

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: FEBRUARY 27, 2008

COMMITTEE MEMBERS PRESENT:	OTHERS PRESENT:
SUPERVISORS THOMAS	CHAIRMAN MONROE
TESSIER	HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL SERVICES
STEC	
MERLINO	JOAN SADY, CLERK, BOARD OF SUPERVISORS
GIRARD	SUPERVISORS BELDEN STRAINER
COMMITTEE MEMBERS ABSENT:	MICHAEL SWAN, DIRECTOR OF REAL PROPERTY TAX SERVICES
SUPERVISORS HASKELL	AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST
BENTLEY	

Mr. Thomas called the meeting of the Legislative & Rules Committee to order at 11:25 a.m.

Motion was made by Mr. Girard, seconded by Mr. Tessier and carried unanimously to approve the minutes from the October 10, 2007 Legislative Committee meeting, subject to correction by the Clerk of the Board.

The agenda was distributed to the Committee members, a copy of which is on file with the minutes.

Mr. Thomas began with a review of agenda item number one, which pertained to resolutions from Essex and Fulton Counties requesting support for the Medicaid County Protection Act of 2007 (H.R. 326). He reminded the Committee that this request had been presented at their March 7, 2007 meeting, at which time the Committee had determined that no action would be taken with respect to the matter. Mr. Thomas apprised that in researching the bill online, he had learned that it had initially been introduced by North Carolina Congressman Butterfield and was referred to the House Committee on Energy and Commerce and subsequently to the Sub-Committee on Health in February of 2007. He said that since that time, the North Carolina State Legislature had worked out an agreement with its Counties regarding the matter and subsequently Congressman Butterfield had composed a letter asking the Sub-Committee on Health not to move the bill forward. In light of this information, Mr. Thomas advised, it was his understanding that the bill was now abandoned; however, he said, the Committee could vote to authorize a resolution encouraging Congresswoman Kirsten Gillibrand to revive the bill. He explained that in essence, the intent of the bill was for Medicaid costs, in all States, to be borne on the State Government rather than the Counties.

Mr. Tessier advised that the Board of Supervisors had passed and forwarded similar resolutions in the past, to no avail.

Upon further discussion, it was the consensus of the Committee that no action would be taken with respect to this issue.

Mr. Thomas advised that they would skip to the pending items section of the agenda, wherein item 7a denoted a referral from the Real Property Tax Services Committee asking the Legislative & Rules Committee to revisit the Homestead Act. He reminded the Committee that they had discussed this matter in the past with Teri Ross, former Deputy Director of Real Property Tax Services, and it was his understanding that the Homestead Act would allow for secondary and vacation homes to be taxed at a different rate than year-round residents.

Michael Swan, Director of Real Property Tax Services, whom Mr. Thomas introduced to address the issue, advised that Mr. Thomas' understanding of the Homestead Act was incorrect. He explained that the Homestead Act was used in cases where a re-evaluation of property values caused a shift of the tax burden from commercial entities to residential homeowners, due to the fact that residential values increased faster than commercial. He said that in those cases, the Homestead Act could be enacted to take the percentage of change and move it back to the commercial entities, thereby relieving the residential property owners. Mr. Swan then read from Section 903 of the Homestead Act which advised that "*the governing body of any approved assessing unit, except the County, may adopt the provisions of this section*". He said that this meant the County could not institute the Homestead Act unless it was the assessing entity, which they were not. Mr. Swan said that the Act would have to be introduced by either a Town or a School District to be legally enacted.

Fred Monroe, Chairman, entered the meeting at 11:26 a.m.

Mr. Belden asked if the County could enact the Homestead Act if it became the assessing entity and provided assessments for all of the Towns of Warren County and Mr. Swan replied affirmatively. However, Mr. Swan noted, the Homestead Act did not distinguish between primary and secondary homes; therefore, it would not allow for differentiating tax rates.

Subsequent to discussion on the matter, it was determined that no action would be taken with respect to the Homestead Act and that it should be removed from the pending items list.

Mr. Swan left the meeting at 11:35 a.m.

Resuming the agenda review with item three, Mr. Thomas advised that the agenda included a sample resolution from Assembly Minority Leader James Tedisco requesting that Warren County support Assembly Bill A.5333 which would provide reimbursable grants to Counties for Medicaid fraud investigation software.

Mr. Belden stated that if the Committee chose to pass a resolution in support of the bill, a copy should be forwarded to both NYSAC (New York State Association of Counties) and the Inter-County Legislative Committee of the Adirondacks. Mr. Thomas replied that, if approved, the resolution would be forwarded to Governor Eliot Spitzer; the Temporary President of the State Senate; the Speaker of the NY State Assembly and to each member of the New York State Legislature; he added that the resolution could also be sent to NYSAC and the Inter-County Legislative Committee of the Adirondacks, as per Mr. Belden's suggestion.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to authorize a resolution in support of Assembly Bill A.5333, to provide reimbursable grants to Counties for Medicaid fraud investigation software, for presentation at the March 21st Board meeting.

Mr. Thomas introduced agenda item four which referred to a second request from Assembly Minority Leader James Tedisco, asking for Warren County's support of the NY State Property Taxpayers Protection Act, and he noted that a sample resolution relating to the matter was included in the agenda.

Mr. Stec apprised that the Queensbury Town Board was likely to adopt a similar resolution of support, which would state that growing property taxes were a problem and they wished to limit tax increases to 4% or inflation, whichever was lower.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried unanimously to authorize a resolution in support of the NY State Property Taxpayers Protection Act for presentation at the March 21st Board meeting.

Moving to agenda item five, Mr. Thomas directed the Committee members to a request from the NYSAC Legislative Committee to consider the adoption of a resolution urging the State Legislature to oppose the proposed shift of the State's historic share of public assistance to the Counties of New York State. He noted that the cost split had previously been 50% each for the County and State and it had been proposed that the split be changed to 52% for the County, 48% for the State. Mr. Thomas apprised that at the previous meeting of the Inter-County Legislative Committee of the Adirondacks they had passed a similar resolution and it was his opinion that it would be wise for the County to do the same.

Mr. Monroe suggested that the resolution would have a greater impact if it included the additional costs that would be incurred by Warren County if the Legislature approved the shift in the State share.

Mr. Thomas stated that he found it ironic that the State was discussing property tax reform and considering a possible cap on such costs while Governor Spitzer was proposing a shift of medicaid costs to the Counties.

Motion was made by Mr. Girard, seconded by Mr. Merlino and carried unanimously to authorize a resolution urging the State Legislature to oppose the proposed shift of the State's historic share of public assistance to the Counties, and to include the specific financial impact of \$40,000 annually to Warren County, for presentation at the March 21st Board meeting.

Mr. Thomas stated that agenda item six pertained to a second request from the NYSAC Legislative Committee to consider the adoption of a resolution urging the State Legislature to oppose the proposed shift of 100% of the costs of juvenile detention facilities to the Counties.

Motion was made by Mr. Tessier, seconded by Mr. Stec and carried unanimously to authorize a resolution urging the State Legislature to oppose the proposed shift of 100% of the costs of juvenile detention facilities to the Counties, noting the specific financial impact of \$100,000 annually to Warren County, for presentation at the March 21st Board meeting.

Completing the agenda review, Mr. Thomas advised that agenda item seven pertained to pending items, the first of which had been addressed earlier in the meeting. He noted that the remaining pending item referred to a request for Paul Dusek, County Attorney, to research the prior Compact relative to the Lake George Basin. Mr. Dusek was not present at the meeting; however, he advised Hal Payne, Commissioner of Administrative & Fiscal Services, that he had no update on this item and had requested that it remain on the listing of pending items for discussion at a future Committee meeting.

Mr. Monroe stated that he had two items for discussion, neither of which were included on the agenda. He said that first, he wished to apprise the Committee that in previous discussion he and Mr. Payne had determined that it would be beneficial to the County to contact the press regarding the fiscal impact of State mandates to the County and the additional mandates entailed through Governor Spitzer's proposed Budget. Mr. Monroe said the most effective way to notify the public of these issues would be to relay a listing of the mandates and the related costs for 2007, as well as those that would be incurred for 2008 if the Governor's Budget was approved. He noted that a very informative presentation had been made at the recent NYSAC Conference that clearly showed that the whole theory behind the possible forced consolidation had not worked in other places when applied and had resulted in increased costs. In addition, Mr. Monroe stated, the reason that the local property tax burden was so high was because many costs were being shifted from the State to the County level.

Joan Sady, Clerk of the Board, stated that these figures could be easily provided, as a list of the mandated costs had already been produced. Mr. Payne pointed out that in developing this listing they had determined that the mandated expenses were more than the amount to be raised by tax, by approximately \$5 million. Mr. Monroe stated that this information needed to be relayed to the public in hopes that they would then voice their concerns regarding this problem at the State level. Mr. Payne apprised of his previous request for each Department Head to advise of the impact that Governor Spitzer's proposed Budget would have on each Department. He said that he had been receiving the requested information and it would be very easy to compile a listing of the anticipated cost impact to the County.

Mr. Girard suggested that it might be better to publish this information as a public service announcement, paid for by the County, rather than to simply relay the information to the press. He said that if the information were published by the County they would have control over exactly what was viewed by the public, rather than relying on the press to publish the information as they saw fit. Mr. Tessier agreed that this was the best suggestion and Mrs. Sady added that it would be fairly easy to publish this information in the form of a chart showing 2007 mandated expenses versus those anticipated for 2008. She added that it would be worth the expense to have the correct information

portrayed for public viewing.

Mr. Payne advised that he had recently received an email from NYSAC asking for phone calls to the State Assembly and Senate switchboards voicing the County's opposition of the shift of costs at the State level to the County. He suggested that they might also consider publishing the telephone numbers for both the State Assembly and Senate along with a recommendation that the public contact these groups to voice their opposition and concerns regarding the shift in costs. Mr. Belden agreed that this was an excellent idea.

Discussion ensued.

Mr. Monroe advised that the second item he wished to present was with respect to a resolution, similar to one recently adopted by NYSAC, regarding the practice of passing the costs of State programs to County Government, and he distributed copies of a draft resolution to the Committee members. *A copy of the draft resolution is on file with the minutes.*

Mr. Thomas read the draft resolution, entitled "Resolution Calling on the Governor and State Legislature to end the practice of passing costs for State programs to County Government and our property taxpayers".

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to approve a resolution calling on the Governor and State Legislature to end the practice of passing costs for State programs to County Government and our property taxpayers for presentation at the March 21st Board meeting.

Mr. Monroe stated that the resolutions authorized regarding the shift of costs should also be forwarded to the Temporary Committee on Local Government Effectiveness and Competitiveness as this Committee was looking for input as to the causes of increased property taxes.

As there was no further business to come before the Committee, on motion made by Mr. Stec and seconded by Mr. Merlino, Mr. Thomas adjourned the meeting at 11:50 a.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist