

Annual Report of the Broome County Legislature and Office of the Clerk of the Legislature for the year 2008

LEGISLATIVE BRANCH

The Broome County Legislature and the Office of the Clerk of the Legislature comprise the legislative branch of government of the County of Broome, New York. Following the form of government set forth in the Constitution of the United States, the Constitution of the State of New York, and the Broome County Charter, the annual budget, contracts, agreements, leases, the acquisition or sale of county property and other assets, and other matters require approval by the Legislature in order for the County Executive and the County's department heads and employees to execute them.

Broome County is divided into nineteen legislative districts and one legislator is elected by the voters of each district to serve a two-year term. Subsequently, the Clerk of the Legislature and the Legislative Assistant are appointed by the Legislature. The Clerk of the Legislature appoints the remaining staff in the office.

PERSONNEL

In 2008, the staff of the Legislature consisted of the following. ** ***

Clerk of the Legislature	Eric S. Denk *
Deputy Clerk of the Legislature	Nancy S. Herko * (through 2/28/08)
Second Deputy Clerk of the Legislature	Carol L. Hall (through 2/28/08)
Deputy Clerk of the Legislature	Carol L. Hall (beginning 3/3/08)
Second Deputy Clerk of the Legislature	Joanna M. Kamin (beginning 3/3/08)
Third Deputy Clerk of the Legislature	Jennifer K. Royer *
Legislative Assistant	Christopher H. Marion #
Legislative Aide	Michael J. Hanbury (beginning 3/3/08)

Legislative Assistant Chris Marion was mobilized with the New York Army National Guard from January 2008 through January 2009. Mr. Marion, who is a Lieutenant in the National Guard, commanded a platoon for nine months in Afghanistan, primarily in and around Kabul, as a part of Operation Enduring Freedom of the War on Terror. As a result, the Legislature temporarily authorized the creation and funding of the position of Legislative Aide.

* Notary Public, State of New York

** For a complete list of Members of the Legislature, please see Appendix A

***The County Comptroller, who is also appointed by the Legislature submits a separate annual report.

LEGISLATION

In order for an item to be considered by the Legislature, a Request for Legislative Approval (Request) must be submitted to the Office of the Clerk of the Legislature along with appropriate accompanying documentation to enable staff to draft a resolution, ordinance, or local law for consideration.

Upon receipt of a Request, a log is created to track the item from the time it is received through the drafting and distribution to legislators of the final draft, to the assignment to committee, to the assignment to the floor of the Legislature, to its final disposition: adoption and enactment, adoption and veto, or defeat.

The Office of the Clerk of the Legislature reviews the request and accompanying documentation in order to produce a draft resolution. This review may include a search of indexes, files, or Journals of Proceedings for past related resolutions and/or contacting the originating department for additional information or clarification. The Clerk and staff use the information gathered to draft the resolutions. Drafted resolutions are sent to the Department of Law for review by counsel.

Once the resolutions are prepared in their final form, including committee assignments, the staff produces committee meeting agendas and ultimately the agenda for the legislative session.

The completed package of resolutions and agendas is then reproduced and distributed to legislators and all appropriate department heads in preparation for the committee meetings and the legislative session.

The legislative staff processed a total of **770** resolutions in 2008. A five-year history of the resolutions follows:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Legislative Staff	577	688	674	752	710
Law Department	31	35	30	18	8
Budget Office	35	27	50	56	52
Total	643	750	754	826	770

LEGISLATIVE/COMMITTEE MEETINGS

The above mentioned resolutions are prepared for review and action through the committee system before they are acted upon by the full Legislature. A five-year history of committee meetings and legislative sessions follows:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Regular Committee Meetings	119	119	118	107	107
Special Committee Meetings	11	15	16	13	10
Committee of the Whole Meetings	1	7	4	2	4
Total	131	141	138	122	121
Regular Legislative Sessions *	15	16	15	15	13
Special Legislative Sessions *	4	3	5	5	3
Total	19	19	20	20	16

* In 2008, the County Executive's State of the County Message and Budget Address were scheduled during a regular legislative session.

Preparation for the committee meetings and legislative session requires special attention:

- Resolutions are copied and distributed to all legislators and other affected units of county government prior to committee week
- Agendas for each committee are prepared for each committee and distributed with the resolutions
- A clerk is assigned to cover specific committee meetings, take notes, record votes, and prepare minutes of the committee meetings
- Special meetings require special notices to be posted and sent to Legislators as well as the news media at least 48 hours prior to the meeting to comply with the Open Meetings Law

During the committee meetings, resolutions can be defeated, deferred, or approved. Resolutions approved in committee are assigned to the Floor of the Legislature at the ensuing Legislative Session. Following the committee meetings, the Legislative Session Agenda, containing all of the Resolutions and other business to come before the Legislature at that Session, is produced.

Following the legislative session, all adopted resolutions are signed by the Clerk of the Legislature and presented to the County Executive for his or her signature. Resolutions that are returned to the Clerk signed by the County Executive are officially enacted and are then distributed to all appropriate units of the County. Resolutions returned unsigned are effective 10 days after they were presented to the County Executive. If a resolution is returned with a veto, the Legislature may act to override said veto and, with a super majority of 15, approve the resolution over the objection of the County Executive.

Minutes of the legislative session are prepared for approval by the Legislature at its next regular session and, once approved, are made part of the Journal of Proceedings.

AD-HOC COMMITTEES (GASB 45 CITIZENS TASK FORCE)

In 2008, the GASB 45 Citizens Task Force, formed by Chairman Whalen in response to the Governmental Accounting Standards Board's Statement No. 45, began meeting. Statement No. 45 required government entities to report on future unfunded financial obligations called Other Post Employment Benefits (OPEB). The task force met ten times throughout the year and is expected to issue a final report in 2009.

JOURNAL OF PROCEEDINGS

The Clerk of the Legislature is required by State statute to prepare and publish an annual Journal of Proceedings. In 2008, the Journal for the year 2007 was prepared for publishing and published. The 2007 Journal of Proceedings contains **974** pages. The information in the Journal includes:

- Minutes of all Legislative Sessions
- The County's Operating Budget (2008)
- The Operating Budget for Broome Community College (2007-2008)
- Excerpts of the Operating Budgets for each town in the county
- Current Financial Report of the County
- Current County Salary Schedule
- Schedule of County Real Property Taxes

LOCAL LAWS

Local Laws are handled and presented to the Legislature in resolution form. If the Local Law is adopted, a public hearing is scheduled before the County Executive following said adoption by the Legislature. After the County Executive conducts the public hearing he or she can sign the Local Law or exercise one of the other alternatives. Once the County Executive signs the Local Law, it is filed with the County Clerk and the Secretary of State of the State of New York. Upon verification of receipt and recording by the Secretary of State, the Local Law is deemed fully enacted and it is distributed to the appropriate departments. A five-year history of local laws follows:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Local Laws drafted and presented to the Legislature	18	8	9	12	12
Local Laws defeated/withdrawn	6	2	0	4	2
Local Laws adopted by the Legislature	8	6	7	10	9
Local Laws passed by the Legislature and scheduled for public hearing the following year	1	2	2	0	0
Local Laws filed with the Secretary of State	9	8	8	10	9
Local Laws adopted for Public Referendum	2*	0	0	0	1*

* The two Local Laws adopted for Public Referendum in 2004 were both defeated in a Public Referendum in 2004. The Local Law adopted for Public Referendum in 2008 was approved by the voters in 2008.

FREEDOM OF INFORMATION REQUESTS

“The Freedom of Information Law (FOIL), effective January 1, 1978, reaffirms an individual’s right to know how government operates. It provides the right of access to records reflective of government decisions and policies that affect the lives of (citizens). The law also preserves the Committee on Open Government, which was created by enactment of the original Freedom of Information Law in 1974.” (From the booklet “**Your right to know. New York State’s Open Government Laws**”)

The Clerk of the Legislature was designated by Resolution 201 of 1986 as the Records Access Officer for all County agencies with the exception of the County Clerk, the Board of Elections and the Department of Social Services. In order to be supported by FOIL, a request must be submitted in writing. In order to assist people seeking public documents, the office developed an “application for public access to records”. FOIL requests are acknowledged in writing and the request is forwarded to the appropriate County agency for response. When the agency responds, the applicant is notified of any charge that may be due. There is a fee, as allowed by statute, for providing records on paper or other media. Those fees are as follows 25 cents per page for paper records (waived in this jurisdiction for records that are four pages or fewer), \$2.00 for CD’s or Diskettes, \$2.00 for Polaroid photographs, \$.28 for digital full color picture printed on 8 ½” x 11” paper, \$.50 for pictures printed on photographic paper. For maps, we follow the fee structure set by the Department of Planning and Economic Development. Once the fee is collected, the requested information is provided to the individual seeking the information. A log of all requests is maintained, including the applicant’s name, the date, the agency that supplied the record, and what action was taken.

In 2006, the State of New York mandated that local governments accept FOIL requests via email. Additionally, a FOIL request that is submitted electronically must be replied to electronically. And, if the information that the applicant requests is available electronically, it must be provided electronically.

Electronic records, as stated by state law, if provided by email, are provided at no expense to the applicant.

There is a dedicated E-Mail address for submitting FOIL requests (foil@co.broome.ny.us) and a dedicated page on the County's web site (www.gobroomecounty.com/legis/LegisFOIL.php) explaining how to apply for Broome County records. The FOIL page not only provides detailed instructions on how to submit a FOIL request by fax, on paper, or via email, it also provides downloadable forms in both Word format and Adobe Acrobat format. The page also includes a link to the New York State Committee on Open Government's web site to assist people with questions and appeals. There is a link to the foil page on every page of the County's web site. In December 2008 a new on-line submission form for FOIL requests was created in conjunction with the Division of Information Technology. Consumers may submit requests using this form without having to download a form. It is anticipated that this form will especially benefit people with low speed internet connections as well as people with limited computer experience.

A five-year history of FOIL requests and the generated revenue follows:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Paper Requests				467	421
Email Requests				88	120
Total Processed	428	365	418	555	541
Revenue	\$1,699.00	\$1,714.25	\$1,573.46	\$998.25	\$1,171.75

An increase from 88 E-Mail based requests in 2007 to 120 in 2008 reflects a 25% increase in usage of foil@co.broome.ny.us

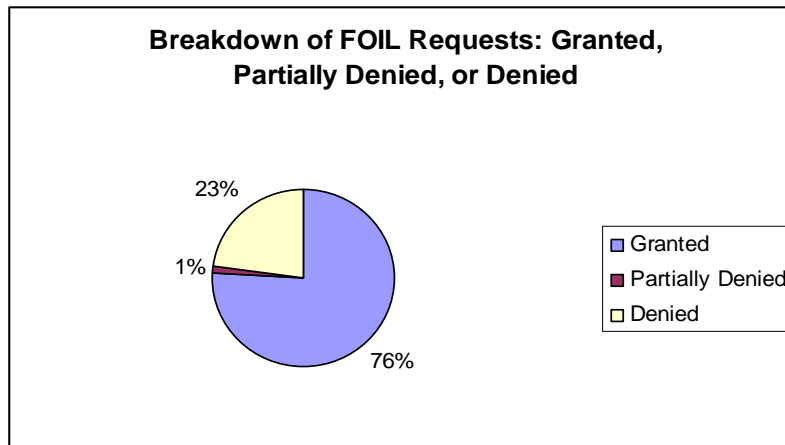
While most applications are requests for records contained in a single department, some requests require information to be supplied by more than one department. In 2008, while there were 541 received by this office requests, 556 requests were sent to departments in an effort to fill those requests. A table showing how many FOIL requests were sent to each department in 2008 follows:

Aviation	5
BCC	19
BMTS	1
County Clerk	3
Legislature	22
DA	22
Sheriff	237
DPW	10
Health	76
Finance	14

EMS	14
Elections	1
DSS	6
EMS-FIRE	21
IT	5
Law	5
Appeal	12
Parks & Rec	4
Personnel	9
Planning	5

Probation	2
Security	17
Public Transportation	1
Purchasing	24
Risk & Insurance	2
RPTS	17
Weights & Measures	1
Willow Point	1

There were a total of 422 requests granted, 7 partially denied (*redactions*), and 127 denied for various reasons. Requests are denied for reasons such as release of record could compromise an open criminal investigation (*Public Officers Law §87(2)(e)*), release of record is exempted by another statute (*ie: 911 calls are exempted by NYS County Law §308(4) or information identifying minors is exempted under Juvenile Law*), release of record would be an unwarranted invasion of privacy (*Public Officers Law §87(2)(b)*), record involves trade secrets (*Public Officers Law §87(2)(d)*), or record is maintained by the court systems and not available through FOIL of Broome County. By far, the vast majority of requests denied were denied because the record is not maintained by Broome County, which very often means that the applicant requested the record from the wrong municipality (*ie: record maintained by a municipal police department or New York State Police, not Broome County Sheriff*).



CODE OF ETHICS

The Office of the Clerk of the Legislature serves as the support unit for the County's Board of Ethics. The Clerk handles correspondence for the Board of Ethics as well as the distribution of the Annual Statement of Financial Disclosure forms. In 2008, **220** forms were distributed to all elected personnel and others who are required to complete the forms as specified in the Broome County Charter and Code.

When the completed forms are returned to the Clerk, they are logged in and made available **only** to the Board of Ethics.

COUNTY GUIDE

The Clerk of the Legislature compiles and publishes annually a Guide to County, City, Town and Village Officials. Each municipality in the County is contacted and asked to review their information for changes and updates. The Real Property Tax Director provides statistical information for each municipality and the Clerk's staff reviews and updates all other information.

Copies of the Guide are distributed to County Departments and to municipalities throughout the county. The first copy of the Guide is free. Pursuant to Resolution 319 of 1996 (Local Law Intro. 10) a \$2 fee was instituted to cover the cost of printing and distribution to requesters other than Broome County Government.

This information is now also available on the County's web site **WWW.GOBROOMECOUNTY.COM** under Community (Municipalities).

A five-year history of the Guide and the generated revenue follows:

	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Copies Published	1,300	1,300	1,300	1200	1200
Revenue from Sale of Guide	\$94	\$94	\$60	\$42	\$84

DESK DIRECTORY (Blotter)

The Desk Directory is published annually by the Clerk of the Legislature. The directory contains the names of county department and division heads, phone numbers, fax numbers, and the calendar of sessions for both the Board of Acquisition and Contract and the County Legislature. The names of county, state, and federal elected officials are also included. Included are the names and telephone numbers for the following:

- All elected Broome County government officials
- All Broome County Departments/Divisions
- County Court Judges and their clerks
- State Supreme Court Justices and their clerks
- Law Library Trustees
- Jury Board Members
- Board of Elections Commissioners and Deputy Commissioners
- United States Senators
- Congressional representatives covering Broome County
- New York State Senator covering Broome County
- Members of the state Assembly covering Broome County

In 2008, the Desk Directory was co-sponsored by the International Brotherhood of Electrical Workers (I.B.E.W.), Local 325, the Plumbers and Pipe Fitters, Local 112, of the United Association of Journeyman and Apprentices of the Pipefitting Industry of the United States and Canada, and the Laborers International Union of North America, Local 7.

Five hundred copies of the Desk Directory are produced distributed free to county and other governmental agencies and, if available, to other interested parties.

AGRICULTURAL DISTRICT PROGRAM

In 1971, The New York State Legislature enacted the Agricultural Districts Law, which created the Agricultural District program, a tool for maintaining lands in agriculture and assuring New York's position as an outstanding agricultural state. Rather than seeking to "preserve" agricultural lands, the Agricultural Districts Law seeks to create an economic and regulatory climate which will encourage farmers to continue farming. Relying primarily on the initiative of landowners and local governments with state oversight, the law provides agricultural landowners with a number of benefits and protections.

Agricultural districts are initiated by landowners and ultimately adopted or rejected by the county legislative body, the elected representative of all citizens in the county. Once a district is approved or modified, the information must be sent to the New York State Department of Agriculture and Markets, which assures that the district plans conform with the requirements of the law.

AGRICULTURAL DISTRICTS – EIGHT YEAR REVIEW

The County Legislature must reconsider each Agricultural District every eight years. The Legislature can vote to discontinue the district, or continue the district with or without changes.

In 2008, Broome County conducted the eight year review of Agricultural District No. 4. As a result of said review, 33 parcels were added and 51 parcels were removed from the District. Following the review, the district contained 2,406 parcels.

AGRICULTURAL DISTRICTS – ANNUAL INCLUSION PERIOD

The Agriculture and Markets Law was amended by the 2003 New York State Legislature to provide farmers with viable farm land parcels within a certified agricultural district to add those parcels to an existing agricultural district annually instead of waiting until the agricultural district's eight-year review is conducted.

Pursuant to Law, the Broome County Legislature, by Resolution 496 of 2004, established an annual 30-day period during which land owners can submit proposals to include viable farm land within a certified agricultural district. The 30-day period runs annually from December 1 through December 31.

At the end of this 30-day period, all requests for inclusion are referred to the County Agricultural and Farmland Protection Board (AFPB). The AFPB determines if each request for inclusion in an agricultural district consists of predominately viable agricultural land and would serve the public interest by helping to maintain a viable agricultural industry within the district.

The recommendations of the AFPB to include parcels in an agricultural district are made to the County Legislature. Following a public hearing, the County Legislature adopts or rejects a resolution to include the parcels into an existing agricultural district.

A public hearing by the County Legislature and adoption/rejection of a resolution including the parcels in an agricultural district was held in early 2008. At that time, nine (9) parcels were added to existing agricultural districts. The list of these parcels along with the required resolutions and maps of the affected districts were filed with, and accepted by, the New York State Department of Agriculture and Markets.

INTERNSHIP PROGRAM

In 2007, this office instituted the Legislative Internship Program (Program) targeted toward college students for multiple purposes. The program offers practical learning opportunities in the Office of the Legislature, which are tailored for college students and graduate students. At the beginning of the program, each intern receives an orientation manual which includes information about county government in New York, and a substantial amount of information about Broome County and its municipalities. At the student's option, it is the student's responsibility to arrange for academic credit from his or her college or university. In 2008, more than half of the traditional students who completed the program sought and received academic credit from their respective colleges or universities for their participation in the program.

Participants in the Program assist the Legislative Assistant with research, data compilation and analysis, and other projects as required. The student interns also assist the Chairman and Legislators with public relations, constituent service matters, and other support services and occasionally assist the Clerk and staff with limited tasks. Intern projects are designed in consultation with the Chair of the Legislature, who receives periodic updates of project status.

Upon completion of the Internship Program each intern receives a letter of completion from the Clerk of the Legislature and a letter from the Chairman thanking him or her for the services rendered.

Student Interns assisted staff with research and other items and allowed this office to be more productive in general. A highlight of 2008 student intern projects was the creation of the Green Recognition Program, which is a program recognizing organizations for environmentally friendly practices.

In 2008, this office hosted a number of student interns as follows:

	Winter Break	Spring Semester 2008	Summer 2008	Fall Semester 2008
Undergraduate Student Interns	0	2	4	3

In 2008 this office also hosted one graduate student, a candidate for the Master of Public Administration at Binghamton University, Nancy Shaw-Hertzog. Nancy's assignment was to help Broome County establish a Prescription Drug Discount Card Program. She conducted the second part of her internship at the Willow Point Nursing Home under the supervision of the Facility Administrator Steven Reagan. Her internships were completed in partial fulfillment of the degree requirements of the MPA Program at Binghamton University's College of Community and Public Affairs.

Legislative Aide Mike Hanbury supervised the student interns in 2008 under the supervision and guidance of the Legislative Assistant and the Clerk of the Legislature.

LEGISLATIVE ACCOMPLISHMENTS

The extensive review of Broome County's post employment benefit obligation by the GASB 45 Citizens Task Force and the openness with which said review was conducted, gave legislators and residents of Broome County, who invested a small amount of their time, an opportunity to understand a complicated concept and gave them thorough access to otherwise relatively inaccessible information. Although it was not without controversy, this review process was applauded by many.

2007 ANNUAL REPORT ADDENDUM

One item was omitted from the 2007 Annual Report and deserves mention. In 2007, a new section was added to the county web site entitled Legislative Business. This section, which can be accessed through the Legislature's main page, contains Committee Agendas and Committee Minutes from January 2007 forward and Session Agendas and Session Minutes from January 2007 forward. In addition, thanks to the efforts of Legislative Assistant Chris Marion an archive section was added which includes Session Minutes dating back to 1991, the earliest date for which electronic files could be located in the Clerk's Office. This effort, completed in the first half of 2007, is the first time Legislative and Committee agendas and minutes were made available through the internet and is the result of a call for openness and transparency by the Chairman and the Legislative Majority. The Legislative Business page can be found at <http://www.gobroomecounty.com/legis/business>.

CONCLUSION

With three of the five employees in this office starting or starting in a different position on March 3rd, 2008, this year was another transitional year. The transition was virtually seamless due to the efforts of all and due to the support of Chairman Whalen and all of the Members of the Legislature.

Respectfully submitted, June 12, 2009



Eric S. Denk

Appendix A

2008 Members of the Legislature

In 2008, the Broome County Legislature consisted of the following members:

District 1 – Mark R. Whalen *

District 2 – Timothy P. Cleary

District 3 – Jason T. Garnar

District 4 – Joseph S. Sanfilippo

District 5 – John F. Hutchings

District 6 – Thomas A. Hull

District 7 – Arthur J. Shafer

District 8 – Wayne L. Howard

District 9 – Stephen D. Herz

District 10 – Jerry F. Marinich

District 11 – Ronald J. Keibel

District 12 – Chris Kuzel

District 13 – Daniel A. Schofield ***

District 14 – Richard A. Materese

District 15 – Gene E. LaBare

District 16 – John A. Black

District 17 – Suzann W. Buchta

District 18 – Brian K. Mather

District 19 – Daniel D. Reynolds **

* Chairman

** Majority Leader

*** Minority Leader