



Onondaga County Legislature

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WAYS & MEANS COMMITTEE MINUTES – MARCH 29, 2021

VIRTUAL TIM BURTIS, CHAIRMAN

MEMBERS PRESENT: Mr. May, Mr. Rowley, Mr. Ryan, Mr. McBride, *Mr. Williams, Mrs. Ervin
ALSO ATTENDING: Chairman Knapp, Ms. Cody, Mrs. Abbott-Kenan, Ms. Kuhn, Mr. Bush, Mr. Kinne, Mr. Donnelly, Mr. Masterpole, Mr. Ryan, Mr. Morgan, Mr. Weber, Ms. Williams, Ms. Smiley, Mr. Hummel, Ms. Rooney, Dr. Gupta, Mr. Pratt, Mr. Yaus, Ms. Velasco, Mr. Frateschi, Ms. McNamara, Ms. Lesniak, Mrs. Vilardi, Mr. Paro, Mrs. Kaminski and Mr. Frantzis

Chairman Burtis called the meeting to order at 9:35 a.m. *A motion was made by Mr. May, seconded by Mrs. Ervin to waive the reading of the minutes of the previous committee meeting. Passed unanimously; MOTION CARRIED. A motion was made by Mrs. Ervin, seconded by Mr. May to waive the reading of the minutes of the previous committee meeting. Passed unanimously; MOTION CARRIED.*

1. **PERSONNEL:** Brian Donnelly, Deputy Commissioner

a. Confirming the Appointment of Carlton Hummel as the Commissioner of the Onondaga County Department of Personnel (Sponsored by Mr. Knapp)

- Term expiring March 2022; everyone here has worked with Mr. Hummel; been in Personnel over 10 years; appointed acting Commissioner in July 2020
- Mr. Hummel's team did great work in pandemic; conclude contract with CSEA; put together early retirement initiative
- Worked with Comptrollers and IT to get the new payroll system up and running; did upgrade to Kronos; brought in new system to service civil service administration

Chairman Burtis said Mr. Hummel has done a great job, he appreciates all the work he has done, and he is a resident of Onondaga County in the third district.

Mrs. Ervin said Mr. Hummel has done a great job with the pandemic and asked if he will continue the work Mr. Owens was doing in terms of diversity hiring. Mr. Hummel responded absolutely. He has been working with Ms. Williams and Mrs. Stanczyk in creating a more robust diversity program. The numbers in diversity hiring have been good and will continue.

Mrs. Ervin asked if there will be an approach taken to help mediate complaints from staff (i.e. WEP). Mr. Hummel replied absolutely. They investigate every complaint, take each one seriously, and the complaints will be seen to conclusion. Mr. Hummel said they recently hired two Employee Relation Officers, who are being trained, and they will make sure departments get the services that they need with complaints and investigating.

Mr. May commented that Mr. Hummel has been the common denominator linked to the support he and the Legislature have needed along the way. He has shouldered the technical aspects for some time, and Mr. May said this is a deserving appointment that he supports wholeheartedly.

A motion was made by Mr. May, seconded by Mr. Rowley, to approve this item. Ayes: 6 Absent: 1 (Williams); MOTION CARRIED.

2. SOIL AND WATER CONSERVATION DISTRICT:**a. Confirming Appointment to the Onondaga County Soil and Water Conservation District Board (Jessie Lyons) (Sponsored by Mr. Knapp)**

Chairman Knapp:

- Known Ms. Lyons long time; 6 acre Brady Farm doing tremendous things; involvement in community tremendous; commitment to ag and urban are unwavering; SWCD Board excited to have her come on board; wonderful addition

A motion was made by Mr. May, seconded by Mrs. Ervin, to approve this item. Ayes: 6 Absent: 1 (Williams); MOTION CARRIED.

3. FINANCE, DIVISION OF REAL PROPERTY TAX SERVICES: Don Weber, Director**a. Requesting New York State to Amend Section 931 of the Real Property Tax Law to Include Mortgage Investing Institutions and Authorize Single Payment of School and Village Taxes in the Manner Provided Therein**

- Amend state law to allow banks to make a single payment for all property owners; almost all parcels paid through escrow; allow counties paying directly would simplify how taxes are administered throughout the state
- Giving break down is similar to how it is handled now - every bank has code, so send computer files to them and they know which parcels need to be paid; send county what parcels are paid with check
- County can then mark them paid and receive them automatically; versus going to each individual town, village and school, which have turnover; becomes cumbersome
- Banks would be able to do a single payment to a county (only 60 versus 1,000s of towns, villages, schools); county knows the information with consolidated database of how much goes to each town, village school and portion it out

A motion was made by Mr. Rowley, seconded by Mr. McBride, to approve this item. Ayes: 6 Absent: 1 (Williams); MOTION CARRIED.

Chairman Burtis answered Mr. Ryan that Finance will stay on the meeting until the end.

4. HEALTH DEPARTMENT: Dr. Indu Gupta, Commissioner**a. Providing for Various Personnel Changes (Sponsored by Mrs. Abbott-Kenan)**

Mrs. Abbott-Kenan:

- Health Department needs authorization to hire Lab Director for Forensic Science Center; have not had one since October due to the person stepping down
- Specialized field; small amount of candidates; DA and Health Commissioner excited about candidate they have
- Does not impact budget; is a savings; \$140,000 position
- Female candidate with Masters in Science and MB; highly qualified

Dr. Gupta:

- Specialized lab with many scientists - 35 support staff with many different disciplines
- Candidate expertise in evidence intake, Biology DNA, controlled substance, toxicology, fingerprints, firearms, crime scene
- Added advantage - acquired electronic database quality management system for accreditation, document management and recording; she is an expert in that area
- Lab is nationally accredited; candidate is a specialist for accreditation and mentors other labs who want to be accredited
- Take opportunity to have this candidate be lab director for long term; not short term
- Certainly along with DA, felt that she was best suitable candidate

Chairman Burtis thanked Dr. Gupta for coming and for the great job her and her staff are doing.

A motion was made by Mrs. Ervin, seconded by Mr. Ryan, to approve this item. Ayes: 6 Absent: 1 (Williams); MOTION CARRIED.

*Mr. Williams arrived at the meeting.

**5. HILLBROOK DETENTION FACILITY: Damian Pratt, Director
a. Personnel Resolution and Amending the County Budget (Sponsored by Mrs. Abbott-Kenan)**

- Requesting approval to move forward with creation of 17 positions to staff renovations at Hillbrook - \$5 mil capital project to increase facility capacity from 32 beds to 50 beds
- Greater need for capacity for detention beds for 16 and 17 year olds no longer being able to be held at adult facilities (i.e. Justice Center)
- Currently at capacity; facility adequate for Onondaga County, which is 1 of 6 detention centers in NY outside of NYC
- Supplementing out of county youth to balance budget
- Positions are primarily supervising positions over youth directly; few positions to increase capacity with education and social work services

Mr. Ryan:

- Commend staff and expansion; County out in front of Raise the Age (RTA); now in position to take out of county kids
- Adding beds from 32 – 50, but only adding 1 teacher; do not know if staffing of teachers and TAs would coincide with potential head count; aware of educational opportunities that are state mandates
- How many teachers does the county have now?

Mr. Pratt:

- Currently have 5 teachers; only 1 being added, because of 1 additional classroom being added in new orientation wing
- New wing - 8 bed unit with dedicated lounge room and classroom
- Concept is newly admitted youth assigned to that unit; staff has few days to learn about who they are, and where they would fit in building; some youth get released on their own recognizance and others make bail in that initial period
- 1 teacher will be assigned to that classroom; will be sufficient

Mr. Ryan:

- Not sure agree with that assessment; spend money on 50 beds and staffing accordingly; 5 teachers for 32 is about 6 kids per teacher; only adding 1 for additional 18 with no Teaching Assistants (TAs); probably need additional teachers
- From educational standpoint, vocational services, individual learning plans
- Concern - would like more teachers; 1 or 2 teachers and a TA

Mr. Pratt:

- No TAs at Hillbrook; have 2 Child Care Workers with TA certificates that are utilized as TAs, but not dedicated
- Just had first resident obtain a High School Regents Diploma earlier this month; big accomplishment
- With older population, still learning; have vocational services for those above compensatory age of education
- Majority of residents here for much longer periods of time than before; all aspects of service (i.e. educational, psychiatric) constantly learning and evolving with need to supplement with staff; important moving forward
- Going through lot of learning in the process

Mr. May:

- Know this is something have to do; investing and talking about RTA since 2018; lot of time, money and people
- Dynamic situation with lots of dynamic needs that have obligation to fulfill; learning process
- Has not been a communication process; trying to catch up as well as colleagues
- Best thing done with RTA when it initially came up was the contingency strategy to gain collaborative understanding between the administration, Legislature and Hillbrook - Mr. Pratt is doing great job at Hillbrook
- Contingency strategy great way to pragmatically respond and comply; did not miss a beat; did what was right, no panic
- This particular situation is inconsiderate of the Legislature's overarching responsibilities; moving super-fast and received some information; lot more wanted to understand; at the same time know the need to comply
- Presentation focuses heavily on net neutral budget impact; great for Onondaga County, but also take into consideration that money is coming from somewhere; tax dollars are funding the positions; significant add
- Want to understand what they are doing and why; would like more detail on things up front; got document showing aggregate population and budgetary needs, but did not show population per day

- Would like to know where Hillbrook is on a per day basis with population
- What is the forecast for the day they are cutting the ribbon on expansion?
- Would like a forecast a year down the road
- Suggesting pragmatisms for solid understanding; moving fast and want bigger picture
- Asking that the committee not vote today to get some questions clarified
- Wish there was more consideration and more communication going in; want to make informed votes
- Cost of Hillbrook to taxpayers is exceptionally higher than any other incarceration or education facility

Ms. Rooney:

- In typical year these positions would be in budget process, but did not know contractor performance due to COVID
- Contractor did perform on budget and on time; that is when cases were spiking; anyone at fault, it is Ms. Rooney
- Conscious decision to not include at budget not knowing if construction would be done
- Completion 100% dependent on NYS to approve building and licensing with NSY OCFS and Office of Corrections
- Indication that construction looks good, completed much quicker than thought; that was the disconnect
- Takes time to hire; requirements for positions; looking at opening doors in June, so need to start process now
- Number of vacant positions to take advantage of, but these are new creates needed for programing; agreed to invest in with RTA; 1 of only 6 detention centers outside of NYC; all tax dollars, no matter the source
- Onondaga County taxpayer cost much lower than what other counties pay to have youth at Hillbrook
- Would like to have as many of the committee members go see the renovations; going to make a difference for safety

Mr. May said there have been crazy distractions this past year for everyone, but it does not change the questions he has. Mr. May said this is something they have committed to, and he's heard wonderful things about the expansion, but he would like to check boxes and understand things better than he does now.

Mr. Rowley stated that he shares Leader May's concerns. Will the 17 positions being created fully staff Hillbrook, or will they be anticipating more? Mr. Pratt responded this would fully staff Hillbrook.

Mr. Rowley asked if RTA kids are coming through the Criminal Justice System versus Family Court. Mr. Pratt:

- Both courts; essentially any 16 or 17 year old previously would have been detained at Justice Center
- Could be charged with felony offenses through the newly created part of Criminal Court or those with misdemeanor offenses in Family Court; do not have any young people on misdemeanor offenses
- Do see 16 or 17 year old charged with felony, whose case starts in Criminal Court, mechanism to move to Family Court; those that have more serious offenses that cannot stay in Criminal Court are still housed at Hillbrook

Mr. Pratt responded to Mr. Rowley that RTA costs are still 100% reimbursable from the state. Mr. Rowley asked if a kid comes through Family Court, then the County only receives 49% state aid. Is the County paid based on the child? How is the County reimbursed? Mr. Pratt:

- 16 and 17 are 100% no matter the court; as long as the offense allegedly committed happened after they turned 16
- Essentially sum of all Hillbrook's costs are entered into system for NYS OCFS, all expenses and operating; it is then divided up by care date; rate fluctuates - daily rate is something re-evaluated every quarter
- 2 separate rates: (1) rate for youth being housed in specialized secure detention – RTA youth; (2) rate for traditional secure detention youth (prior population to RTA)
- Running 2 separate detention facilities; all specialized secured youth have daily rates reimbursed at 100%; traditional secure detention are reimbursed at 49%
- Out of county residents held in secure detention are reimbursed at 100%

Ms. Smiley:

- Expenses go in to calculate rate, so expenses are included; put in all actual costs for a quarter, submit to state, then based on that a daily rate is established by care day; there is a tieback for actual expenses

Mr. Rowley:

- 2021 budget had quite a jump in dollars for Juvenile Justice – understood there were more kids through family court at a lower rate than RTA; also something with JD PINS and how that plays into costs
- Add 17 positions, saying 100% reimbursed, but trying to understand; may not be 100% reimbursed based on population

and other factors

Mr. Morgan:

- Bottom line is that it is complicated; state made process very complex; taking forever to approve plans and rates; still trying to absorb all the info and understand
- Confident increase costs incurred are being reimbursed; traditional detention population may be getting higher reimbursement rate based on the state's methodology
- Very complex; Onondaga County is one of few that operates a detention center
- Confident with work with state and team here that costs are covered with RTA at level promised by state
- JD PINS does not have tie to how Hillbrook is funded; placement costs for foster care are outside of Hillbrook – those are based on federal reimbursement if the child is eligible; rest goes against state block grant, which took a hit
- That hit probably caused the bump up in Juvenile Justice in CFS

Mr. Rowley wants to be comfortable that RTA is 100% reimbursable versus basing it on a rate, which may not be 100%.

Mr. May asked if all the expenses include correctional health, education and big ticket items. Is there any facet of operating costs that are excluded from the formula? Mr. Morgan responded that his understanding is that the RTA population rate is 100% reimbursable, and it includes all the associated costs that go into the rate calculation. This includes correctional health and education.

Chairman Knapp asked if capital is built in or reimbursed separately. Mr. Morgan replied that he believes capital is part of the approved plan, and it does not flow through the operational rate. Ms. Smiley:

- Correct; expansion plan was 100%; certain things are set dollar amounts through normal expenses in budget

Mr. Morgan stated there are capital costs rolled into the rate, but these capital costs associated with modifying the structure for RTA is separate (being paid for offline).

Chairman Burtis stated there will be no vote taken. Thank you Mr. Pratt and Ms. Rooney. Hillbrook does important work for the County, and he appreciates the people there and the work they are doing. Chairman Burtis asked if there are communications regarding this, please include him.

Chairman Burtis took the agenda items out of order.

7. COUNTY LEGISLATURE: Carl Hummel, Commissioner of Personnel

a. INFORMATIONAL: Calling for a Public Hearing to be Held on the Terms and Conditions of Employment for the Bargaining Unit Represented by the Deputy Sheriff's Benevolent Association ("DSBA") of Onondaga County, Inc. for the Calendar Year 2019

- Negotiated with DSBA over months and unsuccessful in agreement; went into 3 sessions of mediation with no agreement; went to fact finder, who issued report which was rejected (report has to be accepted in full as is)
- 10 days from fact finder report to refer to Legislature; in interim attempted to continue to reach agreement
- Had back and forth with Union; Friday sent over another offer, but have not heard back
- If not able to reach agreement, it is in the Legislature's purview to act at that time and impose a contract for 2019, then administration would start with 2020 negotiations

Chairman Burtis stated this item is informational, so there will be no vote on the item.

Mr. May said that Mr. Hummel said it is in the Legislature's purview, and the Legislature needs to set a public hearing to undertake the imposition process in light of where negotiations are right now. Mr. Hummel said yes, but the Legislature has the discretion of when to do this. At some point, the Legislature would have to undertake this if they are unable to come to a resolve.

Chairman Knapp clarified that this resolution will be considered, as the previous item, so it can go to session.

Mr. Ryan is hopeful they will not have to take action, but if an agreement cannot be reached, then the Legislature has to consider imposing the fact finder report. Why would the Legislature not do this sooner than later? Mr. Hummel replied that the Legislature would not be imposing the fact finder's report, because it includes both economic and non-economic items. The only action the Legislature can impose is for one year wages only, and all other items would remain the same for that period. Mr. Ryan said the terms and conditions of the DSBA would be an extension of the previous with the exception of wages only, and Mr. Hummel agreed. The 2012 – 2018 contract would remain for 2019, and when they go back to the table, they will negotiate 2020 forward. Mr. Ryan asked if the wage rates would be the wages in the fact finder's report, and Mr. Hummel replied that it would be what the Legislature imposes. The County Executive's letter suggested a 0% increase. Mr. Hummel agreed with Mr. Ryan that the fact finder's report shows a 1.25% increase for 6 months and 1.25% for 6 months equaling a total of 2.5% for 2019.

6. HUMAN RIGHTS COMMISSION: Monica Williams, Commissioner of the Office of Diversity and Inclusion
a. Annual Report

Mr. May stated that the report is very good, concise and it has been received. They did a great job last year. Chairman Knapp said they all received the report electronically, and he recommend that if anyone has questions, they can reach out to Ms. Williams or other legislators through email. Mrs. Ervin said this is the first report from the commission, and she commends Ms. Williams on the report and the efforts they put in.

Ms. Williams said she is very proud of the very first annual report, and she read the statement on the first page of the report, *"I want to take this opportunity to let you know how grateful I am to the Commissioners who volunteer their time to serve on the Human Rights Commission (HRC). In a time like no other our nation has seen the civil discord and unrest of people whose basic Human Rights have been violated. It has never become more evident of the importance of the work that this Commission has done and will continue to do. The Human Rights Commission is a multi-function program which demonstrates its commitment to Human Rights for all of the citizens of Onondaga County. This Commission responds to requests for information and provides other forms of assistance for community members in relation to human and civil rights concerns; investigates allegations of discrimination; takes actions designed to promote cross-cultural understanding and alleviate inter-group conflict; and also educates the public on human and civil rights. As you read their prepared Annual Report, you will see the dedication and commitment to the work that this Commission does on behalf of the citizens who live in our County. I look forward to the Commission's continued work in the upcoming year."*

- Page 5 of the report shows a break down for the number of calls received for 2020; majority of calls are dealing with police misconduct, mental health, crime, attorney referrals and family court
- Uptick with mental health calls and people in crisis; loved ones housed in Justice Center
- Since 2016 received the most calls to date; received every call and got back to every single person
- Proud of what everyone is doing on behalf of the citizens of Onondaga County; look forward to continuing the work
- Revamped commission - what duties and responsibilities are
- Asked them to improve on getting out in community, especially during pandemic; as well as civil unrest
- Being very strategic with people applying to be on HRC – looking to have all members in community represented on commission; as well as work with other agencies doing similar work
- Scheduled 4 public hearings to deal with mental health issues, as well as understanding COVID-19 and vaccination – why it is important; try to dispose myths, especially in African American community

8. LAW DEPARTMENT:
a. Settlement of Action

Mr. Yaus stated that the resolution they are about to consider concerns pending litigation, and he would recommend it be discussed in Executive Session.

Chairman Burtis moved that the committee go into executive session for the purpose of discussing proposed, pending or current litigation. Mr. Ryan seconded the motion. Passed unanimously; MOTION CARRIED.

Ms. McNamara stated that this committee will now enter into executive session.

A motion was made by Mr. Ryan, seconded by Mrs. Ervin, to exit executive session and enter regular session. Passed unanimously; MOTION CARRIED.

Chairman Burtis stated for the record that no motions or actions were taken during executive session.

Mr. Frateschi said the resolution was considered, so it can go to session. No vote is necessary.

Mr. Frateschi clarified that if there is a quorum or more, the meeting cannot be adjourned if there is a discussion of an issue related to public business.

Mr. Ryan:

- Questions regarding how the County is trending with sales tax, state aid reduction and budget; potential for stimulus money; wondering about the overall picture of how the County is going to end (for 2020) and where it is headed
- As close books on 2020, talked about having to take \$20 mil from surplus - Does the County still have to do that?
- Did sales tax receipts increase? What is net increase? Where will additional revenue go?

Mr. Morgan:

- Not prepared to report on year end, as there were still entries as recent as last week
- Working with Comptrollers to get everything in and officially close, so they can work on the financial statements
- Last year projection was deficit of \$18 mil - projection when brought over budget last fall; sales tax projected to end year at -7%; did not end at -7%, but -2.5%; sales tax ended better than anticipated; only one facet
- Lot of other pieces in that impact how the County ends from global perspective
- Close to finally closing, but not prepared to report detail; hopefully soon
- Sales tax is not the only thing that impacts how the County ends the year; it does not mean it will impact the projection
- Adopted budget for 2020 sales tax County share was \$286 mil; actual was \$270 mil; \$16 mil miss for sales tax

Mr. May requested that this be put on the agenda for the next meeting, and at that point, Mr. Morgan could possibly fill in the blanks. Mr. Morgan replied yes. He typically reports on the prior year with the first quarter forecast, but he does not see why he could not have an item for April Ways and Means to debrief. Chairman Burtis responded to Mr. Morgan that April Ways and Means has been moved to April 27th. Mr. Morgan said the books will be in shape to give a summation and report out on how 2020 ended.

Mr. Ryan asked if Mr. Morgan could also talk about the implications on state aid as well. Mr. Morgan said yes, but he is now referencing the 2021 budget. Mr. Morgan said he can give a sum for 2020 by April Ways and Means, but he does not believe he will have the first quarter forecast done for the current year. Mr. Ryan said it is important to know where the County is headed with changes and implications from Albany, and how it will impact the budget.

A motion was made by Mr. May, seconded by Mrs. Ervin, to adjourn the meeting. Passed unanimously; MOTION CARRIED.

The meeting was adjourned at 11:04 a.m.

Respectfully submitted,



JAMIE McNAMARA, Clerk
Onondaga County Legislature