



Tioga County Legislative Worksession Minutes

May 7, 2020 – 1:00 p.m.

Zoom Phone Conference Meeting

Legislators Present:

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

Legislators Absent:

Legislator Monell

Guests:

Matt Freeze, Reporter, Morning Times

Staff Present:

County Attorney Peter DeWind
Legislative Clerk Cathy Haskell
Budget Officer Jackson Bailey
Treasurer Jim McFadden
Personnel Officer Bethany O'Rourke
Benefits Manager Amy Poff
Deputy County Clerk Suellen Griffin
Commissioner of Public Works Gary Hammond
Commissioner of Social Services Shawn Yetter
Director of Community Services Lori Morgan
Emergency Services Director Mike Simmons
Republican Commissioner of Elections Bernadette Toombs
Democratic Commissioner of Elections Jamie Wahls
ITCS Deputy Director Drew Griffin

Call Meeting to Order -

Chair Sauerbrey called the meeting to order at 1:00 p.m. with a roll call noting participation of eight Legislators with Legislator Monell being absent. In addition, Chair Sauerbrey noted several Department Heads participated via phone conference with in-person attendance including Legislative Chair Sauerbrey, County Attorney DeWind, Legislative Clerk Haskell, Budget Officer Bailey, County Treasurer McFadden, Personnel Officer O'Rourke, and ITCS



Deputy Director Griffin. Chair Sauerbrey reported this is an audio conference and the recording would be posted on the County website.

Financial Update -

Based on a new Lost Revenue and State Aid Cuts update issued by NYSAC yesterday, Budget Officer Jackson Bailey prepared a brief summary outlining both mild and severe scenarios for Tioga County. Chair Sauerbrey reported she emailed this report to the Legislators earlier today.

Mr. Bailey reported NYSAC detailed the following four major issues that counties could face as we move forward:

- ✓ **Declining local revenues, sales tax, occupancy tax, mortgage tax, and gaming revenues.** Mr. Bailey reported these are the revenue streams he is currently analyzing to determine incoming funding in conjunction with the NYSAC information to estimate Tioga County's position.
- ✓ **Increased spending in response to health emergency.** Mr. Bailey reported the Treasurer's Office has been tracking all COVID-19 expenses with the intent to submit a portion of the expenses to FEMA for reimbursement.
- ✓ **Loss/Uncertainty of State Reimbursement.** Mr. Bailey reported this issue refers to the amount of State Aid withheld or retracted.
- ✓ **Losses for small businesses, threat to jobs and property tax base.** Mr. Bailey reported this issue refers to the overall impact to Tioga County.

Unemployment Insurance Claims: Mr. Bailey reported one of the big areas noted in the NYSAC report was the significant increase in Unemployment Insurance claims. Mr. Bailey reported for the four weeks ending April 18, 2020, Tioga County had 2,764 claims comparable to the same time period last year of 112 claims. This is an increase of over 2600 claims from last year.

Sales Tax: Mr. Bailey reported the NYSAC projections continue to remain on point from previous projections noting a \$2 million loss for the mild case scenario and \$4.9 million loss for a severe case scenario. Mr. Bailey reported a monthly analysis of sales tax as received would be done to determine current percentage.

Potential Occupancy Tax/Gaming Revenue Losses: Mr. Bailey reported the NYSAC report projected an occupancy tax loss of \$55,000 for the mild case scenario and \$87,000 for the severe case scenario. Mr. Bailey reported the mild case scenario for gaming tax revenue loss is \$495,000 and \$743,000 for a severe case scenario. Mr. Bailey reported combined losses of \$550,000 for mild case scenario for occupancy tax and gaming revenue and \$830,000 for severe case scenario.

Potential State Aid Losses: Mr. Bailey reported there is nothing definitive in regards to what areas would be affected, however, the NYSAC report projects mild to severe case scenarios of 20 - 50% of the County's total State Aid resulting in a \$2.4 - \$6.1 million State Aid cut.

Anticipated Impact: Mr. Bailey reported he is edging on the side of the severe case scenario as a means of being preemptive in planning to move forward with the remainder of this year's



budget and anticipation of next year's budget and impact. Mr. Bailey reported the severe case scenario would be over a \$10 million loss to the County for the above-referenced areas based on the effects of COVID-19 and the impact of the budgetary cuts.

Chair Sauerbrey reported it is anticipated that by May 15, 2020 we should have a better sense of the percentage cuts.

Chair Sauerbrey reported she met with Mr. Bailey just prior to this meeting to discuss making cuts to our current budget. Mr. Bailey reported he would do an analysis and reach out to individual Department Heads to determine budgetary areas that may be trimmed in an ultimate attempt to prevent furloughs or layoffs.

Legislator Standinger inquired what the percentage is for the worst-case scenario projection loss of \$10 million in relation to our current budget. Mr. Bailey reported approximately 10% and half of the current fund balance.

Chair Sauerbrey reported the County can delay large purchases, but we need input from the Department Heads for a team approach.

Legislator Sullivan reported including the Department Heads is a good approach in knowing where they can cut their budget.

Chair Sauerbrey reported the first step would be determining the percentage of cuts and then reach out to Department Heads to determine if this percentage is feasible. Chair Sauerbrey reported the percentage has not been determined at this time, but these are the types of questions that will be asked going forward.

Legislator Mullen reported it is prudent to get the severe case scenario out to the Department Heads as soon as possible.

Legislator Weston inquired if the County-funded outside agencies would be asked to possibly return a percentage of this year's funding. Chair Sauerbrey reported the outside agencies most likely would be subject to budgetary cuts as well because it would be difficult to ask our Departments and not these agencies.

Remote Work Discussion -

Chair Sauerbrey reported as we begin to bring employees back to working on premises and moving away from working remotely, there was discussion regarding possible change in County policy to allow working remotely. However, Chair Sauerbrey reported it is not appropriate at this time to move in this direction. Chair Sauerbrey reported there are many advantages to working remotely under the current Emergency Order, but may not necessarily apply under normal working conditions.

Chair Sauerbrey conferred with ITCS Director Camin about this topic and he provided some good advice for consideration. Chair Sauerbrey reported this is a topic for future discussion.



Possible Hiring Freeze Discussion -

Chair Sauerbrey reported she undoubtedly believes the County needs to implement a hiring freeze with specifics to be determined. In addition, Chair Sauerbrey reported we should start thinking about sharing employees between Departments and not necessarily filling vacancies. Chair Sauerbrey reported she has not spoken with the Department Heads on this topic, but is confident they will comply and work as a whole to get the work done and reduce costs when able.

Personnel Officer O'Rourke suggested an alternative to implementing a hiring freeze/delay by utilizing our existing backfill authorization process where Department Heads complete the form at time of vacancy for review by Personnel and signature for approval by the Legislative Office prior to initiating recruitment efforts. Ms. O'Rourke reported if the Legislature is considering not authorizing the requested backfill or at minimum delaying the request then the Legislative Committee Chair and/or Chair of the Legislature could have a discussion with the Department Head to determine appropriate action.

Ms. O'Rourke reported previously when hiring delays or freezes were implemented there was always the ability for the Department Heads to come to the Legislature and request exceptions via a resolution and almost every requested exception was approved. Therefore, instead of creating additional work through resolutions, Ms. O'Rourke reported the backfill authorization process could accomplish the same thing.

Legislator Weston inquired as to whether union employees would be affected by staff sharing or is this just for non-union employees. Ms. O'Rourke reported this would need to be done on a case-by-case basis in regards to the work being requested. Chair Sauerbrey reported there would be more flexibility with the non-union employee group.

Chair Sauerbrey reported these are very unusual circumstances and because we are still operating under a State of Emergency (State and County level); we have more flexibility on carrying out the daily business. Chair Sauerbrey reported employees are very cooperative during these times, therefore, believes this may be a viable option.

Legislator Hollenbeck reported he agrees with Ms. O'Rourke that a case-by-case process working with the appropriate Department Heads is the appropriate approach.

Ms. O'Rourke recommended Chair Sauerbrey issue notification to the Department Heads regarding all backfill authorization requests will be more closely scrutinized and that they should expect some form of discussion from the Legislative Office about the need to backfill a position or at minimum delaying the process.

Legislator Sullivan reported an explanation to the Department Heads similar to the one presented today with clarification of what the County is trying to achieve is the best approach.

Legislator Balliet inquired as to whether this information, along with current budget staff cuts, would be a topic of discussion in an upcoming Department Head meeting. Chair Sauerbrey reported this topic would be discussed at this month's meeting.

Legislature



All Legislators were in favor of proceeding with a more scrutinized approach to the already existing backfill approval process with Chair Sauerbrey advising the Department Heads that in light of this financial impact the Legislative Office going forward will closely review all backfill requests. Ms. O'Rourke reported there are currently 15 positions of which recruiting efforts are underway at various stages.

Approval of Worksession Minutes – April 23, 2020 -

Legislator Mullen motioned to approve the April 23, 2020 Legislative Worksession minutes as written, seconded by Legislator Hollenbeck with Legislators Balliet, Hollenbeck, Mullen, Roberts, Sauerbrey, Standinger, Sullivan, and Weston voting yes with Legislator Monell being absent. Motion carried.

Action Items –

Currently there are no action items.

Fifth Regular Legislative Meeting – May 12, 2020 -

Legislative Clerk Haskell reported next week's Legislative meeting is May 12, 2020 at 12:00 p.m. via Zoom phone conference. The complete agenda was emailed and mailed to all Legislators, as well as Zoom call information. Revised complete agenda was emailed on May 6, 2020 due to two additional resolutions received from Board of Elections and ILS.

Prayer, Pledge, Voting Process – Chair Sauerbrey will lead us in the prayer, pledge and start the voting process for the May 12, 2020 Legislature meeting.

Proclamations (3) –

Ms. Haskell reported the following three proclamations are standard annual proclamations, therefore, would just be noted in the May 12, 2020 Legislative meeting minutes:

- **Foster Care Recognition Month**
- **Elder Abuse Prevention Month**
- **Mental Health Awareness Month & Children's Mental Health Week**

Resolutions - Ms. Haskell reviewed all resolutions with the Legislature for the upcoming May 12, 2020 Legislature Meeting and discussion occurred on the following:

- ***Authorization to Enter into an Agreement with Broome County to Correct a Boundary Line between Tioga County and Broome County*** – Ms. Haskell reported, in addition to the resolution, a map attachment was emailed.

Legislator Weston inquired about the size of the parcel, loss of revenue, and number of voters possibly moving out of Tioga County, and whether reapportionment or redistricting is required.

County Attorney DeWind reported this is a very small parcel. Last year, we did the same thing where we received several parcels that are part of Tioga County, but for



whatever reason were listed on the Broome County census. This parcel and resolution affects one household. This should not affect the tax base, as this is for census purposes.

- **Authorize Contract with Accumedic Computer Systems, Inc. for Mental Hygiene Electronic Health Records System** - Legislator Sullivan inquired as to whether the previous concerns expressed by County Attorney DeWind, ITCS Chief Information Officer Camin, and Director of Community Services Morgan are resolved.

Mr. DeWind reported the concerns have been resolved. Mr. DeWind reported he spoke to Mr. Camin earlier today and spent time yesterday going through the privacy and security rule and the main concern was having a Business Associate Agreement with the cloud server firm. Mr. DeWind reported the County should be covered under the Accumedic Business Associate Agreement and having language in the contract, which they agreed to, stating they are going to follow regular protocols for maintaining the electronic information. The concern was centered on personal and/or county liability in the event of a breach. Mr. DeWind reported this is not ideal and his preference was to have a second Business Associate Agreement, however, this seems to be industry standard as another company that provides this service in New York State also does not enter into a separate Business Associate Agreement with the cloud server firm.

- **Approve CARES Act Grant to Reimburse Tioga County for Election Expenses Incurred due to COVID-19** – Ms. Haskell reported this resolution was received after the mailing of the complete agenda, however, was sent to all Legislators via email along with an updated agenda.

Chair Sauerbrey inquired as to whether this was Federal funding and the resolution was simply requesting approval to accept the grant reimbursement. Mr. Wahls confirmed this was correct.

On a separate issue, Legislator Balliet inquired as to whether there is an update on the scanning for processing the paper ballots more expeditiously. Democratic Commissioner of Elections Wahls reported he received two quotes from Dominion Voting Systems and Clear Ballot. Mr. Wahls reported there is \$68,000 unexpended Federal grant funds from the Shoebox Program. The quote from Dominion Voting Systems was approximately \$47,000 and Clear Ballot's quote was approximately \$54,000. Mr. Wahls reported this would be a separate resolution. Ms. Toombs reported the purchase of this scanner could very well benefit the Board of Elections office for the November election should we continue in the same mode we are currently in with the mailing of 30,000 ballots.

Chairwoman Sauerbrey reported the judge overturned the State's decision to cancel the Presidential Primary, therefore, is scheduled for June 23, 2020. Republican Commissioner of Elections Toombs reported all 23,000 eligible Primary voters would be sent an absentee ballot. Ms. Toombs reported this is in addition to in-person voting.



The absentee ballots is just another option for the voters. Ms. Toombs reported early voting will continue, Election Day will continue, as well as the absentee ballot option.

- **Accept Indigent Legal Services Award and Amend Budget** - Ms. Haskell reported this resolution was received after the mailing of the complete agenda, however, was sent to all Legislators via email along with an updated agenda.
- **Request for Contingency Fund Transfer to DMV –**
Legislator Roberts requested an explanation of this resolution, as collected sales tax is required to be put into an account.

Deputy County Clerk Griffin reported this is correct and recently it was discovered there was a shortage of funds to cover the written check to New York State. Upon review, Ms. Griffin reported the shortage dates back prior to 2013. Ms. Griffin contacted the State to request older reports as the ones on hand only date back to November 2013 for the purpose of recreating and doing some forensic accounting to determine the reason for the shortage.

Legislator Balliet reported the resolution states this is not just a deficiency shortage, but also a lack of recent revenue due to the COVID-19 shutdown.

Legislator Standinger inquired as to whether there is any indication of malfeasance. Ms. Griffin reported there does not appear to be any indication of this and questions whether this is more of incorrect accounting practice or lack of recording of direct bank charges for bank deposit ticket orders without reimbursement. Ms. Griffin reported the bank would also provide older bank statements as another means of tracking this deficiency.

- **Create and Fill Temporary, Full-Time Clerk (Seasonal) Position Treasurer's Office –**
Due to a one week later start date, a revised resolution was sent to the Legislators. The revised resolution reflects effective start date of May 18, 2020 whereas the original resolution specified May 11, 2020. The date change was to coincide with Chairwoman Sauerbrey's memo of bringing staff back to work as of May 18, 2020.

Other –

In anticipation of 100% staff returning to work on May 18, 2020, Chair Sauerbrey addressed the following:

- ✓ **Building Guidelines:** Chair Sauerbrey reported building guidelines outlining social distancing, wearing of masks, cleaning/sanitizing personal workspace, etc. have been drafted and distributed to all Department Heads.
- ✓ **Building Space:** Chair Sauerbrey reported the Legislature will be meeting in the Hubbard Auditorium for the next few months to allow for social distancing starting with the May 21, 2020 Legislative Worksession. The auditorium will be re-configured to



allow for social distancing. The June Legislative meetings (committees, worksession, and regular meeting) will be held in the Hubbard Auditorium.

Chair Sauerbrey reported County meeting space would only be allowed for County staff until further notice. This will be communicated to those outside entities that currently utilize County Building space.

- ✓ **Southern Tier Economic Development Region:** Chair Sauerbrey reported our region consists of Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, and Tompkins, The Governor's re-opening plan is by region. Chair Sauerbrey reported she is working with the other county leaders to gather the data required by the Governor for regional re-opening consideration. Chair Sauerbrey reported the required data includes contact tracers, number of cases, type of cases, and other detailed information. Chair Sauerbrey reported she has been working with Chemung County Executive Chris Moss who has been conducting Zoom meetings and developed a criteria checklist that must be met in order to re-open. Chair Sauerbrey reported the State directives change almost daily; therefore, we are doing our best to provide the information requested and keep the public calm and stable in order to begin the four phase re-opening program.
- ✓ **Elderwood Thank You Card:** Chair Sauerbrey reported the Legislature received a thank you card from Elderwood Nursing Home for the recent Show of Support event.

For the record, Legislator Stander reported. "I am sick and tired of an arrogant, self-aggrandizing, egomaniac of a Governor who has put restrictions on the Upstate area that has suffered very little health issues because of COVID-19. However, he has put a one-size fits all measure in place that has penalized us to the point where now we are going to suffer economic collapse almost. I think it is time that we send that message directly. This nursing home fiasco that he implemented has obviously been responsible for the bulk of our deaths in this County. I have a family member there and I just hope that it does not extend to her."

Chair Sauerbrey reported Senator Akshar sent a similar letter to the Governor this morning.

Legislator Roberts seconded Legislator Standing's sentiments. I think history is going to show that this is an overblown fiasco and this County will feel the ripple effect for years.

Legislator Hollenbeck reported he agrees with Legislators Standing and Roberts.

- ✓ **Senator Akshar's All-Stars:** Legislator Hollenbeck reported Newark Valley student, Livia Short, was honored by Senator Akshar as an all-star.

Executive Session -

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

Meeting adjourned at 1:55 p.m.

Next Worksession scheduled for Thursday, May 21, 2020, at 10:00 a.m.*

TIOGA COUNTY, NEW YORK

Legislature

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**As previously noted, an in-person meeting with the Legislators in the Hubbard Auditorium with some form of technology (Zoom phone conference or live streaming for public attendance) is anticipated for the May 21, 2020 Legislative Worksession.*

Respectfully submitted,

Cathy Haskell

Legislative Clerk