

Minutes

Administrative Services Committee

December 9, 2019, 5:00 pm, Room 331

Gerace Office Building, Mayville, NY

Members Present: Scudder, Muldowney, Starks, Proctor, Davis

Others: Tampio, Dennison, Caflisch, Hemmer, Crow, Wright

Chairman Scudder called the meeting to order at 5:00 p.m.

Approval of Minutes (11/12/19)

MOVED by Legislator Starks, SECONDED by Legislator Davis.

*Unanimously Carried*

Privilege of the Floor

*No one chose to speak at this time.*

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Proposed Local Law Intro. 8-19 A Local Law Amending the Chautauqua County Code of Ethics

Ms. Wright: I'm here if anyone has any questions. Did you all get the memo?

Chairman Scudder: I think we did, did we not?

*(All agreed)*

Chairman Scudder: I got a couple of phone calls about it and I had the pleasure of getting to speak to you about it personally, so, and they read through it and I think I mentioned it to you, I read through it also and I didn't catch all the highlights so could you give us like the highlights?

Ms. Wright: Sure. The Ethics Board every year, they review the local law and recommend changes. One of the things they regularly recommend changes to is the titles of those who are required to file. So the Ethics law sets forth who has to file but to help people out, the titles have also been listed. It occurred to our office that this may be a little burdensome even though the law didn't change to – have to update the law sometimes just to change the titles. So, we suggested, our office, is you don't need to have the Ethics Board title listed in there, you just have to say who has to file. Then Amanda from the County Executive's office, will continue to

keep that list updated which changes sometimes mid-year, as someone's title changes. Then Kathy Tampio, in the Legislature's office, would have a copy as well. So that is one change and this is not to change the parameters of who has to file, although we do update the credit cards that are in there now which has been the practice, those who are authorized to use credit cards. We're not looking to change the parameters, it's just take the titles out of the law so you don't have to amend the law because someone had a title change. That is one item. Another item that the Ethics Board felt needed to be taken up is there is a paragraph, Section 4.1(g), that talks about items that County employees should not be doing within 2 years after employment that could prevent a conflict of interest. It's been the subject over the past few years of a lot of questions. People don't necessarily understand what they are prohibited from doing. When it applies and they will call up and ask questions and whatnot or people will say, hey, someone is doing this, is this not right? What it used to say is that for 2 years after their employment, an individual could not work for a third party on a matter of the type over which he or she had discretionary authority whether or not he or she exercised the authority. That's been confusing to people. So what the Ethics Board felt would better capture and make more clear, what they actually have in mind is that, a retired County officer or employee cannot provide professional or managerial services for a third party on any matter involving his or her former County department. So let's say someone provided snowplowing for the County and the County contracted with a municipality to snowplow. They can still go work for a town and snowplow. That is not a problem, even if it's on a County contract because they are not exercising any professional managerial authority. If on the other hand we have an engineer who works for the County and they retire and then they start working for an engineering firm that has direct relations, a week after they just retired and they've supervised all these employees, they are telling their employees of a week ago, hey, we want to work with you on this project and we're (*inaudible*) solicitation, there's potential for employees to feel some of that, maybe uncomfortableness or intimidation by it. So, that's one reason that the Board had in mind or the viewpoint. It doesn't apply to a position where they really wouldn't have an opportunity to influence but for a position where it might look a little bit suspicious like, oh, all of a sudden the County is hiring this firm that happens to have just hired this former County employee. It just doesn't look right and it might not feel right to some County employees. So, that's what they are looking to change in Section 4.1(g). There is also a provision 4.1(f), where if a County employee had exercised discretionary authority on a particular matter, they also cannot work on that particular matter after they retire. Does that make any sense to you all?

Legislator Muldowney: Is there a timeframe though? Is it 2 years?

Ms. Wright: Yes, it's 2 years and then there is a grandfathering in. So if someone right now has already retired for the County, as long as they are complying with the law as it applied when they retired, they're o.k.. So there could be someone who was o.k., under the old law but wouldn't be o.k. under the change and so they are grandfathering that in.

Then the disclosure form filing requirements. That was another area where we're looking to make things easier. Sometimes the disclosure form is, as you will notice in this year, it doesn't have a lot of substantive changes so the idea is that, if they want to make a non-substantive change to the disclosure form, that that would be o.k. as long as the Ethics Board changes it in a manner that's substantially in accordance with this most current form that the Board has approved. It's o.k. for them to add things such as, like here, they just added language to clarify

that they - they need a mailing address so if they work for the County or on a Board where there is no mailing address for the Board, the Ethics Board needs a mailing address to know how to contact them so they are clarifying. That is one of the clarifications they've made that doesn't necessarily require legislative approval if you all pass this. They could make non-substantive changes to the form without going through the Legislature. Does that make sense?

Chairman Scudder: So far.

Ms. Wright: So then we had also the annual statement of financial disclosure and those changes are tracked. I think those are self-explanatory. I don't know if anyone has any questions but they made more room for children's names and ages, so they are adding a couple of lines there. They are making it clear they want the County Board name on which they served. I will give you a minute to look at those. I don't think there is anything remarkable on it, but, you all tell me.

The last thing that I will highlight is, for training purposes, the County makes every effort to make sure that people are trained and one improvement that the Board thought would be helpful is, right now, the employees sign off as some of you just signed off on a form saying we took the training. Well, the HR Department receives the forms but there was no system in place whereby someone would verify that all the employees had in fact signed them. So one of the changes they want to make is say, hey, department heads are responsible for looking at the list and making sure all of their employees have in fact signed off on it to make sure that it has been administered to everybody. That was something they felt would be important. We still have not heard back, there was an Ethics audit on the County and we haven't heard back on that but we were not criticized on that. But the County felt that was a better way to make sure that people did have the training and on occasion we have had the Ethics Board have to consider something and they looked to verify that the employee had in fact received the training and then we're able to say well, you saw the training so you are aware of this. It's just helpful to them in their administration of it. So, that was the impetus behind that change, just to make sure we had better compliance. That outlined also that people could respond by email. Any other questions? More than you ever wanted to know about Ethics?

Chairman Scudder: It's just interesting reading through that there was nothing jumping out so it was kind of tough to find the difference.

Ms. Wright: And there were a lot of little things here or there. We didn't worry you capitalizing letters, things like that.

Chairman Scudder: But that's where (*inaudible*) so that is where the phone calls to me where they would say, what did they do? I tried to explain what we had talked about so I have the highlights here, so I'm going to call the people that called me and tell them everything I know. Any questions?

*Unanimously Carried*

Ms. Wright: If you want me to speak to anyone that has questions on it, I would be happy to do so.

Chairman Scudder: I will direct them toward you. Thank you.

Proposed Resolution – Amend 2019 Budget for Liability Insurance Account

Ms. Crow: The CS fund is our liability insurance account and there was a couple of things that came in a little bit over budget. We actually, since I filed this resolution, have had some other expenses come in like, we might settle claims and things like that. No new premiums, per say so there will be another resolution per the year end cleanup associated with the CS fund and ultimately everything in the CS fund gets adjusted back out to all County departments because we allocate those costs. So there is an adjustment associated with that once all the expenses for the year are finalized. I bring that up only because the other item, there were like 2 other invoices that came through most recently but, an option could be that we could withdraw this resolution and then just defer to the year-end kind of cleanup of accounts or you can go ahead make this amendment and we'll still have the other year-end clean up resolution. It's kind of your call.

Legislator Davis: Anybody have a way that makes more sense (*cross talk*) more practice?

Chairman Scudder: I don't know.

Ms. Crow: I think it's fine to proceed with this one, it's just one more journal entry.

Chairman Scudder: I mean it takes care of this part of it, right?

Ms. Crow: Yea, I mean, it's one more journal entry but, we'll still do the year-end cleanup but I just wanted to bring to your attention that this won't be the only adjustment for year-end for this account.

Chairman Scudder: So you are o.k., I don't mean, get your permission but, why not. Anyone have a problem with that? One less piece of business we have to do.

Legislator Starks: The item is already here and ready.

Chairman Scudder: And we only have three resolutions so it looks like we're doing something. Any questions?

*Unanimously Carried*

Proposed Resolution - Adjust 2019 Budget for CCSEA Collective Bargaining Agreement

Ms. Crow: This is the CCSEA agreement for the Sheriff's mostly corrections and dispatch that make up the majority of that unit. Depending on what committees you might have been on, you might have heard me say that as the time if that contract were ratified, I would be able to – we would be able to file a resolution to offset that contract increase with surplus in sales tax so that is what this resolution is doing. I think too, I'm glad that we were able to get this in

now because then the Sheriff will likely have other year-end adjustments but this is specific to that contract ratification which was a retro payment for wages in 2018 – for that one-time bonus in 2018 and then retroactive wages in 2019 so, that’s what this resolution is taking care of. So that would be independent of any other budgetary changes the Sheriff might need to do for his organization that was not related to this.

Legislator Muldowney: Does that take the whole (*cross talk*), is that the entire (*inaudible*)?

Ms. Crow: That was just a specific amount associated with this retroactive – those two retroactive wages. So we process those as a separate payment to the employees so we knew the exact amount of the impact once those two retro batches were processed. This is just for corrections. There is not the retro pay for the bigger CSEA contract that is just happening so, I anticipate filing something separate for that, probably for January. But this was right, very close to what originally I, close and under what I had originally projected for this amount.

Chairman Scudder: What was the sales tax amount, the excess? Or not excess, but the increase.

Ms. Crow: This is the surplus of sales tax that we have available.

Chairman Scudder: That is the total amount?

Ms. Crow: We have surplus sales tax beyond what’s in this resolution but that’s all we need to have in this resolution because we only need to balance.

Chairman Scudder: Do we know how much more we have? Less than a million?

Ms. Crow: Yes, less than a million but there has been other adjustments made to sales tax so far this year. We already did one resolution earlier this year that use some of the surplus sales tax and now this and then there was some that I was projecting that we will use for offsetting the CSEA retro payment. So between this resolution and then the CSEA resolution, I’m still currently projecting that we’ll still have enough surplus to cover the CSEA contract as well, plus we’ll have a little bit of surplus beyond that. But, we just received our first December payment, we still have about five or six more payments that will apply to 2019 so assuming they are all, at a minimum, at what we budgeted for, for those payments, we’ll be fine. I think we might even see more than that because so far this year, our sale tax has been trending much higher, almost like at a 6% trend rate which we haven’t seen that in many years. So, I kind of proceed with caution when I give out estimates on that because I don’t want to over –

Chairman Scudder: We’re going to use that money in the same way that we’re using it here?

Ms. Crow: We’re going to use some –

Chairman Scudder: Towards that contract.

Ms. Crow: Yes and then any remaining sales tax surplus will help us offset any other deficits that we know of for 2019. For example that Tribal compact money that is still – things like that. We certainly (*cross talk*) use it up but it's good because then that doesn't mean that we're trying to have to go into fund balance or anything like that. I'll make one other point too. I'm glad that we are able to offset these with the sales tax because I like to see it being offset by a recurring revenue rather than just trying to use fund balance.

Chairman Scudder: Unless we took the extra sales tax money and put it in the reserve fund and then took it out of the fund to pay – o.k., sorry – no, I'm not sorry. O.k., all in favor?

*Unanimously Carried*

Other

Chairman Scudder: Kathleen do you have any other?

Mrs. Dennison: I don't.

Chairman Scudder: Anyone else? Well, this is our last meeting for this year. Marty, it's your last meeting with us. Thank you for being on board.

Legislator Proctor: It was a pleasure and an honor.

MOVED by Legislator Proctor, SECONDED by Legislator Starks to adjourn.

*Unanimously Carried (5:23 p.m.)*

Respectfully submitted and transcribed,  
Kathy K. Tampo, Clerk/Lori J. Foster, Sr. Stenographer