

SPECIAL SESSION – TUESDAY, APRIL 19, 2016

The Yates County Legislature convened in special session Tuesday, April 19, 2016 with Chairman Dennis presiding and Legislator Multer absent.

RESOLUTION NO. 180-16

Mr. Holgate offered the following resolution and moved its adoption, seconded by Mrs. Percy.

A RESOLUTION CALLING ON THE STATE OF NEW YORK TO FULLY REIMBURSE COUNTIES FOR DISTRICT ATTORNEY SALARY INCREASES SET BY THE STATE

WHEREAS, on December 24, 2015, New York State Commission on Legislative, Judicial, and Executive Compensation voted to recommend increasing all state judge salaries in 2016 and 2018, and

WHEREAS, the recommended increase placed Supreme Court judges' salaries at \$193,000 in 2016 and \$203,000 in 2018 and placed County Court Judges at 95% of a Supreme Court Justice's salary, and

WHEREAS, on April 1st the state approved the Commission's recommendation, and

WHEREAS, New York State Judiciary Law Section 183-a links judicial salaries to county District Attorney (DA) salaries to be equal or higher than either the County Court Judge or Supreme Court Judge in a county, depending on county size and full-time or part-time status, and

WHEREAS, for over 50 years, the state has funded all salary increases that they imposed on the counties, and

WHEREAS, the District Attorneys Association of the State of New York (DAASNY), recognizing the automatic nature of these increases and its effect on local county budgets, and further to support the counties' position, requested in correspondences with state officials that the state fund this salary increase as well; and

WHEREAS, this salary increase recommendation occurred well after all counties set their 2016 budgets in law, and

WHEREAS, to the extent that the Commission's recommendations, do in fact, supersede the provisions of Judiciary Law section 221-d as applicable to District Attorney's annual salary, and

WHEREAS, DA's are entitled to the compensation they are owed pursuant to state law for fulfilling the state constitutional and statutory duties related to the enforcement of the state penal law, and

WHEREAS, on April 1, 2016 the State Legislature enacted a \$150 billion State Budget, but did not include the funding for the \$1.6 million in reimbursement costs for the increase in DA salaries, and

WHEREAS, the state has been careful over the past few years to avoid shifting costs to the local tax base, mindful of the impact locally with the state imposed property tax cap, and

WHEREAS, for many counties this salary increase represents approximately 1/3 of their total allowable property tax growth for all government operation in 2016.

NOW, THEREFORE, BE IT RESOLVED, that the County of Yates calls on the State of New York to immediately pass legislation and pay for this increase retroactive to April 1, 2016, and not pass this unfunded mandate on to local taxpayers, and be it further

RESOLVED, that a copy of this resolution be sent to Governor Cuomo, Assemblyman Palmesano, Senator O'Mara, NYSAC, Inter-County, and the District Attorney's Association of the State of New York (DAASNY)

VOTE: Unanimous

RESOLUTION NO. 181-16

Mr. Holgate offered the following resolution and moved its adoption, seconded by Mrs. Church.
DISCUSSION:

Ms. Gardner asked to be allowed to hire someone as soon as possible to allow for a short training period. The Legislature approved

AUTHORIZE DISTRICT ATTORNEY TO FILL VACANCY (Secretary to District Attorney)

RESOLVED, that effective April 19, 2016, the District Attorney is hereby authorized to fill the vacant position of Secretary to District Attorney, and be it further

RESOLVED, that copies of this resolution be given to the District Attorney, the Personnel Officer and the Treasurer.

VOTE: Unanimous

RESOLUTION NO. 182-16

Mr. Holgate offered the following resolution and moved its adoption, seconded by Mr. Button.

AUTHORIZE DISTRICT ATTORNEY TO CREATE AND FILL TEMPORARY SECRETARY TO DISTRICT ATTORNEY POSITION

WHEREAS, due to a pending resignation May 2nd, the District Attorney has requested to create and fill a Temporary Secretary to District Attorney Position, and

WHEREAS, the District Attorney is requesting the newly created position be filled immediately and run parallel with the current Secretary to District Attorney to allow for training and a transition period,

NOW, THEREFORE, BE IT RESOLVED, that effective April 19th, 2016 the District Attorney is authorized to create and fill a Temporary Secretary to District Attorney Position, and be it further

RESOLVED, that the candidate will be appointed for a temporary period, not to exceed fourteen (14) days, at a rate of pay of \$19.32 per hour, and be it further

RESOLVED, that copies of this resolution be given to the District Attorney, Personnel Officer and Treasurer.

VOTE: Unanimous

At 4:10 p.m. the Legislature suspended their meeting and entered into a workshop to discuss the job description of the County Administrator.

Discussion took place as to whether the position should be full time or part time, whether the position should be combined and have a County Administrator/Planner and combining various job duties.

Mr. Montgomery moved to eliminate job function #8 from the County Administrator's job description which read "Review proposed department budgets collaboratively with department heads and the Budget Officer and make recommendations for expenditures to be in the County budget. Monitor expenditures throughout the year" seconded by Mr. Smith.

VOTE: Roll Call – Montgomery voting "Yes" Paddock, Bronson, Morrison, Percy, Holgate, Banach, Church, Gleason, Morris, Button, Smith, Dennis voting "No" motion lost.

Mr. Montgomery moved to add the Planner's job functions to the County Administrator's job functions, seconded by Mr. Morris.

VOTE: Roll Call - Montgomery voting "Yes" Paddock, Bronson, Morrison, Percy, Holgate, Banach, Church, Gleason, Morris, Button, Smith, Dennis voting "No" motion lost.

Mr. Smith moved to go out of the workshop and back into the Legislative meeting at 5:15 p.m., seconded by Mr. Gleason.

RESOLUTION NO. 183-16

Mrs. Percy offered the following resolution and moved its adoption, seconded by Mr. Paddock.

DISCUSSION:

Mr. Morris questioned if this precludes us coming out with a one and half shared county administrator/planner and then a half planner supporting that? Does this preclude that option?

Chairman Dennis stated that it does not, it says we are going to authorize personnel department to put this list of essential job functions into a job description and advertise for the position as it is described and where it goes after that is where it goes.

Mr. Morris stated that is his understanding of the discussion we had previously and wanted to make sure that that option has not been precluded by this action.

Mr. Paddock stated to some degree it will depend on the candidates that respond.

Mr. Montgomery stated he will support this resolution but still believes we have unique opportunity given our vacancies that we have to really do something good for the County relative to levels of service and costs.

Mr. Smith along with several other legislators thanked the County Administrator Task Force for their contributions, time and effort spent on this issue.

AUTHORIZE PERSONNEL OFFICER TO ADVERTISE POSITION (COUNTY ADMINISTRATOR)

WHEREAS, the Yates County Legislature appointed a task force that included representatives of the legislature, department heads, elected officers and appointed officials to review the position of County Administrator and to prepare a job description that included Essential Job Functions, and

WHEREAS, the task force has presented its findings to the legislature and appropriate modifications to their findings have been made by the legislature, now, therefore, be it

RESOLVED, that Essential Job Functions as presented by the aforementioned task force and as modified by the Yates County Legislature be included in a formal Job Description to be prepared by the Personnel Officer and, be it further

RESOLVED, that the Personnel Officer is authorized to advertise for the position of County Administrator and to present qualifying applications to the Government Operations Committee for further action.

VOTE: Unanimous

Mr. Banach moved to enter executive session to discuss the employment history of a particular person with the Personnel Officer, Legislature and County Attorney present, the financial history of a particular corporation and a labor matter with Council 83 LE with the Legislature and County Attorney present, seconded by Mr. Gleason.

VOTE: Unanimous

Meeting adjourned 6:28p.m.