

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: SUPPORT SERVICES

DATE: JUNE 27, 2007

Committee Members Present:
Supervisors Sheehan
Mason
Gabriels
VanNess

Committee Members Absent:
Supervisors Monroe
Girard
Geraghty

Others Present:
Frank O'Keefe, County Treasurer
Rob Lynch, Deputy County Treasurer
Representing Board of Elections:
Mary Beth Casey, Commissioner
William Montfort, Commissioner
Hal Payne, Commissioner, Administrative &
& Fiscal Services
Joan Sady, Clerk, Board of Supervisors
Todd Lunt, Director, Human Resources
Supervisor F. Thomas
Katy Goodman, Secretary to the Clerk

Mr. Sheehan called the meeting of the Support Services Committee to order at 11:23 a.m.

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

Mr. Sheehan extended privilege of the floor to Frank O'Keefe, County Treasurer, who presented a request to fill a vacant Senior Account Clerk position in the Office. He stated the vacancy was due to a resignation and the base salary for the position was \$27,085. Mr. O'Keefe distributed copies of a Notice of Intent to Fill Vacant Position and a letter of explanation for the request to the Committee members. Copies of the items are on file with the minutes. Mr. O'Keefe reviewed the explanation for the request with the Committee members.

Motion was made by Mr. VanNess, seconded by Mr. Mason and carried unanimously to approve the request, as presented, and to forward it to the Personnel/Human Resources Committee.

Mr. Gabriels asked if there was a Civil Service Eligibility List for the position. Privilege of the floor was extended to Robert Lynch, Deputy County Treasurer, who responded affirmatively. He advised they had interviewed a candidate from the List and there was also the possibility that a County employee from another Department might be interested in the position.

Copies of the Treasurer's Office Budget Performance Report through June 30th were also distributed to the Committee members and a copy is on file with the minutes.

Privilege of the floor was extended to Mary Beth Casey and William Montfort, Commissioners of the Board of Elections. Copies of an Agenda packet for the Board of Elections portion of the meeting were distributed to the Committee members, a copy of which is on file with the minutes.

Ms. Casey commenced with review of the Agenda, and she spoke on Item No. 1 which was that the Committee was to further discuss the possibility of instituting a full chargeback of the costs for the elections to the City/Towns of Warren County. She stated they wanted to discuss the matter in time to allow the City of Glens Falls and the Towns within the County sufficient time to budget for the costs of the chargebacks if it was decided to implement them. Ms. Casey reminded the Committee members the chargeback issue was discussed last year. However, she recalled, since it was late in the year at that point, the Supervisors felt it was too late to impose the information on the Towns.

Ms. Casey advised that under (State) Election Law 4 -138 the County could charge the expenses for elections back to the City and the Towns. She noted the County was looking for different ways to create revenues. Ms. Casey commented although they were reluctant to use the chargebacks as a way to discuss revenues since the chargebacks were allowed under the Law, they felt it would be appropriate to provide the Committee members with information on what they would cost. In that regard, she stated they had prepared a list of the actual costs for 2006 and an estimate of the costs for 2008. Copies of the lists were included in the Agenda packet. Ms. Casey advised there would be three elections in 2008. She stated they had also mailed some of the information out to the Committee members for their review prior to the meeting. In response to Mr. Sheehan's query, the Committee members confirmed they had received the information.

Mr. VanNess questioned if the chargebacks were to be based on the number of machines each municipality had, or would the costs be averaged and everyone would pay the same amount. Ms. Casey replied the cost would be per machine. She explained each machine generated costs for inspectors, paper products, etc., and at the present time in the County there was one machine per district. Ms. Casey stated if the number of voters increased to more than 850 per election district a second machine would have to be put in place and the fee would be adjusted based on the number of extra election inspectors. However, Ms. Casey apprised, the fee would not be the full cost because only one extra inspector would be required for the second machine. She apprised the easiest way to calculate the costs now was to use the current figure of 70 districts/machines.

Ms. Casey confirmed for Mr. Sheehan that a second machine would be required if an election district had more than 850 voters. However, she cautioned, the number could change based on new voting systems because the State was looking at reducing the number. Ms. Casey advised between now and 2010 no changes would be allowed to any election districts because that period was considered as the time frame for the United States Census. Although, she noted, they could not realign any districts during the time period, by Law they could add a machine if necessary.

Ms. Casey clarified for Mr. Gabriels that current Election Law allowed a Town or City to have 850 voters per district using one machine. She stated when the number in a district reached 1100 the Law allowed a second machine to be placed in the same election district without the district having to be realigned. Relative to that issue, Ms. Casey advised the State was allowing the County a little latitude at this time because they were letting them use their discretion about the County's

voter turnout numbers and its absentee population. She stated they had raised that issue at a meeting they had attended as the County had a large absentee population because many residents were away from the County during the winter. Ms. Casey noted they were being allowed to use their past history to determine if they needed to use the 850 number or if the number could be reduced based on what they knew would be the potential use for a machine in any given district. She stated at this time they would not get into having more than one machine in a district.

Ms. Casey explained the new voting system could change the number based on the results of an Air Study Test the State had conducted to determine the length of time an individual would take to vote on different voting systems. She reported the State was reviewing the test data to see what number of voters it would allow to be considered in a time period for the new voting system. She advised they had been told that the number of voters allowed per district would be reduced to 550. Ms. Casey stated since the County was being allowed to use its voter history and absentee population when it considered whether or not to purchase more machines, they did not feel the reduction in the number of voters allowed per district would be a major problem for the County at this time. She noted the Communities in the County had been very aggressive in keeping the size of their election districts within reason. Ms. Casey added they felt they could do a one-for-one machine exchange.

Dialogue ensued between Mr. Mason and Ms. Casey on the chargebacks, and Ms. Casey stated if the County chose to implement them, they would have to decide to do so no later than October of this year. She explained the chargebacks could only include the election expenses that were outlined in the aforementioned lists. Mr. Montfort noted that administrative costs could not be included in the chargebacks.

Mr. Gabriels stated he understood the argument that the new machines would potentially reduce the number of voters per election district from 850 to 550. However, he advised, he felt that implied that the County would have to obtain more machines for certain election districts and that would increase the costs. Mr. Gabriels noted he had also observed that even though the State Law allowed the costs to be charged back to the Towns, the aforementioned expenses listed for 2006 had cost the Town of Bolton more than the old-fashioned lever voting machines had. He further stated he would not necessarily favor the chargebacks because the State Law had allowed the County to choose whether or not to centralize the election services and the County had chosen to do that and to transport the machines. Therefore, he emphasized, the costs should not be charged back to the Towns.

Discussion ensued. Mr. Montfort concurred that the centralization of the services would increase the costs. He explained because all the voting machines would be stored at the County they would have to be delivered to the polling sites. Mr. Montfort noted the 2006 costs were the actual costs and for 2008 the costs would be more because of the aforementioned three elections. He commented when people looked at the Board of Elections' budget they did not realize how much of it was for the costs of the elections. Mr. Montfort noted Bolton's costs might have been less because they might have paid their inspectors a different rate.

Ms. Casey elaborated that another reason for the higher costs was that the Towns had only paid for their inspectors and their machine custodians and the County had always absorbed the costs of the machine paper, the absentee ballots and all the postage for the elections. She advised if they were going to break the costs down, they wanted to do so in their entirety to the amount they would be allowed to charge back. Ms. Casey stated they were not recommending that the chargebacks be established. However, she noted, there was the aforementioned concern about the Departments generating revenues and the chargebacks had always been available under the State Election Law.

Ms. Casey noted the County had always wished to and it had never questioned that it would assume the costs of the paperwork for the elections. She stated the County had been impacted considerably when it had to assume the costs of the election inspectors and the machine custodians as well as the training costs for them. That was when the \$1,200 chargeback was implemented, although that just about absorbed the personnel costs of the election day process, she added. Ms. Casey explained as a result of that experience they had decided the best procedure would be to create an entire package based on what was allowed by Law. She noted perhaps the County might choose to continue to absorb the costs they had always covered and to continue with the chargebacks to cover the personnel costs of the inspectors and the machine custodians. Ms. Casey pointed out that previously the Board of Elections had not covered the costs that they had to now and that was why it looked like their budget had increased so substantially.

Mr. Sheehan thanked Ms. Casey and Mr. Montfort for the information. He asked if the Committee members had any input on the chargebacks. Mr. VanNess suggested that the information should be provided to all the Supervisors so they would be aware of what could happen relative to the costs. He stated he felt any decisions on the chargebacks should be made by all the Board members. Mr. VanNess further commented, based on the figures for 2006, the Town of Queensbury's costs would increase by \$26,000 in 2008. Mr. Sheehan concurred with the suggestion. He suggested that Joan Sady, Clerk of the Board of Supervisors, could distribute the information presented today and they could proceed from there. Mrs. Sady acknowledged that could be done.

Discussion ensued. Mr. Montfort noted the only fair way to distribute the costs was to break them down per machine. Ms. Casey stated these were not the new costs and the only part that was new was the \$7,373 for Plan B which was for physically challenged voters. She advised the costs were based on the lever machines and had existed all along. Ms. Casey stated when the new voting system was put in place there would be other costs that had not yet been considered. She noted they had just wanted to provide the true figures for an election cycle and that was what the 2006 figures showed. However, Ms. Casey explained, when the costs were shifted from the Towns to the County they had averaged them out County-wide and all the inspectors were paid the same. Ms. Casey stated some of the inspectors received more than the Towns had paid them and some received less. She explained that because the County had paid all the costs other than for the election inspectors and the machine custodians when the costs were compared to what

the Towns had paid for those same expenses, it was a wash. Ms. Casey stated that was why last year the Committee had implemented the \$1,200 chargeback to the Towns. She advised it was up to the Supervisors if they wanted to have the Towns participate more in what the actual elections costs were based on what the Law allowed.

Mr. Gabriels commented he did not think it was being disputed that the costs had existed all along. He stated the question was if the decision was to centralize, would everything be centralized completely and how would it be financed. Mr. Gabriels questioned whether the costs would be divided up and charged back to the Towns or would they be absorbed by the County.

Dialogue ensued between Mr. Mason and Ms. Casey on the length of time it would take to vote on the new voting machines. Ms. Casey advised the State believed it would take more time to vote on any new voting machines compared to the lever machines because the voters would have to read and verify the choices they had selected. She noted an electronic voting machine was used by the public during the recent Glens Falls and Queensbury School Board elections and the voters felt the voting process went faster. Mr. Sheehan commented the chargeback issue would need to be discussed again. Brief discussion followed.

Review of the Agenda continued, and Ms. Casey stated Item No. 2 was that Paul Dusek, County Attorney, was to review the Law and determine whether the County should consider the election inspectors as independent contractors or as County employees. She advised based on their discussions with Mr. Dusek, they understood the inspectors could be considered as independent contractors; therefore that was how they would consider them. She noted that Todd Lunt, Director of Human Resources, was present, and she asked him if that was what he understood on the issue. Privilege of the floor was extended to Mr. Lunt, and he concurred that was what he understood also.

Ms. Casey spoke on Agenda Item No. 3, relative to pending or new State Legislation that concerned elections. She commented the news on this issue was not good, and she referred the Committee members to copies of two newspaper articles on the issue that were included in the Agenda packet. Ms. Casey advised that the State Legislature had passed the Election Reform Act of 2005 which banned the lever voting machines as of September 1, 2007 and that all polling locations must have a handicapped accessible (voting) device as of September 2007. She explained unless the Legislation was changed, paper ballots would have to be used for the County's 2007 elections. Ms. Casey advised they were informed at recent meetings that the Election Commissioners' Association was going to submit a bill to the Legislature requesting that this issue be addressed immediately. She noted the Legislature was supposed to hold a short Special Session in July.

Ms. Casey continued, and she explained if the State Legislature did not take any action until the end of August that would be too late for the County because they would have to order the paper ballots when they ordered the absentee ballots. Ms. Casey noted they would get the best cost if they ordered all the ballots at once. However, she said, they could not assume that they would

receive the ballots in a week.

Mr. Gabriels suggested that the Committee should ask the Chairman of the Board of Supervisors to write a letter to the State Legislature to express the County's viewpoint that the aforementioned Law should be changed because of the adverse impact it would have on the County's 2007 elections process relative to added costs and the chaos it could cause the County.

Motion was made by Mr. Gabriels and seconded by Mr. VanNess to approve the recommendation as presented.

Discussion ensued. Mr. VanNess noted the current Legislative Session was over except for the possible Special Session in mid-July. He queried if the Legislature would have time between then and September to change the Law. Mr. VanNess expressed his concern on the impact to the County if the Law was not changed by September. Ms. Casey advised there would already be a week less to do the post-Primary work before the General Election because the Primary Election had been moved from September 11th to September 18th. She concurred with Mr. Payne that they would have a week more to prepare for the Primary. However, Ms. Casey explained, the biggest problem was that the Primary results would have to be certified in order to get the ballots for the General Election printed and still get the military absentee ballots sent out 32 days before the General Election and there was one week less to do that work. Mr. Gabriels suggested if there were problems in that regard they should spend whatever money it would take to make the election work and that issue would be addressed later on.

Mr. Sheehan called the question and the recommendation to ask Chairman William Thomas to send the aforementioned letter to the State Legislature on the Elections Law was carried unanimously.

Ms. Casey pointed out that Agenda Item No. 4 concerned the aforementioned change in the date of the Primary Election.

Pursuant to Agenda Item No. 5, Ms. Casey spoke on Plan B which concerned polling locations and voting systems for physically challenged voters. She reminded the Committee members that for the 2006 election the Department of Justice had ruled that the County could use a ballot marking device for physically handicapped voters which was located at the Independent Living Center. Ms. Casey advised they would be using the device again this year. Although, she noted, the Law was that every polling location was supposed to have such a device, they would be operating under Plan B which allowed the County to again use the marking device at the Center. Ms. Casey stated they did not anticipate that the Court would challenge that action.

General discussion ensued.

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There being no further business to come before the Committee, on motion by Mr. Mason and seconded by Mr. VanNess, Mr. Sheehan adjourned the meeting at 11:55 a.m.

Respectfully submitted,

Katy Goodman, Secretary to the Clerk