

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE

DATE: OCTOBER 10, 2007

Committee Members Present:
Supervisors F. Thomas
Belden
Gabriels
Monroe
Stec
Merlino
Girard

Others Present:
Hal Payne, Commissioner, Administrative &
Fiscal Services
Joan Sady, Clerk, Board of Supervisors
Pamela Vogel, County Clerk
Supervisor VanNess
Katy Goodman, Secretary to the Clerk

Mr. F. Thomas called the Legislative Committee meeting to order at 11:35 a.m.

Copies of an Agenda packet for the meeting were distributed to the Committee members, and a copy of same is on file with the minutes.

Motion was made by Mr. Belden, seconded by Mr. Monroe and carried unanimously to approve the minutes of the previous meeting, subject to correction by the Clerk.

Mr. F. Thomas commenced with review of the Agenda items, and he stated Item No. 3 was a referral from the August 23rd Tourism Committee meeting which requested that the County's State and Federal Legislators be alerted to the County's concern that the proposed passport requirements would cause a decline in Tourism from Canada. Mr. F. Thomas pointed out that a copy of the excerpt of the minutes of the meeting which outlined the discussion was included in the Agenda packet and was on file with the minutes.

Ms. Vogel entered the meeting at 11:38 a.m.

Joan Sady, Clerk, Board of Supervisors, confirmed that under the requirements anyone who drove or flew into or out of Canada would be required to have a passport. She advised that according to Congresswoman Kirsten Gillibrand's Office the requirement would become effective on January 1, 2008.

Discussion ensued, and Mr. Stec commented the requirements were not good for tourism; however, he said, they could be for national security. Mr. Belden noted because the law had already been passed the Committee could not do anything about it. Mrs. Sady mentioned a letter could be sent. Mr. Gabriels suggested the Committee members should make their concerns known about the issue. Mr. F. Thomas stated it appeared the Committee did not wish to take any action on the issue.

Mr. Girard spoke on the issue. He questioned if perhaps they should communicate to the Federal Government that they expected the new regulations would have a significant impact on the County's Canadian business as an argument that the lost funds could be needed by the County for other issues that might arise in the future. Mr. Girard suggested their position could be that although the County was also concerned about the issue of terrorism they would like some consideration from the Federal Government in the future that the new regulations would make it difficult for the County to retain its tourism economy. Mr. F. Thomas concurred, and he suggested perhaps the Board of Supervisors' Chairman, William Thomas, could write a letter in that regard to send to the appropriate legislators.

Motion was made by Mr. Girard and seconded by Mr. Gabriels to approve the recommendation that a letter to express their position be sent to the County's Legislators. The Committee members concurred they wished the letter to be forwarded to Congresswoman Gillibrand, Senator Charles Schumer, Senator Hillary Clinton and President Bush. Mr. F. Thomas called the question and the motion was carried unanimously.

Mr. VanNess entered the meeting at 11:42 a.m.; and Mr. Payne entered the meeting at 11:43 a.m.

Mr. Monroe commented he did not know if the Tourism Department referred to the passport issue in its advertising to the Canadian market. Perhaps, he suggested, the County's advertising literature for that market could encourage Canadians to obtain passports so they could still come to the area. Mr. Monroe commented he thought a favorable exchange rate on Canadian money would have more of an impact on Canadian business than the passport requirements.

Mr. F. Thomas stated Pamela Vogel, Warren County Clerk, was present at the meeting to address the Committee members about a matter that was not on the Agenda which concerned a proposal by Governor Spitzer.

Privilege of the floor was extended to Ms. Vogel, who stated the Committee members were no doubt aware of the Initiative the Governor had recently set forth. She advised the Initiative had been presented to the New York State Association of County Clerks on September 20th and they were told the Governor had made the decision 200 days before the Clerks were notified of it. They had not had any previous indication that the Initiative was being considered, she added. Ms. Vogel noted that subsequently the Governor's press release was published in newspapers around the State on September 22nd and mailings were sent to about 150,000 individuals who would be affected by the new requirements.

Ms. Vogel explained the Initiative would allow individuals who were undocumented as to their immigration status to now be eligible to obtain a New York State driver's license. She noted the Clerks Association had felt for many years, and especially since 2002, that they were held to extremely high standards with regard to what documentation had to be provided to the Department of Motor Vehicles (DMV) as proof of an individual's identity in order to obtain a State driver's license. The primary requirement was a Social Security number, she noted. Ms. Vogel

explained the Initiative would change those requirements and the procedures for the licensing process were very complicated. She advised the Association had a lot of questions about the changes and they had been trying to obtain answers from the State, although in some cases the State had not been able to answer their questions.

Ms. Vogel stated the County Clerks' Association met on October 4th for the first time since the Initiative had been announced and the Commissioner of Motor Vehicles also attended the meeting. She advised although the Initiative did include some very good technology features the features would probably have eventually been implemented anyway in connection with the Real ID Program. Ms. Vogel stated some anti-fraud methods which included a residency statute were also part of the Initiative. However, she advised, the proposed legislation on those rules had not yet been drafted and it would still have to go to the State Legislature. Therefore, the State could not tell the Clerks what the residency requirement would be, she added.

Ms. Vogel reported the Commissioner did inform them about Phase 1 of the regulations which would involve the aforementioned 150,000 eligible individuals. She apprised that the undocumented illegal alien population in the County was 1% and it did not generate a large fiscal impact on the DMV's revenues. Ms. Vogel outlined that Phase 2 of the Initiative would be implemented in April 2008 and it would include approximately 300,000, 500,000 or 650,000 undocumented individuals. She noted most of them would be processed at district DMV's which were in Albany, Westchester County and New York City. Ms. Vogel advised they actually did not know how Phase 2 would be carried out.

Ms. Vogel continued. She commented in view of the high standards the Clerks had been held to and their concerns about the licensing changes they had looked at how to change the policy and how to implement it in their Offices with so little input from the State. Ms. Vogel commented it was not for her to say whether the changes were administrative rule, law or even legal. She advised that since the Initiative was announced and before she attended the Clerks' meeting, she had discussed the situation with Paul Dusek, County Attorney, and she would continue to do so and to keep him informed on what was going on with it.

Ms. Vogel advised on October 4th the County Clerks' Association adopted a resolution which expressed their opposition to the Initiative and requested that it be revisited and discussed further. She said she could provide the Committee members with copies of the resolution if they would like it. The resolution was forwarded to the Governor and the Counties' Legislatures, she said. In addition, Ms. Vogel advised, the State Assembly was drafting a resolution in opposition to the Initiative that Counties could use if they wished or some might want to develop their own resolutions.

Ms. Vogel stated she had received some inquiries from the public on the issue and she had been asked how she voted. She advised she had informed the public that she had voted in favor of the resolution because it opposed the Initiative. Ms. Vogel stated that was the only formal vote the Association took and the vote tally was 29 to three and there were some abstentions and

some phoned-in dialogue from Clerks who could not attend the meeting in Albany. She noted they had recommended those Clerks should contact their local and State Legislators. Ms. Vogel stated the local callers she had spoken to were quite concerned about the matter and they were pleased to hear that she had opposed the Initiative. *(Note: Subsequent to the meeting, copies of the New York State Association of County Clerks Resolution and a sample Resolution drafted by Assemblywoman Teresa Sayward were provided to the Clerk of the Board of Supervisors, and copies of same are on file with the minutes.)*

Ms. Vogel stated there was an article in today's newspaper concerning the new regulations which mentioned that perhaps the licenses that would be issued to the undocumented individuals would be different from those issued to the State's citizens. She explained they had been told that the license would not be different. Ms. Vogel noted the article also referred to the current licenses for temporary visitors to the County, i.e., individuals who come to the area to work temporarily in various businesses in the County. She explained those individuals were documented. However, Ms. Vogel reported, on September 24th, the Governor removed both the regulation that the type of license had to be marked temporary visitor status and the expiration date for those licenses. In reply to Mr. Monroe's query on the reason for those changes, Ms. Vogel said she did not know. Brief discussion ensued relative to the expiration date process for the licenses.

Mr. Gabriels questioned if the Initiative went into effect was the County prepared to comply with it and would it create any logistic, administrative or resource problems for the County.

Mr. VanNess left the meeting at 11:55 a.m.

Ms. Vogel responded she felt the compliance would create some hardships for the DMV as the senior personnel would have to handle the documentation process. Mr. Gabriels queried if there would be a budgetary impact. Ms. Vogel replied if the Real ID Program was set forth it would impact the County budget. She stated the Program had been discussed to some degree in the budget meetings. However, Ms. Vogel explained, no action was taken on it because they were still waiting for the State to pass the rules and regulations for the Program. She apprised they had not added any additional supervisory level positions for the Real ID Program in the 2008 County budget because its status was unknown.

Motion was made by Mr. Stec, seconded by Mr. Merlino and carried unanimously to approve a resolution in support of the New York State Association of County Clerks Resolution and to forward it to Governor Eliot Spitzer, the New York State Association of Counties (NYSAC), Senator Elizabeth O'C Little, Assemblywoman Teresa Sayward and the Towns in the County.

Brief general discussion ensued.

Mr. F. Thomas thanked Ms. Vogel and she left the meeting at 12:02 p.m.

Agenda review resumed, and Mr. F. Thomas stated Item No. 4 was a request from Seneca

County for support of letters from the County's Board of Supervisors' Chairman to Governor Spitzer regarding the collection of taxes on sales of motor fuel and cigarettes by Indian enterprises to non-Indians and in opposition to negotiation with the Cayuga Indian Nation for a Class III casino. *Copies of a letter to Chairman William Thomas from Edward L. Barto, Chairman of the Seneca County Board of Supervisors, and the aforesaid letters to Governor Spitzer were included in the Agenda packet and are on file with the minutes.*

Discussion ensued, and Mr. Stec commented he did not see where those issues would be relevant to Warren County; and he would ask whether or not the County would have any standing if it did support Seneca County on the issues. Mr. Gabriels noted perhaps such a situation could affect the County in the future and they would need support from other Counties about it. Mr. F. Thomas remarked that part of the State sales tax eventually came to the County; and Mr. Stec acknowledged the point. He remarked he did not have a problem with supporting the request. Hal Payne, Commissioner of Administrative and Fiscal Services, pointed out that a casino in Seneca County could attract tourists away from Warren County.

Motion was made by Mr. Gabriels, seconded by Mr. Stec and carried unanimously to authorize a resolution in support of Seneca County's request and that the resolution should be forwarded to NYSAC, Senator Elizabeth O'C Little, Assemblywoman Teresa Sayward and Seneca County.

Following brief discussion on Agenda Items No. 1 and 2, it was the consensus of the Committee members that the items would be carried as pending for discussion at the next Committee meeting.

There being no further business to come before the Committee, on motion by Mr. Belden and seconded by Mr. Stec, Mr. F. Thomas adjourned the meeting at 12:06 p.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk