

**APPROVED MINUTES
GOVERNMENTAL OPERATIONS AND IMPROVED METHODS COMMITTEE
February 5, 2013**

Committee Members	Others Present at Meeting
Mary Luckern, Chair Ralph Angelo Margaret Hilton Richard Russell Kristine Singer Dominick Vedora	County Administrator John Garvey, Deputy County Administrator Darlys McDonough, Director of Records & Archives Rosemary Switzer, Director of Mental Health Diane Johnston, Supervisor Jeffery Gallahan, Chief Information Officer Sean Barry, County Clerk Matthew Hoose, Real Property Tax Director Robin Johnson, Supervisor John Sheppard via teleconference, approximately 30 visitors, Angela Hong (13 Wham News)

Chairwoman Luckern called the meeting to order at 4:02 p.m. declaring Supervisor Singer necessarily absent.

Chairwoman Luckern amended the agenda to address item #7, “Resolution Opposing the New York Secure Ammunition and Firearms Enforcement Act of 2013” first.

“Resolution Opposing the New York Secure Ammunition and Firearms Enforcement Act of 2013”

Supervisor John Sheppard joined the meeting via teleconference, and thanked the GO Committee and Supervisor Gallahan. Supervisor Russell made a motion, seconded by Supervisor Angelo to move the resolution forward. Chairwoman Luckern opened the floor for discussion by the Committee members, and invited Supervisor Sheppard to comment first.

Supervisor Sheppard explained that the resolution calls for a repeal of the SAFE Act due to the process taken to pass it into law, the applicability and constitutionality, and apparent conflicts.

The due process issue relates to the New York State Legislature’s rush to pass the bill on the first day; the Governor’s circumventing of the waiting period, and the failure to allow the constituency to weigh in. Some components of the law are directed toward safety, and those components can be supported, such as comprehensive review of mental health records prior to granting firearms permits and making the killing of emergency first responders an aggravated or first degree murder offense requiring life without parole.

However the law smacks against law abiding citizens who own guns for sport or self defense purposes. The definition of assault weapons is so broad it creates restrictions against existing firearms that are legitimately used for those purposes.

Supervisor Russell commented that the law was already being challenged in court, and felt that the County should await the outcome of that action before making a statement. In addition, he could support the due process portion and proper notice, however there are some things in the SAFE Act that he supports.

Supervisor Hilton agreed that once the legal challenges at the state level played out, we could better determine our position.

Supervisor Luckern read the third WHEREAS of the resolution, “The New York State Secure Ammunition and Firearms Enforcement (SAFE) Act of 2013 was rushed to passage by the New York Senate, Assembly and Governor, is contrary to the Second Amendment of the United States Constitution and will have a detrimental effect on hunters, sportsmen and legal gun owners acting on their right of self defense;”, and asked Supervisor Russell if that paragraph was the only part he took issue with. Supervisor Russell indicated that he had no problem with the rest of the resolution.

Supervisor Gallahan presented a resolution proposed by the members of the Inter-County Association of Western New York and the Inter-County Legislative Committee of the Adirondacks which addressed the due process issue. Chairwoman Luckern read the resolution aloud.

Supervisor Russell indicated that the resolution presented by Supervisor Sheppard was open to protest and more controversial. He would support the Inter-County resolution presented by Supervisor Gallahan.

Supervisor Sheppard reported that the Inter-County resolution would be presented at the NYSAC Conference the following day. The Inter-County resolution also points to the constitutionality issue, although perhaps puts more emphasis on the responsibility of elected public officials and the oath of office they take to defend the Constitution of the United States and the State of New York.

Supervisor Russell commented that he also took an oath of office to uphold the Constitution and the laws of the State of New York, and right now the SAFE Act is Law. Although the process was stolen, elected officials are obligated to uphold the law. Supervisor Russell again stated his support of the Inter-County resolution.

Supervisor Gallahan stated that he could support both resolutions and would like to see both go to the full Board of Supervisors.

Supervisor Vedora said that it was premature, changes will be made through the court process. Some items in the SAFE Act he is happy with, some not. The Inter-County resolution should have been provided to the Committee prior to the meeting. (Supervisor Gallahan advised that he had received a copy just prior to the start of the meeting). Supervisor Vedora continued, that in bringing forth a resolution that had not been made public prior to the meeting, we are doing the same thing that we criticize the Governor for.

Chairwoman Luckern disagreed. The issue was on the agenda, which was made public prior to the meeting. Discussing the newly presented resolution is not a violation of the open meetings law.

Supervisor Vedora stated that the original resolution was delivered by e-mail, if the other had been made available, maybe twenty more citizens would have come.

Supervisor Luckern advised that the Committees main job would be to move a resolution forward, so that the subject can be discussed at the full Board of Supervisors meeting. We shouldn't have the right to stop the resolution here, it should go to the full Board.

Supervisor Hilton pointed out that the new resolution had not been passed by Inter-County yet, and questioned if the Committee could act on it.

Supervisor Sheppard remarked that a passed law is not an article of the Constitution, specifically the Second Amendment. To Supervisor Hilton's point, the Inter-County resolution will be debated tomorrow (at the NYSAC Conference). Supervisor Sheppard also pointed out that the Sheriff's Association has already provided written comments, as have several counties including Tompkins and Herkimer.

Supervisor Russell asked if it was possible for the resolutions to be forwarded.

County Administrator John Garvey stated that a resolution should go forward to the full Board. There would be opportunities for citizens to be given privilege of the floor, for full Board discussion, and a full airing of the issue.

Chairwoman Luckern suggested that the resolution be reviewed by the County Attorney prior to the Board of Supervisors agenda.

County Administrator Garvey felt that there was a sense of urgency with this issue, and a full airing of the issues was important.

Chairwoman Luckern stated that the third paragraph still troubled Supervisor Russell.

Supervisor Russell indicated that he was bothered by the wording which implies fact, not opinion, and is contradicted later. There is room for interpretation; the Constitution is a flexible document.

Supervisor Sheppard offered an amendment to the third WHEREAS to add "In our opinion...is contrary to the Second Amendment..."

The written comments of the New York State Sheriffs' Association were distributed to committee members.

Supervisor Russell commented that he would like to review the document more fully.

Supervisor Sheppard stated that there were many similar documents out there, some more relevant and applicable to the current discussion. Once there is a debate on the floor, many documents can be presented at that time.

Chairwoman Luckern felt that one resolution should go forward.

Supervisor Russell stated that he could not support Supervisor Sheppard's resolution. The second page of the Sheriffs' Association memo outlines provisions of the law which they believe will increase the safety of our citizens. The resolution asks to toss the entire SAFE Act out. Supervisor Russell said he could not support that, and felt that the Inter-County resolution was more appropriate.

Supervisor Vedora agreed.

Chairwoman Luckern stated that two resolutions are being discussed and the committee must decide which to forward to the Board. The Inter-County resolution can be amended to replace the Inter-County references with Ontario County. Chairwoman Luckern called for a vote to move the resolution "Resolution Opposing the New York Secure Ammunition and Firearms Enforcement Act of 2013" to the full Board of Supervisors.

Aye: Supervisor Angelo Opposed: Supervisor Hilton, Supervisor Russell, Supervisor Vedora, Supervisor Luckern

Chairwoman Luckern called for a vote to move the amended "Resolution Opposing Procedure for Adoption of the New York Secure Ammunition and Firearms Enforcement Act of 2013" to the full Board of Supervisors.

Aye: Supervisor Angelo, Supervisor Hilton, Supervisor Russell, Supervisor Vedora, Supervisor Luckern. Opposed: None
County Administrator Garvey explained to the visitors the date, time and place of the Board of Supervisors meeting and the procedure to be granted privilege of the floor for public comment.

At this time the meeting paused while the visitors left the room.

Supervisor Angelo made a motion, seconded by Supervisor Hilton, to adopt the minutes of the January 15, 2013 meeting; motion carried.

Human Resources

County Administrator John Garvey updated the committee on a compliance issue at the Office of Mental Health. A resolution will be introduced at the Financial Management and Health and Medical Committees to make repayment to the Office of the Medicaid Inspector General. Senior staff at the Office of Mental Health discovered a record keeping problem last spring and has worked with the Compliance Committee with both internal and external audits. OMIG uses a process called extrapolation which develops a percentage of cases audited to the number disallowed, and applies that percentage to a period of time. Our auditors used the same process, they chose the time frame and the cases to audit. The worst case scenario estimated a payback of \$1.3 million. OMIG has sought repayment of \$573,000.

Director of the Office of Mental Health, Diane Johnston explained what some of the issues were, and the preventative measures that were put in place last April. One of those measures is a new computer system that clearly tracks cases, triggers upcoming deadlines, and generates frequent utilization reviews so that documents are filed on time and are complete.

County Administrator Garvey reported that there may be some issues resulting from an audit on Substance Abuse Services. Mr. Garvey wants the GO Committee to know that the Compliance Committee process is active, working and open. This is a self-disclosure, we found it, we went forward, we make it right, and improve our processes so it doesn't happen again.

Supervisor Russell commented that with the new software, county employees report in by program and entries are verified by supervisors. Contractors also use the software, and their entries are also verified by supervisors.

Supervisor Hilton explained that she is Chair of the Health and Medical Committee, and the committee has been informed from the start. Staff assisted with the audit, the results are not good, but could have been much worse. There is a system in place, the staff identified the problem, and took corrective action. The payment will be made from 2012 funds encumbered for this purpose.

Chairwoman Luckern thanked Mr. Garvey for always bringing issues forward, and not trying to keep any issue secret.

Records and Archives

Kudos were given to Director Rosemary Switzer for the "Love Affairs" going on at Records & Archives, referring to the Open House invitation.

Director Switzer presented two resolutions: "Renewal of Microfilm Service Contract Biel's Information Technology Systems and Department of Records, Archives and Information Management Services" and "Scanning of Surrogate Court Records and Mortgage Books D4 and Ontario County Department of Records, Archives and Information Management Services". Director Switzer explained that there were no price changes in Biel's contract, and funds are available in the 2013 budget. In addition RAIMS has been awarded a grant in the amount of \$38,300 for the scanning project. County Clerk Matt Hoose commented that there is also \$15,000 in the County Clerks budget to cover any costs above the grant for the scanning project.

Supervisor Angelo made a motion, seconded by Supervisor Hilton to approve the two resolutions; motion carried.

County Clerk

County Clerk Matthew Hoose explained that he was on the agenda to discuss a disability position, however, that situation has resolved itself for the time being, by the granting of a sixty day unpaid leave. That effectively vacates the position and allows temporary promotions to fill positions. If the situation changes, he may need to come back to the committee with the position request.

County Clerk Hoose updated the Committee on some of the impacts of the NYSAFE Act. The County Clerk's Association has a position statement opposing the legislation on the basis of the unfunded mandates that are a direct result of additional responsibilities put on County Clerk departments. The legislation will also impact the operations of the Court System, Sheriff, Mental Health, and others. It is estimated that the five year recertification requirement included in the legislation will necessitate the addition of three full time positions in the county.

Information Services

Chief Information Officer Sean Barry presented proposed amendments to the "Mobile Device Policy". The changes have been reviewed by the County Attorney, and will be presented to the Personnel Committee. The policy will be discussed with the Union, and when approved, a resolution will come back to the Committee. The changes are generally in response to data security compliance issues with mobile devices.

Chairwoman Luckern advised that Agenda item #6 had been pulled.

Being no further business to come before the Committee, Supervisor Hilton made the motion to adjourn the meeting at 5:45 p.m., seconded by Supervisor Angelo; motion carried.

Respectfully submitted,
Robin Johnson, Director OCRPTS