

## GOVERNMENT OPERATIONS COMMITTEE

September 9, 2015

Present: Mark Morris, Sarah Purdy, Elden Morrison, Bonnie Percy, Jim Multer, Dan Banach, Leslie Church, Lee Sackett, Bob Clark, Jim Smith, Connie Hayes, Bob Brechko, Julie Betts, Kerry Brennan, Jim Balyszak, Tim Groth, Arlene Wilson, Tim Dennis, Gary Montgomery, Doug Paddock.

Mark and Bob will do the audit this month.

Minutes of the August meeting were approved as presented.

### **Elections – Robert Brechko/Amy Daines**

Bob reviewed the monthly report.

Bob reviewed the 2016 proposed budget

### **Legislative Operations**

Tim reported a date needs to be set to meet with the management group for a quarter meeting. Tim suggested 9/16, 9.17, 24<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup> and 30<sup>th</sup> at 3:30 p.m.

Mark reviewed the Standards of Conduct for Yates County Employees Policy and the Yates County Flexible Work Schedule Policy for Non-Union Employees policy. The consensus of the Committee was to remove the paragraph ‘working remotely or from home’ from the Flexible Work Schedule policy and deal with that in a separate policy. With the removal of the paragraph in the Flexible Work Schedule policy the committee agreed to move forward with these policies. Connie will have resolutions for Monday’s meeting.

Tim reviewed a memo he wrote regarding a question that was raised as to whether committee meetings should be posted as legislature meetings since a majority of the legislature is present and takes part in most of the committee meetings. Tim explained that Connie obtained an opinion from Robert Freeman of the Committee on Open Government for the New York Department of State. Mr. Freeman stated the entire legislature can be present and ask questions and participate in discussion at a posted committee meeting. However, any action taken will be by the committee only. If there is any polling either verbal or by the show of hands of non-committee legislative members this converts the meeting to a legislative meeting and should not occur. Also, an executive session is a meeting of the committee only. It is up to the chair to state who else is to be included in the executive session, this would include non-committee legislators.

### **County Attorney – Scott Falvey**

Scott reviewed his 2016 proposed budget

Discussion took place on having the County Attorney submit a monthly activity report. Scott will submit a monthly activity report to the legislature.

Discussion took place on what is the appropriate rule if someone who misses a meeting, makes a motion to resubmit a resolution that was defeated. Connie explained that if someone is absent from a meeting they can bring a motion forward. Also in Robert’s Rules of Order it states “a tie vote means that the motion is lost” another parliamentary procedure is that members can’t be asked to decide the same question twice at the same meeting unless they are reconsidering that vote. If you vote on a motion, and it lost at that meeting, and you wanted to reconsider, a member must have voted on the prevailing side. So in this case the negative vote can move to reconsider, but this is if it is at the same meeting. Anyone can bring a motion before the

legislature again at the next meeting, it is handled as if it is a new motion. Scott stated, if the legislature has a meeting and there is a vote and the motion does not pass, the motion for reconsideration of that is premised on the fact it's at the same meeting. A vote is taken, someone can make a motion to reconsider that day but the people that can make that motion to reconsider would be the people that voted on the side. This rule only applies to motions to reconsider. When you are getting into a motion that is made a month or two later, that's a new motion, a new main motion. It's just like any other motion it would be subject to the same rules, anyone could bring it up.

Jim Multer questioned if there wasn't something in the Legislative Rules of Procedure regarding this.

Scott stated the Yates County Legislative Rules of Procedure rely on Roberts Rules of Order if there is not something in the rules specifically. The Rules of Procedure talks about a motion to reconsider can only be presented by a member of the majority deciding the issue. This again is for a motion to "reconsider". A motion that was made a month ago and brought back is not a motion to reconsider.

Mark stated that he was told that this would be considered a nuisance rule, that you couldn't be resubmitting the same motion. Is this not true.

Scott stated that basically the Rules of Procedure, the Legislative body decides what those are and if the legislature wants that to be the rule, the Legislature can pass that rule but right now the only rules that are on the books address the reconsideration of a motion. Scott explained as far as the rules that are in affect now, his opinion would be that, it would not be a motion to reconsider if someone is bringing up a motion next month, even if it is similar or the same as the one before.

Elden then questioned the filing of contracts. Elden stated he thought that all contracts were supposed to filed in the Clerk of the Legislature's office, whether she has all of them or not is another question. Connie found policy resolution 346-93 which states:

WHEREAS, the Personnel & Administrator Committee has requested that all original signed contracts be filed in the Legislative Office,

NOW, THEREFORE, BE IT RESOLVED that all original signed contracts are to be filed in the Yates County Legislative Office, and be it further

RESOLVED, that copies of this resolution be furnished all Department Heads.

Elden explained the intend from 22 years ago is clear, whether or not over that period of time things have gotten loose and whether Connie has all the contracts or not. Then there is the question of agreements. Elden spoke with the County Attorney who stated that there is no difference between a contract or an agreement. The agreements that we were talking about earlier this year were not filed in the Clerk's office. Elden would like to take this resolution and update it to say "filing original contracts and agreements" and maybe the County Attorney could assist in this and repass the resolution and send it out again to all the department heads with a letter possibly saying that we have revisited this and we want to make sure that all the contracts and agreements are in the Legislative Clerk's office.

Tim stated that on occasion there may be an agreement between a supervisor and a worker that might involve personal information. It may be an agreement accommodating a situation. While those agreements exist, members of the legislature have every right to be aware of them. They don't necessarily need to be available to the entire world. Should there be separate lock and key, need to know access to those or something along that line.

Bonnie suggested that for something like that should it not go in the individual's personal file.

Tim stated that if it is an agreement, Elden is saying it should be in one place.

Scott stated the first issue, the whole contract vs. agreement issue, to Scott the two terms are synonymous. Scott agrees with Elden as far as revising the resolution to read contract and/or agreements. With regards to what contracts/agreement are being held in the Legislative office, anything that the county is a party to, that makes sense that that would be filed with the Legislature. If there is some other type of agreement where the county is not a party to, some internal matter perhaps that could be held in a different department and agrees that the Legislature has the right to view those documents. Some might be along the confidential lines, so care would have to be taken as to what can be disclosed.

Sarah stated in the history of her time here with Yates County, the Legislature has at times adopted a resolution that simply is a one sentence that authorizes the chairman to sign an agreement. In those instances the legislature has already discussed in executive session what the contents of that agreement are. They generally involve situations with employees in which something is being memorialized that cannot be made public. I would suggest that is a different animal than a contract or an agreement in the text that Scott has just mentioned. Those are things that have been worked out with our labor attorney present, they have been worked out in lieu of some other litigious action. I would suggest that that's an agreement that is of a slightly different nature. Fortunately we haven't had one of those in a long time. I'm not sure where those should be filed.

Mark stated that if someone wants to bring forward a resolution that says we should store all the documents in this location or that location they can bring it up at next month's meeting.

Jim Multer stated that he would like to have the issue of bringing back resolution on the agenda for next month also.

### **Soil & Water – Jim Balyszak**

Jim reported a manure pit and confined space rescue workshop was held on August 17<sup>th</sup> at the Benton Fire Department. There were approximately 85 in attendance, the majority of the participants were from local fire departments, local farm owners and commercial manure haulers.

A similar workshop is planned in the Dundee area for this October and will be geared toward emergency personnel.

Jim reported the District staff and Board discussed the potential environmental impacts associated with microbeads as requested. The Board believes this is best addressed at the state and national level and would support their replacement in products with other alternatives that don't pose the same water quality threat.

Jim reported the Conservation Field Days is an annual education program sponsored by Soil & Water and Cornell. Sixth grade students from Penn Yan, Dundee and area home schools will enjoy a day at Keuka Lake State Park.

Jim reported a short storm water presentation was developed by CCE in conjunction with our office in response to questions from municipal officials regarding the storm damage over the last two years. Soil and Water was asked to give this presentation at the October legislative meeting.

### **Cornell Cooperative Extension – Arlene Wilson**

Arlene reported on Cornell's Vegetable Programing. Soil studies were done where best practice strategies were identified such as crop rotation, soil building crops and aggressive cover crops

and a key success indicator for good soil functioning is the number of earthworms per sample hole. The number determined should be 8 to 20 worms per hole.

Arlene reported there was also an evaluation of the High Tunnel Programming in Yates County. This is one of the things that has increased the revenue for farmers in Yates County by lengthening the growing season, increasing the quality of tomatoes and having tomatoes available earlier in the season.

Arlene reported the Finger Lakes Grape Program held a pre-harvest field meeting on August 24<sup>th</sup>. The primary focus was undervine cover crops to reduce vigor. Prejean Winery is one of the research entities that will be looking into several different ground covers including, chicory, alfalfa, fescue grass, tillage radish and native vegetation, on vigorous Noiret vines. Discussion also took place on “Pallissage” Technique which is an alternative to hedging grape row hedges and increases fruit yield.

Arlene reported the TANF Life Skills Program is going well. To date 10 out of the 17 workshops for the year have been completed and 5 workshops being scheduled for the fall.

Also, a staff member is now a Certified Lactation Counselor and will be working with Yates County Public Health in setting up Lactation Café’s to teach people about breast feeding.

Arlene reported 4H has been busy with the summer recreation programs. Also, youths who won ribbons at the County Fair moved on to the New York State Fair where one youth was awarded the purple rosette which is the highest award, which is the judge’s choice.

Leslie reminded everyone of the Ag Tour that will take place Monday, September 14<sup>th</sup>. Arlene explained lunch will be provided and the tour will consist stops at 3 locations.

### **IT – Tim Groth**

Tim reviewed his monthly report which showed 216 help desk calls of those 6 were classified as user error. The spam filter identified 13689 spam and 1507 viruses.

Tim reported he did additional research on space available in the basement of the County Office Building. Tim explained the equipment for the dark fiber project was slated to go in a room outside the historian’s office, this was not an ideal location as it was damp and actually had water during the last flood. Tim has talked with the Sheriff and the Emergency Management Director on using some of the space in the EOC which both have agreed to allow Tim to use this space.

Tim reviewed his 2016 proposed budget.

### **County Clerk – Julie Betts**

Julie reviewed her statistical reports.

Julie reviewed the following resolutions that would be needed. The Committee approved.

- Resolution to authorize the County Clerk to sign and MOU for E-recording
- Resolution to authorize the Chairman to sign a contract renewal with ACS Enterprise Solutions, Inc.

Julie reviewed her 2016 proposed budget.

### **Legislature – Connie Hayes**

Connie reminded everyone that September is the last night meeting. Starting in October meetings will go back to 1:00p.m.

Connie reviewed the following resolutions that would be needed. The Committee approved.

- Resolution to authorize agreement with Finger Lakes Community College
- Resolution to change the date of the October Legislative meeting
- Resolution of the Legislature of the County of Yates, increasing taxes on sales and uses of tangible personal property and of certain services,, on occupancy of hotel rooms and on amusement charges, pursuant to article 29 of the tax law of the State of New York **(this is a renewal of tax already in place)**

Connie reported she is working on the RFP to go out to bid for the County's Insurance. Connie asked Jim Smith to review the RFP once it is updated.

Connie reviewed the 2016 proposed budgets for the legislative office and central copier.

#### **Personnel – Kerry Brennan**

Kerry reviewed the following resolutions that would be needed. The Committee approved.

- Resolution adopting the 2016 Workers' Compensation Budget
- Proclamation of the Municipality of Yates County Declaring October 18 – 24, 2015 "Freedom From Workplace Bullies Week"

Kerry reviewed her 2016 proposed budget.

#### **County Administrator – Sarah Purdy**

Sarah reviewed the proposed change to the position review procedures which would exempt the need for review if the same job title was brought before the standing committee within the past six months. Sarah will have a resolution for Monday's meeting.

Sarah reviewed her 2016 proposed budget.

Bonnie moved to enter executive session to discuss the financial history of a particular person with the legislature and Sarah present, seconded by Elden.

VOTE: Unanimous

Meeting adjourned at 3:32p.m.