budget Officer position will be addressed later, as they are two separate positions.

- **Contract for Accounting Consultant Services from Former Employee:**

Legislator Roberts inquired as to the reason for this resolution if it is not to train the new employee on the budget process. Chair Sauerbrey reported the purpose of this resolution is to train the new employee on the Chief Accountant position duties.

Ms. Hollenbeck reported the following Chief Accountant duties occur between January – April 2020:

- AUD needs to be filed by April 30, 2020.
- Year-end closeout/New Year process needs to officially occur.
- Auditors will be on-site.

Late-File Resolutions -

Ms. Haskell reported at this time the only late-file resolution she anticipates is the IRS mileage rate amendment for 2020 and every year thereafter.

Other -

- **Finance, Legal & Safety Committee Meeting Times:**

Chair Sauerbrey reported discussion initially occurred in 2019 to change the Finance, Legal & Safety Committee time to 10:30 a.m. and 4:30 p.m. (evening meetings are March, June, September, and December), but was not officially determined.

All Legislators were in favor of the proposed new meeting times of 10:30 a.m. and 4:30 p.m. for the Finance, Legal & Safety Committee with Legislators Monell and Mullen being absent.

This change will be implemented as of January 14, 2020. Ms. Haskell will send out a revised January Committee Meeting Notice to Legislators, staff, and media, as well as post to the County website.

Legislature



Executive Session -

Motion by Legislator Weston, seconded by Legislator Standinger to move into Executive Session to discuss a financial matter. Motion carried to go into Executive Session at 2:30 p.m. with County Attorney DeWind remaining in attendance.

Executive Session adjourned at 2:37 p.m.

Meeting adjourned at 2:37 p.m.

Next Worksession scheduled for Thursday, January 23, 2020, at 10:00 a.m.

Respectfully submitted,

Cheryl Heffernan

Deputy Legislative Clerk