



FINANCE, LEGAL & SAFETY COMMITTEE

June 11, 2024

10:30 a.m.

ATTENDANCE:

Legislators: Chair Sauerbrey, Ciotoli, Monell, Flesher, Roberts, and Brown, Standinger

Staff: Legislative Clerk Haskell, County Attorney DeWind, Treasurer McFadden, Safety Officer Holbrook, Personnel Officer Parke, Chief Accountant Douglas, Accountant Schurter, District Attorney Martin, Public Defender Cline, Clerk Fahey

• APPROVAL OF MINUTES:

- Legislator Ciotoli asked for a motion to approve the May 14, 2024, minutes. Legislator Monell made the motion seconded by Legislator Flesher and was unanimously carried.

• FINANCIAL:

- Legal and Safety's budgets are tracking well. Ms. Holbrook is working cooperatively with Public Health to pursue grants for the acquisition of sunscreen for employees, alleviating the need to use County funds for these purchases.

• OLD BUSINESS:

- Litigation: There have been no new claims. Current litigation is continuing but none of the major cases have had motion. However, there has been a substantial increase in surrogate cases.
- In Rem: This process is continuing. Mr. Humes has taken on the additional mailing per the new requirements.
- Assigned Counsel Space: The space is still in the planning stages with work anticipated to start once the Year 5 Budget is finalized.
- Ethics Board: There will be a meeting later this month to review delinquent annual policy review attestations and financial disclosures for board members and Schedule A employees.
- Delinquent contracts: Legal will be reaching out to departments to ensure contracts are entered into MUNIS with a report of delinquent contracts to Legislators next month.

- NEW BUSINESS:

- District Attorney's Report: Mr. Martin spoke about the three homicide cases his office is currently prosecuting. One of the cases has garnered nationwide attention after being published in the NY Times in May. The NY Times case is massive with thirteen arrests, numerous pleas and cooperation agreements with several trials anticipated. Mr. Martin is hoping to stay on budget however he might need to increase his budget due to the massive discovery needs of this case. Previously there was only one homicide case every three or four years, now there are multiple homicide cases yearly. Mr. Martin is exploring the need for professional services for outside legal counsel to address an increase in appeal work.
- Public Defender's Report: Mr. Cline discussed the additional work needed on homicide cases and how funding would need to be increased for the investigative cost initially. However, grant funding will reimburse the County, but a cap was placed on investigational work due to budget constraints. The NY Times case's biggest expense is investigational work. The Public Defender's Office does not do appeals as they come out of Albany so there is no increase of work from appeals. By the end of the year the Public Defender's Office expects to have nine hundred (900) cases. New York State just allocated ninety-two million dollars to assigned counsel to offset fifty percent (50%) of cost increases to County's. Mr. Cline is collaborating with Information Technology and Communication Services to handle the large amounts of body camera footage from law enforcement and how to store it. This footage must be downloaded resulting in a lack of adequate computer storage. Digital files must follow the state's retention guidelines and cannot be destroyed at the end of a case.
- Safety Officer's Report: Legislators were provided with a written copy of the Safety Officer's report in the agenda packet and did not have any questions.
- Safety Vehicle: Public Works (PW) is covering the expenses for this vehicle for 2024. This was a vehicle that was kept out of auction and is a zero cost to the Safety Officer's budget.

- Flagger Training Program: Ms. Holbrook attended Train the Trainer Flagger and is now able to train and certify PW employees. This will result in substantial flagger training expense savings.
- Tioga Tobacco Asset Securitization Meeting (TTASC): The TTASC recently had a meeting. Legislator Standinger and Deputy Treasurer Katie Chandler were appointed to the two open positions on the TTASC.
- The County Attorney's Association of the State of New York (CAASNY) Spring Meeting: Mr. DeWind attended CAASNY's spring meeting which was held on May 21 through May 22. Topics discussed included In Rem and Even Year Elections.
- Fair Housing Program: Legal Aid NY has reached out asking to partner with the County's Fair Housing Program to assist with the program and to investigate claims. Mr. DeWind has been asked to speak at Fair Housing training for Tioga County that is tentatively scheduled for later this year.
- Juvenile Delinquency Cases: Juvenile cases remain steady with Assistant County Attorney Lanouette handling these cases on behalf of the County Attorney's Office.
- Department of Social Services Firearm and Expungement Cases: Firearm and expungement cases have increased substantially. Mr. DeWind has been assisting the Social Services Legal Department due to their being short an attorney. Mr. Lanouette has taken over the expungement cases to allow the other office to focus on the increasing number of petitions, orders, and appearances on behalf of Social Services.
- Elected Official Terms: Mr. DeWind and Ms. Haskell have been working on whether any changes are required by NYS legislation requiring most local elections to occur only in even years. Currently New York State has not provided any official direction. There are lawsuits against the New York State for overreaching concerning this matter which could invalidate the new rules. Mr. DeWind and Ms. Haskell presented a proposal: As of right now Legislators are divided into two term groups: Group 1 and Group 2 as set by local law No. 1 of 2021. The proposal would see Group 1 run for their usual three year term in 2025 (Jan 2026 - Dec 2028) with the 2028 election being changed to a four year term (Jan 2029 – Dec 2032). Group 2 would run their usual election this year

for three years (Jan 2025 – Dec 2027) but the 2027 election would be for a reduced three-year term (Jan 2028 - December 2030). From then on Legislators would be on an even year election cycle with each the terms staggered every two-years. This will necessitate the need to change the existing local law to modify the terms set in 2001 and put the two groups on track for permanent and overlapping four-year terms. The Tioga Treasurer's position will be run as a three-year term in 2025 to move that position onto an even year cycle.

- Town of Owego: A new solar pilot was received this morning that was approved by the Town of Owego, but the school district was not included. The County is listed as a taxing district, but Economic Development and Planning (EDP) was not notified. A lot of groundwork needs to be done with this pilot to determine who should be handling this. Legislators stated the pilot agreement should be given to EDP for review and to determine if this project was approved by the Planning Board.

- PERSONNEL:

- 2nd Assistant County Attorney Position: The vacant DSS Attorney position remains open. There has not been much interest in the position as advertised. Our well experienced but previously retired Part-Time Assistant County Attorney has picked up a large majority of the work but has expressed concern over the number of hours they are currently working. Discussion on the cost to move cases to outside counsel with a cost of around fifty thousand dollars (\$50,000 USD) a month to cover the open position at market rate. Mr. DeWind has made inquiries into who might be able to do this as outside counsel but there are extensive conflicts with the people already doing family court work in Tioga. At the recent County Attorney Association meeting the difficulty in hiring upstate was frequently a point of discussion. Tioga's salary range for this position is significantly lower than surrounding Counties some of which are further increasing their Attorney salaries (e.g. Broome County just added eighteen to Twenty-Five thousand dollars (\$18,000-\$20,000 USD) to each Attorney position. Legislator Ciotoli discussed the need to address and adjust the salary for this position now as it cannot

wait until the 2025 budget. Ms. Parke stated they can change the salary range for this position.

- Secretary to the 1st Assistant County Attorney Position: Several strong applications have been received with the hope of having a resolution next month for an appointment to this position.

- RESOLUTIONS:

- AMEND RESOLUTION NO. 158-24; AUTHORIZATION TO RENEW CONTRACT WITH THOMSON REUTERS (WESTLAW) FOR A ONE YEAR SUBSCRIPTION TO WEST PROFLEX was moved into full Legislative Session without further questions.

- PROCLAMATIONS

- N/A

- EXECUTIVE SESSION

- N/A

- ADJOURNMENT:

- Legislator Ciotoli adjourned the Legal & Safety Committee at 11:38 A.M.

Respectfully submitted,

Christine Freyvogel

Secretary to the County Attorney