

Minutes
Administrative Services Committee
June 17, 2019, 5:00 pm, Room 331
Gerace Office Building, Mayville, NY

Members Present: Scudder, Davis, Starks, Proctor

Member Absent: Muldowney

Others: Ames, Chagnon, Gould, Nazzaro, Wendel, Abdella, Caflisch, Dennison, Hemmer,
Bentley, Carrow

Chairman Scudder called the meeting to order at 5:23 p.m.

Approval of Minutes (05/13/19)

MOVED by Legislator Starks, SECONDED by Legislator Davis

Unanimously Carried

Privilege of the Floor

No one chose to speak at this time.

Proposed Local Law Intro. 3-19 – Amending Local Law 7-90 Providing for a Management Salary Plan for County Officers and Employees (Re: Assigned Counsel Administrator)

Mr. Abdella: I know there have been discussions for some time now regarding the development of this position. Most recently, a salary analysis was made by HR and they arrived at a Range 10 designation. This is a position that would be tentatively placed in the Legislature's office and would be under the direct purview of the Legislature. The Assigned Counsel Administrator and this would be a 100% funded position from the State, would be utilized to supervise the Assigned Counsel program that the County has when the Public Defender's office and others have a conflict and unable to represent. This position at this point would not act as a conflict defender which is another possibility that could be explored at some point. But this person who would need to be an attorney and that would be part of the job description which would be reviewing and making recommendations regarding the invoices submitted by the assigned attorneys. They would also be involved in ascertaining that the qualifications of the assigned attorneys and making recommendations to the courts regarding those items. In that regard would provide direct oversight of the appropriations being made by the County Legislature, County government, for assigned counsel. So this local law would establish the position and place it in the Management Salary Plan. As you will see, it is sponsored by

Chairman Wendel, Legislator Chagnon and Niebel and we have two of those here today should they have any additional comments but I know this isn't a brand new topic either.

Chairman Scudder: Are we doing this because the funding is there to do it? Is that what is driving it?

Legislator Chagnon: We're doing this to save money in the Assigned Counsel fund. It's fully funded and it should reduce our Assigned Counsel (*inaudible*).

Chairman Wendel: (*Cross talk*) airports, it's one of those things (*inaudible*) being so long it's been a situation out of our control. (*Inaudible*) budget \$100,000 expenses (*inaudible*)....

Legislator Chagnon: Will not increase our Assigned Counsel costs. You have a prospect of reducing the cost.

Chairman Scudder: Right. I just find it curious it's going to be, nothing against attorney's, it's going to be an attorney making judgment calls on judges and attorneys.

Chairman Wendel: But this is a system, Pierre has done a lot of leg work with this – this goes back to basically – a lot of the other things too is (*inaudible*), they are going to start reviewing the cases to make sure that procedurally things were handled properly as well.

Chairman Scudder: I'm not saying that I'm against it. I'm trying to get –

Chairman Wendel: Right, that's probably (*inaudible*) new ideas, but Pierre has met with (*inaudible*) Office of Indigent Legal Services and this is their framework that set this up. It's being done with other counties and they were willing to share that with us.

Chairman Scudder: How long will this be funded for?

Mrs. Dennison: Until 20'-23'.

Chairman Scudder: And then what happens to it? Do we review it?

Legislator Chagnon: If the funding goes away, the position goes away.

Mrs. Dennison: I just want to clarify though that at least in the 19' budget we still have a local share cost for the Assigned Counsel's last conflict administration function. We are anticipating enough revenue to pay for the position but there will still be cost of outside counsel.

Legislator Chagnon: That's what we expect to (*inaudible*) previous years.

Mrs. Dennison: Right. I mean the budget is predicated on the assumption that the local share of Assigned Counsel will not increase, including the cost of the outside counsel and the Conflict Administrator position. I just wanted to make that plain that we are budgeting for a local share of \$524,000.

Chairman Scudder: Again, that was just information, I'm not leaning negative. I'm more positive now than I was 5 minutes ago.

Mr. Abdella: To put this in context, it needs to be realized at the same time though the State and this is in part response to constitutional challenges, successful ones made to the adequacy of indigent legal defense, has increased its budget exponentially and part of that is coming down to local governments. But the question is, is quality control and so the bottom line is I think we're seeing and yeah, this was for our own Public Defender's office as well, of course, substantial increase in funding to meet those constitutional standards. How that plays out with Assigned Counsel, I mean, it's absolutely wise, I think, to have an Administrator dedicated to overseeing the program. Where that program is going to go under constitutional standards under scrutiny remains a question. But, to me, you can only be ahead having an Administrator overseeing the program.

Chairman Scudder: Because at the end of the day we want it to be done right and this should help the process.

Mr. Abdella: I think the State funding in some form or another, hopefully will remain substantial to meet this need because otherwise a local share item is going to be very difficult for us.

Chairman Scudder: Any other questions? So we'll just kind of do a vote on this to pass it along? All those in favor?

Unanimously Carried

Proposed Resolution – Confirm Re-Appointment – JCC Board of Trustees

Chairman Scudder: Any questions, comments, concerns?

Unanimously Carried

Proposed Resolution – Standard Workday and Reporting Resolution

Mr. Abdella: This is another one of those periodic resolutions that you need to see and confirm as far as the reports that certain officials have to make as you all do also periodically. Confirming your record of activities which is then utilized by the State and Local Retirement system. So this is just the latest round of individuals reporting as they periodically need to do.

Chairman Scudder: Nothing looks out of normal. Any discussion, comments, or concerns?

Unanimously Carried

Proposed Resolution – Quit Claim Deeds

Chairman Scudder: This looks like all but one were reacquisitions?

Mr. Caflisch: That is correct. The last one was a parcel that had been in our unsold inventory for a number of years. We had an offer come through and rather than take that parcel to the auction, I thought it best to take the cash in hand and to the transaction.

Chairman Scudder: Is that just a piece of property?

Mr. Caflisch: Just a vacant piece of property.

Chairman Scudder: So these are all people that came in –

Mr. Caflisch: This is the partial list, it's not the full list because this was before the prefile so we'll have slew of them coming for the July meeting. These are the people who acquired in May.

Chairman Scudder: Everybody good? All in favor?

Unanimously Carried

Other

Chairman Scudder: Does anybody else have any other, others?

Mr. Caflisch: I just want to make you aware that there is pending State legislation which would change the tax foreclosure process. The proposed changes would change the order of payment that people could make, payments on for delinquent taxes. Right now it's reverse chronological order, you pay the newest charge off first working back to the oldest. Legislation would change it so the oldest got paid off first rather than the newest.

Chairman Scudder: So they could perpetually past due.

Mr. Caflisch: That's correct and it will also mean that you will have a lot more money riding on the books which could be millions of dollars in your budget to deal with. They are also contemplating the elimination of the 5% penalty of unpaid taxes when it goes back to the County. So these are pretty serious issues and we don't know where it lies at the moment but it's something that you should be aware of for your fiscal planning for next year if that happens.

Chairman Scudder: Could that happen effective this year?

Mr. Caflisch: The session is still on until June 19th. We don't know what they are going to do.

Chairman Scudder: One of the interesting parts of that is, you get that slew of money, it's like in purgatory. They pay it but they owe it so we have to take that hit of how ever many millions that just sits there and gets paid this year but gets added on from last year. You know what I mean? It becomes untouchable. You don't ever get to wrap it up. It's always floating out there. That would be potentially millions of dollars that we can never get our hands on.

Mr. Caflisch: Right. When I came, our receivables were running about \$34-\$35 million, we've got it down to \$18 and it went up a couple of million this year so that number could jump up again but it has a huge hit to your cash flow should it happen. So, I just want to make you aware that it could have a very, very serious repercussions for the counties.

Chairman Scudder: We did have our auction Saturday?

Mr. Caflisch: Yes we did.

Chairman Scudder: Can we have a rough figure report?

Mr. Caflisch: No because we want to – very few of the properties actually closed or paid in full. So, I'll wait until next month before we get those figures but it was a successful auction I think. It worked out pretty good.

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

Unanimously Carried (5:37 p.m.)

Respectfully submitted and transcribed,
Olivia Ames/Deputy Clerk, Lori J. Foster/Sr. Stenographer