

Tioga County Legislative Worksession Minutes January 24, 2019 – 10:00 a.m.

Legislators Present:

Legislator Balliet
Legislator Hollenbeck
Legislator Monell (*arrived @ 10:06 a.m.*)
Legislator Mullen
Legislator Roberts
Chair/Legislator Sauerbrey
Legislator Standinger (*arrived @ 10:07 a.m.*)
Legislator Sullivan
Legislator Weston

Legislators Absent:

None

Guests:

Matt Freeze, Reporter, Morning Times

Staff Present:

County Attorney Peter DeWind
Legislative Clerk Maureen Dougherty
Deputy Legislative Clerk Cathy Haskell
Chief Accountant/Budget Officer Rita Hollenbeck
Deputy Commissioner of Public Works Rich Perkins (*departed @10:04 a.m.*)

Second Special Legislative Meeting -

Chair Sauerbrey called the Second Special Legislature Meeting of 2019 to order at 10:01 a.m. for Legislature consideration of the following resolutions:

- ✓ **Award Construction Day Hollow Road Bridge BIN:3335360**
- ✓ **Authorizing the Implementation and Funding of the Costs of 100% of the Costs of a Transportation Project, which may be Eligible for Federal Aid and/or State Aid, or Reimbursement from Bridge NY Funds**

Special Meeting adjourned at 10:04 a.m. with regular worksession immediately following.



Approval of Worksession Minutes – January 10, 2019 -

Legislator Sullivan motioned to approve the January 10, 2019 Legislative Worksession minutes as written, seconded by Legislator Hollenbeck with Legislators Balliet, Hollenbeck, Mullen, Roberts, Sauerbrey, Sullivan, and Weston voting yes with Legislators Monell and Standingger being absent.

Action Items:

ACTION ITEMS FROM NOVEMBER 8, 2018:

ACTION ITEM #1– 11/8/18 – Fund Balance Plan –

Chief Accountant/Budget Officer Hollenbeck emailed Legislators an updated version of the draft Fund Balance Policy addressing the concerns noted at the last worksession, as well as the recommendations from the State Comptroller's webinar. Included in the email, Ms. Hollenbeck provided bulleted points of the primary components recommended by the State Comptroller's Office for inclusion in fund balance policies.

Based on the State Comptroller's webinar recommendations, Ms. Hollenbeck reported she added language to provide fluidity and flexibility in the purpose statement. Ms. Hollenbeck reported this additional language allows the County to be flexible in the event the State changes funding streams or adds unfunded mandates requiring changes to the County's Fund Balance Policy. Ms. Hollenbeck reported the intention is to create the Fund Balance Policy as vague as possible. Ms. Hollenbeck reported the State will not fault the County for having a vague policy, however, would fault the County for failing to adopt a policy.

Ms. Hollenbeck reported another area of the Fund Balance Policy addresses restoration of funds, which could span over several budgetary cycles in the event of a major unexpected expense. Ms. Hollenbeck reported if funds decrease below the minimum level established, the Legislature would need to make decisions regarding cutting expenses, enhancing revenues, or researching other means to restore funds back to the acceptable level. Ms. Hollenbeck also added language that allows the Legislature to change the policy itself, as well as language to address the 12% - 28% range in the event the County falls outside this established range.

Ms. Hollenbeck reported the State Comptroller's Office recommends periodic reviews of the Fund Balance Policy, as well as conducting an annual cash flow analysis. Ms. Hollenbeck reported the State Comptroller's Office recommended quarterly reviews of the Fund Balance Policy, however, believes an annual review is sufficient.

Legislature



Ms. Hollenbeck reported she conducts an annual review with the Legislature of the Reserve Account balances, Five-Year Plans, and Fund Balances at time of budget preparation.

Ms. Hollenbeck reported although the State Comptroller's Office suggested creating fund balance policies for all funds, the draft Fund Balance Policy is exclusively for the general operating budget. Ms. Hollenbeck reported, in the event of an audit, the lack of other fund balance policies could be addressed, but the County is already routinely supplementing the other funds through inter-fund transfers within our budget and the Legislature is apprised of such during the annual budget preparation.

On a straw poll vote, all Legislators were in favor of the revised draft Fund Balance Policy as prepared by Ms. Hollenbeck and proceeding with a resolution for Legislature consideration at the February 12, 2019 Legislature meeting. **This action item is completed and will be removed from the Action Item List.**

Other –

- ✓ **February 7th Worksession Time Change** – Chair Sauerbrey reported she is changing the February 7, 2019 worksession time from 1:00 p.m. to 12:00 p.m. due to the TIER 3 Emergency Management training on this date at 1:00 p.m. Chair Sauerbrey reported the earlier start time would allow Legislators the opportunity to attend. Chair Sauerbrey reported this training is open to all Department Heads and elected municipal officials.
- ✓ **Voting Changes** – Chair Sauerbrey reported the Governor signed the Bills regarding voting changes in NYS, which results in significant changes in the Board of Elections office. Chair Sauerbrey reported this might require additional staffing and equipment purchases. Chair Sauerbrey reported the primary dates are changing, therefore, the local primary will be in June and no longer in September. The general election will still be in November. Chair Sauerbrey reported unofficially the carrying of the designating petitions would start on February 26, 2019 with an April submission to the State.

Legislator Balliet reported the NYSAC budget summary report indicates the voting changes would not go into effect until next year.

Chair Sauerbrey reported Board of Elections is indicating changes are effective this year.

Legislator Roberts reported this has been a topic of discussion for the past couple of months at the Republican Committee meetings.



✓ **Salary Discussion for Sheriff and County Clerk** – Chair Sauerbrey reported the new voting changes will affect the timing of this year’s Sheriff and County Clerk election, therefore, the Legislature needs to establish salaries for these positions. Chair Sauerbrey reported Personnel Officer O’Rourke is unable to attend today, however, sent an email yesterday outlining the methodology used in determining salaries as well as salary comparisons for other counties.

Legislator Sullivan inquired as to when the Legislature needs to make salary determinations. Chair Sauerbrey reported in order to comply with protocol, timing associated with the new voting changes, and make salary information available to potential candidates, the Legislature needs to determine the County Clerk and Sheriff’s 4-year term salaries at the February 7, 2019 worksession.

Legislative Clerk Dougherty reported establishment of the 4-year term salaries for County Clerk and Sheriff was through an adopted Local Law in 2015 and set at \$63,000 for the County Clerk and \$83,000 for the Sheriff. Ms. Dougherty reported a new Local Law needs to be introduced at the February 12, 2019 Legislature meeting, as well as adopting the resolution setting the public hearing. Due to timing constraints, Ms. Dougherty reported the public hearing and the Special Meeting will need to be scheduled back to back at the February 21, 2019 worksession to comply with the new voting changes.

Legislator Monell reported he has questions that require information from Ms. O’Rourke such as the salary of the Undersheriff to ensure this salary is in line with the newly established Sheriff salary.

Legislator Sullivan inquired as to whether anything precludes establishing different percentage increases for these two positions. Chair Sauerbrey reported the salary increases can be independent and not across the board for these positions.

Legislator Roberts reported the Legislature should be looking at the positions and not the individuals and/or experience of the current incumbents.

ACTION: This will be a priority topic of discussion for the February 7, 2019 worksession.

✓ **NYSAC Winter Conference** – Chair Sauerbrey announced she will be attending the NYSAC Winter Conference in Albany, NY on Monday, January 28th, - Wednesday, January 30th. Deputy Legislative Chair Hollenbeck will be available during her absence.

Land Bank Insurance Discussion – County Attorney DeWind reported ED&P Deputy Director Saraceno is unable to be here today to address insurance for the Land Bank, however, noted he and Ms. Saraceno have been discussing general liability insurance



options for the Land Bank properties. Mr. DeWind reported as Ms. Saraceno moves forward with the implementation of the full Land Bank program, the intent is to ensure as much funding as possible is available for the completion of the projects.

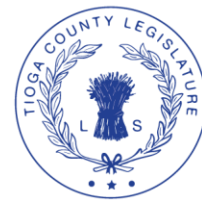
Mr. DeWind reported at the time the Land Bank was established there was no money to fund it, therefore, the County agreed to add the Land Bank to the County's insurance. Mr. DeWind reported we only did this because the Land Bank needed to have a professional liability insurance policy in place. Going forward, Ms. Saraceno is now researching insurance policies. Mr. DeWind reported Don Patterson, Partners Insurance, indicated the County could continue to maintain the Land Bank on our current policy, which would be a significantly cheaper option than if the Land Bank had to purchase similar insurance at market rate. Mr. DeWind reported there would be a delta due to the extra expense for the properties the County currently owns, but Mr. Patterson indicated he could determine the premium difference. Mr. DeWind reported there is not a huge difference in premium, as comprehensive liability insurance secured by the Land Bank is approximately \$11,000 annually whereas maintaining them on the County's policy is approximately \$6,400 annually. Mr. DeWind reported the Land Bank would reimburse the County for the annual premium cost. This would be an approximate cost savings of \$5,000 for the Land Bank.

Mr. DeWind reported the only potential downside is that if the County or the Land Bank experiences an issue that results in an insurance claim, it could potentially create an increase in policy premiums for the County although Mr. Patterson has indicated this is unlikely.

Legislator Sullivan reported she is not in favor of co-mingling based on the original discussion that this arrangement of adding the Land Bank on to the County insurance policy was temporary until such time the Land Bank acquired their funding and were operational.

Legislator Mullen suggested maintaining them on the County's policy for another year noting additional years would be subject to discussion. The Land Bank is just starting to become operational after the County agreed to establish it two years ago and we should lend some additional support to assist them in becoming operational. Legislator Mullen reported he is not against maintaining the Land Bank on the County's insurance for this current two-year grant cycle providing Mr. Patterson does not foresee any issues or risks to the County with the understanding that the Land Bank will need to pursue their own insurance during the next grant cycle.

Legislator Roberts inquired about the type of insurance and whether this is exclusively general liability or does it provide protection against environmental issues. Mr. DeWind reported environmental coverage is one of the County's insurance riders, therefore,



would be covered. Mr. DeWind reported an environmental issue would be more of a contamination issue, but that is unlikely. Legislator Roberts reported a potential environmental issue claim could result in an increased premium for the County.

Legislator Roberts reported the Land Bank does not have experience or an established track record in determining potential environmental or contamination issues prior to property acquisition.

Legislator Sullivan inquired as to whether payment of liability insurance is an eligible expense with the Land Bank funds. Mr. DeWind reported grant funds can be used, but it will just limit their funds to complete the projects.

Mr. DeWind offered to contact Mr. Patterson to obtain additional information based on today's discussion and the Legislature was in favor.

ACTION: Mr. DeWind will contact Mr. Patterson, Partners Insurance, to obtain further information regarding continuation of the Land Bank on the County's insurance and the potential risks of doing so. Mr. DeWind will email information to Legislators for follow-up discussion and decision at the February 7, 2019 worksession.

Executive Session –

With no confidential topics of discussion, an Executive Session was not necessary.

Meeting adjourned at 10:41 a.m.

Next worksession scheduled for Thursday, February 7, 2019, at 1:00 p.m.

Respectfully submitted,

Cathy Haskell

Deputy Legislative Clerk