

Warren County Board of Supervisors

WARREN COUNTY MUNICIPAL CENTER
1340 STATE ROUTE 9
LAKE GEORGE, NEW YORK 12845-9803



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Daniel G. Stec, Chairman

Joan Sady, Clerk of the Board

MANDATE RELIEF SUB-COMMITTEE AGENDA JUNE 6, 2012

Meeting called to order

Chairman Westcott

New Business:

Discussion

- 1.) Input from members of the sub-committee as to the role and purpose of the committee.
- 2.) Chairman Westcott will review steps and activities undertaken to date and distribute information to the committee.
- 3.) Next steps?

Pending Items:

None

Motion to Adjourn

**MANDATE RELIEF COUNCIL - REVIEW OF MANDATES
REQUESTED BY COUNTY OF WARREN**

- I. This is in addition to mandates identified by the council
- II. County is limited to requesting review of up to three (3) mandates in any calendar year - mandate must be unfunded or is otherwise unsound, unduly burdensome or costly so as to require it to be reformed or eliminated
- III. Information required to request mandate relief
 - A. County must identify a specific statute, regulation, rule or order
 - B. County must provide as much detail about the mandate as possible
 - C. County must recommend the change
 - D. County must estimate savings and provide methodology used to estimate savings
- IV. Procedure
 - A. County Board must adopt a resolution requesting that the mandate be reviewed
 - B. County must use a form provided by the State and enter it into the Mandate Relief Council website
- V. Possible relief (if Council so finds mandate is unsound, costly, etc.)
 - A. If it is a regulation, rule, order of a State agency which is under the direction of the Governor, the Council can review and direct changes as it determines appropriate to do so (Council cannot review or direct changes involving the State Comptroller's Office or the State Education Department). The type of action the Council can take is as follows:
 - 1. Direct the municipal to file a waiver, modification, repeal, etc. through the State Administrative Procedure Act
 - 2. Upon a two-thirds (2/3) vote, refer the regulation to the Governor for repeal or modification
 - 3. If it is a statute, you will need a vote of seven (7) members to ask the Governor to repeal or modify the statute and the Governor then would prepare a program bill for introduction in both houses

VI. Possible mandates applicable to Warren County that the Board of Supervisors may wish to consider

1. Funding cuts to Public Defender/Legal Aide programs and new Office of Indigent Legal Services funding programs that require additional services/programs with the proviso that existing budgets may not be supplanted by available funds

2. Probation - Pre-sentence investigation reports and limiting the requirements for the same

Report on request to call Kate and John - Kate thinks it's a good idea. John believes the reports contained important information and things that might not be known that are important in every case. Feels there could not be that much savings here.

3. Probation - Community Corrections Plan and new requirements that information provided by the State be included in the Corrections Plan and that the municipality evaluate whether changes in Probation operations may be made after review by the Criminal Justice Advisory Board

Report - Bob Iusi emailed some material accommodated by State with regard to this item.

4. Fire Prevention and Building Codes - Uniform Code is mandated by the State and the only recourse that the municipalities have is not to enforce it and pass it on to the State to enforce

Prior discussion - code itself too onerous

5. Social Services - Medicaid

Report on request to talk to Suzanne about most onerous items or parts of Social Services that should be addressed. Prior discussion - maybe consider how should be given to changing eligibility thresholds at lease for upstate.

6. Social Services - Food Stamp Administration (federal and local share only with no state share)

Report requested on why this was set up and cost.

7. Social Services - Public Assistance (family assistance and safety net assistance and safety net assistance administration with no federal or State share)

8. Purchasing - Prevailing Wage Rates generally, but also specifically, as they apply to County-owned facilities where the work is done by an operator or lessor of County-owned facilities (e.g. railroad)

Report on request to contact Mike Borgos about Central Queensbury requests. Discussion: 1) prevailing wages should not be expanded to fire companies and other private party/third party entities (other than government); 2) prevailing wages should be fine tuned to the County, not regional; 3) prevailing wages should not be more than/or more onerous than Davis Bacon.

9. Sheriff - Jail Mandates

10. Public Health - Preschool Programs - changing tuition rates to fee for services
-

Point of Information - NYSAC 9 mandates

1. Medicaid
2. Public Assistance/Safety Net
3. Child Welfare
4. Preschool Education
5. Early Intervention
6. Indigent Defense
7. Probation
8. Youth Detention
9. Pensions - Report on request to call Senator Little concerning the effect of requesting 3 most important mandates to County this year that are not among the NYSAC 9 mandates - I had a phone conversation with Elizabeth at Senator Little's office. She advised that the NYSAC 9 mandates are already considered submitted and that many people have testified concerning the same. She advised that the State is looking at those already. She advised that we can support the 9 for 90 by resolution and other methods, but that we should not request them as part of the 3 mandates that the County is able to request action on each year. She

said that they are trying to get tot he ones that have not been identified or looked at this time. She advised that meeting with Departments to ascertain cumbersome or costly mandates is exactly what they were hoping would be accomplished.

Recent action by the Governor and State Legislature:

1. Pension Reform
2. Early Intervention Reform - sharing of additional cost by school, State and municipality
3. Medicaid Reform - eliminating 3% cap increase over the next few years at 1% per year
4. Community Colleges - additional funding - an increase of base aid per student

Other Local Mandates that were discussed

1. PAAA - discussion: These are one size fits all rules - an small organization like the Warren LDC should have fewer less complex rules to follow with regard to its organization, procedures and auditing/review
2. Triborough Amendment should be addressed in view of the limitations it poses on municipal collective bargaining ability
3. Mandatory interest arbitration (for police, etc.) should be reviewed
4. Overlapping land use regulations in the County such as LGPC, Army Corps. Of Eng., Local Zoning, APA, DEC, all regulating the same things
5. Fire and Emergency Squad regulations are becoming to cumbersome and complex for rural areas

Dusek, Paul

From: Iusi, Robert
Sent: Thursday, March 22, 2012 1:49 PM
To: Dusek, Paul
Subject: FW: Mandate Relief

Paul,

The most significant achievable mandate relief to our department would be the following;

Change the need for preparation of a pre-sentence investigation (PSI) in all cases, misdemeanor or felony, where the definite sentence of imprisonment is no more than 365 days.

Under the current statute, (Criminal Procedure Law (CPL) Section 390.20), we are required to prepare a PSI report in all felony cases and a PSI report in all misdemeanor cases where the definite sentence is in excess of 180 days prior to pronouncing sentence. CPL 390.20 (1) would need to be amended to allow the court to pronounce sentence without a PSI report for a definite sentence not to exceed 365 days for felony cases. CPL 390.20 (2), including various subsections, would also need to be amended, to allow the court to pronounce sentence without a PSI for a definite sentence not to exceed 365 days for misdemeanor cases. Judges would still retain the authority to order a PSI in any cases, irrespective of whether such investigation and report is required by subdivision one or two.

These amendments would need state legislative approval and the Governor's signature on the bill.

Impact to Department: The potential to eliminate the need to prepare approximately 100 PSI's per year.

Potential Savings to Department: \$35,000-\$40,000.

If additional information is needed please let me know.

Thank you,

Bob

Robert F. Iusi, Jr.
Director of Probation
Warren County Probation Dept.
(518) 761-6444
Fax (518) 761-6566
iusir@warrencountyny.gov

3/22/2012

Dusek, Paul

From: Iusi, Robert
Sent: Thursday, April 26, 2012 4:47 PM
To: Dusek, Paul
Subject: FW: Community Corrections Plan

From: Perretta, Francine [mailto:fmp2@westchestergov.com]
Sent: Thursday, April 26, 2012 10:06 AM
To: Aikens, Patrica; Al Giacchi; Alan Frisbee; Andy Greeley; Anthony White; Bernie Newcombe; Birrittella, James; Bob Burns; Probation; Burkhard Mary Jo (mjburkhard@lewiscountyny.org); Cathy Lane; Chris Rosno; Dave marcoux; David Terry; David Tomidy; Deb Meyer; Denise Mclane; Denise Minton; Derek Miller; Ed Brown; Ed Gauthier; Perretta, Francine; Gene Funicelli; Gerard Cook; Gerry Zimmerman; Jeffrey Mulinelli; Jill Moore; Joan Kibler; Joe Mancini; John Adams; John Cicchetti; John Fowle (jfowle@nassaucountyny.gov); Josephone Sohn; Joy Bennett; Judy Lapook (backbeatco@aol.com); Julie Smith; Karen Birch; Karen Osborn; Kathy Tower Bernstein; Kristen Leahy; Kristiansen Amy (probation@hamiltoncountyny.gov); Laura Bauer; Linda Shields (shieldsl@co.chautauqua.ny.us); Lisa Cutia; Lori Wilmot; Lucille Sitterly; Lucy Taylor Welch; Lynne Mignemi; Mary Ellen Still; mcLaughlin Brian; Mel Mullins; Mike Benvenuto; Mike Kirkpatrick; Pat Buechel; Pozzi, Rocco; Randy Schell; Rick Stevens; Robert Starks (starksrp@alleganyco.com); Sandy Mentuck; Scott Glueckert; Scott McDonald; Sharon Dawes; Sharon Donovan; Vinnie Schiraldi; William Fluck
Subject: FW: Community Corrections Plan

Forwarded on behalf of Rocco.

Francine Perretta
Deputy Commissioner
Westchester County Department of Probation
111 Dr. Martin Luther King, Jr. Blvd.
White Plains, NY 10601
914-995-3503
914-995-6261 fax
FMP2@westchestergov.com
www.westchestergov.com/probation



From: Pozzi, Rocco
Sent: Thursday, April 26, 2012 10:04 AM
To: Maccarone, Robert (DCJS)
Cc: Perretta, Francine; Kathryn Vescio

4/26/2012

In our reading of the "Community Corrections Plan and Application for 2012-13" several questions have arisen.

We can find no language in the instructions that the new portion of the plan, which entails data analysis, is mandated. As a matter of fact most of the language uses terms such as "requested" or "may include" or "should". Specifically, we can find no language which states that we must complete the portion of the plan under the criminal and juvenile justice data sections, answering questions on page 4-9, and questions 1-24 on pages 19-21.

We see no legal authority for this data analysis, which is to be done by a new planning committee. Further, the thinking behind the data analysis appears to us to be significantly flawed. We are asking adult practitioners to analyze juvenile data over which they have no jurisdiction and in many cases have no knowledge of how the juvenile justice system works. There is also a major assumption that Probation actually has sole control over the outcomes predicated by some of the data. For instance questions 15-18 deal with graduated sanctions, violation of probation and arrest rates. It appears there is some misconception on the part of OPCA that probation actually controls the outcomes, when in fact prosecutorial and judicial policies and practices account for the outcomes and therefore we in probation have little to control over "the reduction of violation rates".

Questions 9-13 deal exclusively with jail use and incarceration rates. Again this is nothing probation has control over and yet is part of our data analysis.

It appears to us that the data is being used as a probation comparison measurement and we are being unfairly judged based on practices we do not control and based on practices used in other jurisdictions.

There is no clear written expectation of the ramifications for a county and in particular probation, if in fact they do not meet their "top three challenges" outlined in question 24. Is the state probation funding we receive tied to our outcomes, or will it be in the future? It is likely that these outcomes could adversely affect our local funding. This is of great concern to us especially since Probation does not control many of the outcomes.

It is disappointing that there was no joint thought process between OPCA, and COPA put into this new portion of the plan. During the recent Probation Commission meeting, when asked about the plan, you said it would be the Probation Plan and ATI Plan with some data report information, minimizing the new data information. In actuality, at a recent COPA meeting, more than 20 directors voiced their concern and objections with this new unfunded portion of the plan as it is much more involved and time consuming.

I think the recently formed P-STEP committee would be the ideal place for this to be discussed and hashed out. I also think that the data can be useful as an internal tool for probation.

As there appears to be some misperceptions about whether the new data portion of the plan and establishment of the planning committee are mandated, based on the language outlined earlier, we would like to hear directly from you if in fact the new data analysis portion of the plan and the planning committee review are mandated. Once we have a clear answer from you, we will then determine our best course of action.

I would appreciate your prompt response since the deadline you set of May 18th will be quickly upon us.

Thank you.

Rocco

Cc: COPA, NYSAC

4/26/2012

Dusek, Paul

From: Fire Prevention & Building Codes
Sent: Monday, March 26, 2012 11:37 AM
To: Dusek, Paul
Subject: State Mandates

Paul,

As per your request at the last Department Head Meeting, this email is my response to a mandate elimination or review. The whole Uniform Code that we enforce is mandated by the State that either towns, cities, villages, or counties enforce or pass on to the State the enforcement responsibilities. The "Code" is a unit. We cannot pick and choose which parts we enforce and which ones we do not. We get no reimbursement from the State to carry out the enforcement. Short of passing the enforcement back to the local levels or on to the State, I don't see any avenues of elimination.

If you need anything further from me or have any comments regarding this, please contact me.

Karen Putney
Administrator
Warren County
Fire Prevention and Building Code Enforcement
1340 State Rt. 9
Lake George NY 12845
Ph. 518 824-8862
F. 518 761-6564

3/28/2012

Dusek, Paul

From: Wheeler, Suzanne (DFA4-A52) [Suzanne.Wheeler@dfa.state.ny.us]
Sent: Wednesday, March 21, 2012 3:01 PM
To: Dusek, Paul
Subject: mandate relief
Attachments: Recommendations for Mandate Relief 2-11-11.pdf

Hi Paul,

Of course DSS's 3 requests for mandate relief would be Medicaid, Medicaid and Medicaid.

I will submit the following though:

- Medicaid
- Food Stamps Administration (federal and local share only with no state share)
- Public Assistance (family assistance and safety net assistance and safety net assistance administration has no federal or state share)

The following is a statement NYPWA put together last year regarding mandate relief:

Good Luck!

Suzanne

Suzanne Wheeler, Acting Commissioner (52a639)

Warren County Department of Social Services

Human Services Building

1340 State Route 9

Lake George, NY 12845

(518) 761-7647 phone

(585) 813-5158 cell

 *please do not print this e-mail unless necessary*

3/21/2012

NEW YORK PUBLIC WELFARE ASSOCIATION

WWW.NYPWA.ORG

Recommendations for Mandate Relief in Social Services at No Cost to NYS

February 14, 2011

The NYPWA supports Governor Cuomo's goal to give local governments a greater ability to control costs. The local departments of social services administer some of the most costly and the most compelling of State mandates: Medicaid, Public Assistance, and Child Welfare programs. The State of New York has a responsibility under Article XVII of our Constitution to provide "The aid, care, and support of the needy..." As long as the State retains the same level of commitment to assist vulnerable children and adults, there will be significant costs associated with these program benefits and services. A Property Tax Cap, with incremental mandate relief, will not cover the local costs of these programs. New York State has been "Getting out of the Game" of funding social services programs by lowering its State share of the cost. We will address any executive and legislative budget proposals which would further erode the State's responsibility in separate budget commentary.

We have the following recommendations to remove existing, unfunded mandates on local departments of social services. These changes require NO ADDITIONAL State funding and can be readily incorporated in State Fiscal Year 2011-12:

Stop the State Kinship Guardianship Assistance Program from Being Implemented on April 1, 2011. Why? The State enacted a Subsidized Guardianship Program without any funding. This program opens the door to a large population of relatives that care for children that will be able to access this program after a short interval as foster care parents. If there were savings, counties would support it as enacted, but there aren't and they don't. In addition, the Foster Care Block Grant is fully spent and cannot be used to fund guardianship assistance. The enactment date should be stricken from the law.

Place Federal Funds under Local Control & Remove Inflexible Mandates. Why? The TANF Block Grant is based on the amount of funding previously needed to cover cash assistance. To the extent that there are surplus funds, they should be directed to local districts to use in serving families on the TANF caseload and at high risk of being on the caseload. Too often these funds are directed to State contracts that are serving families at 200% of poverty but not those at greatest risk. Social services districts have built in incentives to lift people out of poverty, meet performance measures, and preserve Federal funding. The State should also remove mandates that control local decisions on TANF spending such as the raised level of the child welfare spending threshold. Counties and NYC are in the best position to decide where limited dollars are most needed to provide essential service and to hold not-for-profit agencies to performance based outcomes. In recognition of fewer resources, we need more local authority to make choices on how money is spent.

Reform the Safety Net Assistance Program to Manage State and Local Costs. Why? The Safety Net Assistance Caseload is growing at a faster rate than the TANF caseload, and the cost per case is much higher since there is no Federal reimbursement. To get the costs under control, we need to stay focused on employment goals and adopt a tougher sanction policy for heads of households that do not comply with work requirements. We need to combine stricter sanctions with a case management approach to provide the support that is needed to begin to move these complex cases beyond cash assistance and into long term employment. In addition, we need the State's support for targeted housing supplements for single adults, which require State approval but no additional State funding.

Halt All Pending Administrative Directives That Add New Mandates. Here are examples of three pending State policies that should be stopped because there is no State funding to implement them:

- Determinations of Good Cause and Willfulness for Noncompliance with Employment Requirements
- Medicaid Referrals to Child Support Enforcement Unit for Medical Support (Note: This directive is based on Chapter 215 of the Laws of 2009, which needs to be repealed in light of upcoming Federal rule changes.)
- Providing Language Assistance Services to Persons with Limited English Proficiency

Tie Foster Care Agency Reimbursement to Locally Driven Performance Outcomes within Current Funding Levels. Why? Foster care agencies are reimbursed based on a system that is counterproductive to goals such as permanency. Counties and NYC need the ability to establish foster care agency reimbursement based on performance measures and shared risk.

Authorize Waivers to Permit Local Districts to Streamline Administrative Procedures as Well as to Opt-Out of Mandates That Are Not Cost Effective. Why? Counties are in the best position to determine what State requirements are costing more than they can save on a local level and which administrative rules are truly cost effective. Local governments should have the ability to create program models unique to the needs of their population.

End All State Mandates for Federal Programs That Exceed Federal Requirements While Supporting Local Decisions on Options for Implementation. Why? The State does not pay local governments for the additional State mandates. New York State withdrew local administrative funding for the Safety Net Assistance Program and Food Stamps and left all of the mandates in place including shorter timeframes for expedited food stamps. Until the State can fund the administration of these programs, there should not be State mandates that exceed Federal rules. Since the Safety Net Assistance Program is not a Federal program, counties should have more say in this program.

Memo

To: Paul Dusek, Warren County Administrator
From: Patricia Auer, Warren County Director of Public Health/Patient Services/Early Intervention Official
Date: 3/26/2012
Re: County Mandates

In follow up to your request at the March 20, 2012 Department Head Meeting, as you are aware, Health Services oversees several significant and costly mandated programs, Early Intervention (Birth to 3 years) and Preschool Special Needs (3 to 5 years.)

The Early Intervention Program has much proposed reform, and is in process of converting to a new system of service documentation and claiming called NEIS (New York Early Intervention System). It is not without many issues, and right now it is not "nice!" But, if and when it all comes together, it could have merit. It is too soon to be judgmental as sometimes the program administration needs to go through the growing pains of change and get worse before it gets better.

The Preschool Program also has proposed changes for mandate relief, but the basic problem that would help is not being considered; only that school districts will share in the costs for services. Either way, taxpayers are still responsible.

The issue at point is the rate setting methodology for this program needs to be changed to "fee for service" with providers being reimbursed only upon county receipt of verification (service notes and child's actual attendance) that the services established in the child's Individual Education Plan (IEP) were actually provided. This is far from actuality. The county loses a lot of money by having to pay "tuition rates" if a child is placed in a program by the school district, regardless of what the child actually receives. The county further must pay school districts for administrative costs for setting up services that may or may not be delivered. And, when all is said and done, program providers have the opportunity to resubmit their program costs to the State Education Department to allow for rates to be adjusted several years after the fact, hence causing reconciliations (either positive or negative financially, though historically mostly negative) for counties.

I am not sure exactly what you have in mind with regard to the mandate relief, but I am happy to help in any way I can.

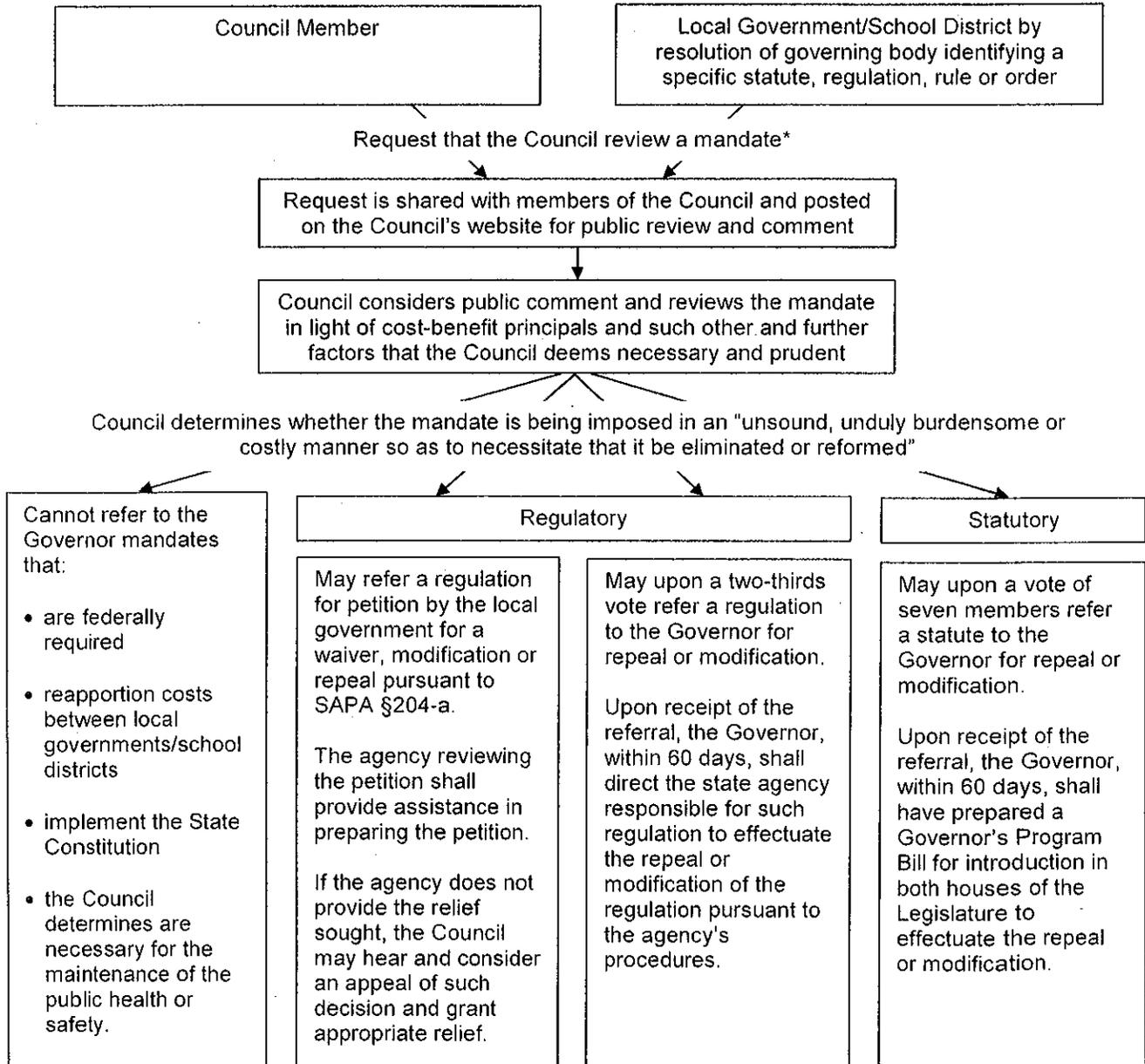
Indigent Legal Services Fund

Funds Received in 2010: \$213,623

March 2011: 90% of the amount received in 2010	-	\$190,146 (Actual)
March 2012: 75% of the amount received in 2010	-	\$160,217 (Actual)
March 2013: 50% of the amount received in 2010	-	\$106,812
March 2014: 25% of the amount received in 2010	-	\$ 53,406

MANDATE *Relief* COUNCIL

Mandate Relief Council Review Process



* The Council is only authorized to review and direct changes to regulations, rules, or orders of state agencies that are under the direction or control of the Governor. It does not have the authority to review and direct regulatory change for independent agencies, such as the State Education Department or the Office of the State Comptroller.

Governor Andrew M. Cuomo

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Mandate Review Request Public Comment Form

[Printer-friendly version](#)**MANDATE Relief COUNCIL**

As part of the process for identifying and determining whether a mandate on a local government/school district is unsound, unduly burdensome or costly, the Mandate Relief Council "shall receive and consider public comment about them."

The Mandate Relief Council is currently seeking comments on the following mandates:

Mandate Review Request Number	Name of Local Government/Council Member Requesting Review	Name of Mandate	Information Submitted with Request
2012050001	North Salem Central School District	Triborough Amendment	Request Resolution
2012050002	North Salem Central School District	LIFO	Request Resolution
2012050003	North Salem Central School District	Special Education	Request Resolution
2012050004	Pleasantville Union Free School District	Last In, First Out – LIFO	Request
2012050005	Scarsdale Union Free School District	Amend law to permit establishment of legal reserve for contributions to TRS	Request Resolution
2012050006	Scarsdale Union Free School District	Revamp rate setting for special act school district	Request Resolution
2012050007	Potsdam Central School District	Health Insurance Contribution	Request Resolution
2012050008	Chappaqua Central School District	New York Education – Article 89 – § 4404 Appeal Procedures for Children With Handicapping Conditions	Request Resolution
2012050009	Chappaqua Central School District	Transportation	Request Resolution
2012050010	Chappaqua Central School District	Triborough Amendment to the Taylor Law	Request Resolution
2012050011	City of Rye	Triborough Amendment	Request Resolution
2012050012	Scarsdale Union Free School District	A revision of current legislation that requires a "review" of new mandate costs that includes a comprehensive cost analysis and determination of the funding source. The practice of cost-shifting of mandated programs. A freeze and review of all currently proposed and pending mandates.	Resolution
2012050013	Ardsley Union Free School District	Triborough Amendment	Request Resolution
2012050014	Ardsley Union Free School District	Last In, First Out - LIFO	Request Resolution
2012050015	Ardsley Union Free School District	Extension of Probationary Term of Pedagogical Employees (Administrators, Teachers and Teaching Assistants)	Request Resolution
2012040001	Bedford Central School District	Non Public School Transportation - Private School Out of District Transportation	Request Resolution
2012040002	Bedford Central School District	Staffing Ratios and Class Size for Special Education	Request Resolution
2012040003	Bedford Central School District	Teacher and Principal Effectiveness - Chapter 103 of the NYS Laws of 2010	Request Resolution
2012040004	Pleasantville Union Free School District	Triborough Amendment to the Taylor Laws	Request
2012040005	Pleasantville Union Free School District	Tiers 3 & 4 Contributions after 10 Years	Request
2012040006	Byram Hills School District	Fiscal Reform - Tiers 3 & 4 Contributions After 10 Years	Request Resolution

2012040007	Byram Hills School District	Transportation - 15 Mile Transportation to Non-Public School	Request Resolution
2012040008	Byram Hills School District	Special Education: a) Burden of Proof; b) Parental Placements; c) Eliminate requirement that individual evaluation includes specific assessment	Request Resolution
2012040009	Pelham Union Free School District	Wicks Law	Request Resolution
2012040010	Pelham Union Free School District	Tiers 3 & 4 Contributions After 10 Years	Request Resolution
2012040011	Pelham Union Free School District	Triborough Amendment to the Taylor Law	Request Resolution
2012040012	Union-Endicott Central School District	Reduce New York State special education requirements to the levels required by federal law and regulation	Request Resolution
2012040013	Union-Endicott Central School District	Amend New York State teacher tenure laws and regulatory certification requirements to encourage teachers to become multiply certified and to provide school districts with greater flexibility in the hiring and assignment of teachers	Request Resolution
2012040014	Potsdam Central School District	Triborough Amendment	Request Resolution
2012040015	Irvington Union Free School District	Tiers 3 & 4 Contributions after 10 Years	Request Resolution
2012040016	Irvington Union Free School District	Last In, First Out - LIFO	Request Resolution
2012040017	Irvington Union Free School District	Special Education mandates that exceed Federal Law	Request Resolution
2012040018	Hastings-on-Hudson School District	Tier 3 and 4 exemption from pension contribution beyond Year 10	Request Resolution
2012040019	Hastings-on-Hudson School District	Triborough Amendment	Request Resolution
2012040020	Hastings-on-Hudson School District	Retirement Contribution Reserve Funds	Request Resolution
2012040021	Mahopac Central School District	Triborough Amendment to the Taylor Laws	Request Resolution
2012040022	Mahopac Central School District	Burden of Proof	Request Resolution

In addition, the Mandate Relief Council is looking for any comments and ideas for mandate relief that you may have.

Please use the following form to provide any comments on mandates and mandate relief. If you are commenting on a mandate that the Council is currently seeking comments on be sure to accurately input the Name of Mandate and Mandate Review Request Number, as listed above.

Note: This form, excluding contact information, and any accompanying information submitted may be posted on the Mandate Relief Council website or may otherwise be made public as part of the Council's deliberations.

Name of Mandate: *

(As listed above, if commenting on a specific mandate that the Council is seeking comments on)

Are You Commenting on a Specific Mandate that the Council is Currently Seeking Comments On: *

select... |

If so, Mandate Review Request Number:

(10 digit number listed above)

If so, Do You Support Making the Change to the Mandate Recommended in the Request?:

select... |

Explain:

If so, Estimated Savings from the Recommended Change to your Local Government/School District/Statewide:

(if known)

If so, Description of Methodology Used in Estimating Savings:

(if known; including whether the estimated savings is annual, one-time, or a combination)

If You are Not Commenting on a Specific Mandate that the Council is Currently Seeking Comments on, Provide any Comments/Ideas on Mandate Relief here:

Are You a Local Government Official?: *

select...

If so, Name of Local Government:

If so, Select Type of Local Government:

select...

If so, County:

If so, Your Title:

Name: *

Title:

(if applicable)

Organization:

(if applicable)

Address: *

City: *

State: *

Zip Code: *

Email Address: *

Attached are two slides that highlight the problem for counties. The first is from NYSAC showing the combined effect of mandated expenses vs revenues statewide through 2020. The second chart we created in Warren County to show the impact of growing mandates on community services. We estimate we are 6 – 8 years away from cutting out local community services in Warren County if something is not done. A number of other counties like Nassau, which is in receivership, are already in much worse shape and already there.

Here are the mandates Warren County is looking at as part of our effort to submit three mandates to the Governor's council on mandate relief requesting waivers. The list was generated by department heads:

- 1) Medicaid: We are thoroughly researching this area and trying to better understand the program, but it is our understanding that NYS offers every possible state elective, beyond the federal mandated program, each at the highest possible levels. Just bringing Medicaid back a little bit would save both the state and counties huge dollars, or to put it another way it seems reasonable to think a program this size could be reformed a little bit to find efficiencies and savings. Note – even a 5% savings would mean \$650,000 in savings to Warren County – which happens to equate to about a 2% property tax cap.
- 2) Funding cuts to the Public Defender/Legal Aid program and new Office of Indigent legal Services funding programs that require additional services/programs with the proviso that existing budgets may not be supplanted by available funds. Note – the state is pulling back 25% in funding for existing services to this program meaning the county will have to absorb this cost.
- 3) Social Services Food Stamp Administration – this program is paid for by federal and local money, but not state money.
- 4) Public health pre-school program – currently program pays for tuition. Our recommendation is that the program pays for services, e.g. early intervention pays for what the therapist charges. Preschool pays tuition which may not cover the services the child actually requires.
- 5) Social Services – Public Assistance – family assistance and safety net assistance and safety net assistance administration has no federal or state share (see two attached sheets from the NY Public Welfare Association recommendations for mandate relief in social services at no cost to NYS Feb 14, 2011).

We will likely pick three out of these first five. Others submitted for review:

- 6) Purchasing – prevailing wage rates intended for municipalities also apply to independent operators, e.g. the county owned railroad is run by a private operator, volunteer firehouses, etc. Note – also commented that prevailing wage in NYC is a lot different than in North Creek, NY way up in the Adirondacks. Prevailing wage is a burden to local municipalities in small, poor, rural areas of NY.
- 7) Probation – pre-sentence investigation reports and limiting the requirements for the same, e.g. give the judge option to waive this requirement for people who will serve in jail less than one year.
- 8) Probation – community corrections plan and new requirements that information provided by the State be included in the corrections plan and that the municipality evaluate whether changes in Probation operations may be made after review by the Criminal Justice Advisory Board. Note – this is cumbersome, holds things up, is an administrative hurdle.
- 9) Jail Mandates – Sheriff did not provide specifics.
- 10) Rescue Squad Mandates – driving the volunteer fireman out.
- 11) Triborough
- 12) Overlapping Jurisdiction of land use – Adirondack Park (big issue for Warren County which is 90% in the Adirondack Park).
- 13) Mandatory Interest Arbitration

There were three others we reviewed, but ruled them out for consideration or we need to better research/understand.

As you know there are hundreds of ideas that have been proposed for mandate relief just by the Governor and NYSAC alone:

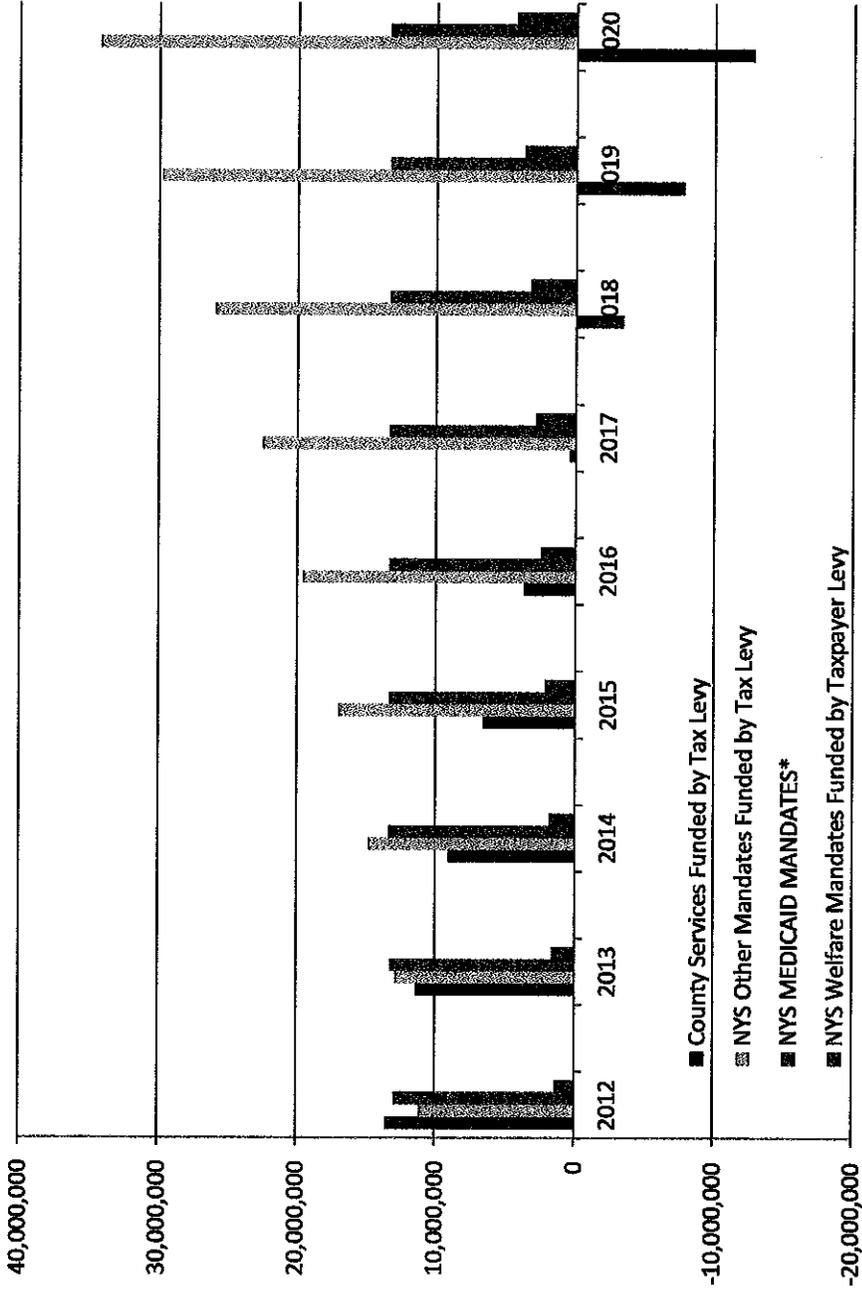
- Governor's Mandate Council report <http://www.enoughmandates.com/mandaterelief.pdf> including on Page 14 the proposed constitutional ban on unfunded mandates.
- NYSAC reports <http://www.enoughmandates.com/NYSAC9for90.pdf> and http://www.nygop.org/files/ReformingMandates_NYSACReport_001.pdf (239 specific recommendations).

NYSAC supports the concept of no new unfunded or partially funded mandates, and that any new mandates come with a funding stream, which the governor's council supports.

Any discussion on mandates should include one on taxation. NY State has been the number one overall taxed state 26 out of the past 30 years (www.taxfoundation.org). We tax everything. Our property taxes are high. Because of this our state population growth is slower than the rest of the country and we lost two congressional seats. In discussing this with business owners and other dedicated community leaders, people have had enough. More taxation is not the answer yet counties will be forced to raise taxes or cut services if something is not done about mandates.

Putting the 2% property tax cap onto the counties was a good idea, but doing it without mandate relief was unfair. This ensures either the counties go above the 2% tax cap or cut services.

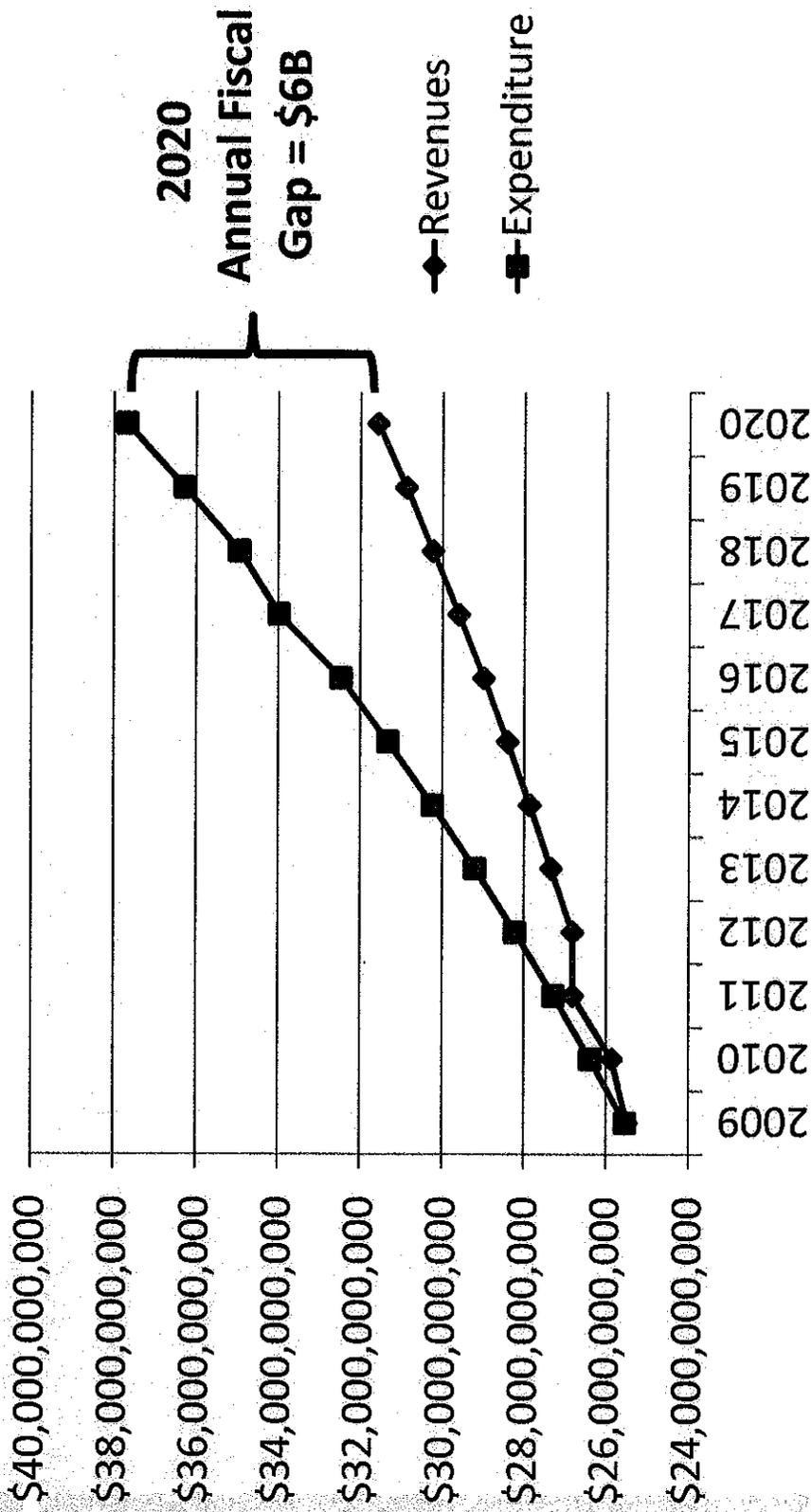
Mandate Impact on Community Services Warren County



Assumptions: 1) no property tax increases, 2) * mandated Medicaid expense increases based on Medicaid Cost Growth State Takeover, 3) 10% increase in other mandated expenses, 4) 5% - 15% increases in other county expenditures, e.g. pension, medical, other.

Source: Warren County Treasurer's Office

Conservative Revenue Growth - Limited Expenditure Reductions 2009 – 2020



- Assumes slow economic growth with property tax receipts capped at levy limit + economic growth factor of .25%
- Other revenue sources projected at historic trends (2000-2009).
- All expenditures predicted at historic growth rate (2000-2009).
- 2020 aggregate annual deficit of more than \$2 billion.
- Cumulative deficits 2012 to 2020 will exceed \$22 billion.

*OSC Data – Compilation and Trending by NYSAC. Values represent aggregates for all Counties (excludes NYC)



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FOR IMMEDIATE RELEASE
May 15, 2012

Board of Supervisors Declares May 15, 2012 “Mayday for Mandate Relief” Calls for Reform of the State’s Mandate Relief Council and Urges Swift Action in Albany on Mandate Relief Proposals

(Ballston Spa, NY) The Saratoga County Board of Supervisors today passed a resolution declaring May 15, 2012 to be “Mayday for Mandate Relief” in Saratoga County. The resolution calls for the state’s Mandate Relief Council to submit a package of mandate relief proposals to Governor Cuomo and the State Legislature for consideration before the end of the year. The Board of Supervisors is also calling for reforms to the Mandate Relief Council itself, intended on making the Council more effective and representative of county governments.

“Unfunded state mandates are the root cause of high property taxes in New York State, and for too long counties have been asking the state for relief from these burdens only to be met with an unsatisfactory response,” said Board of Supervisors Chairman Tom Wood. “Now with the state property tax cap in place, it is becoming much more difficult for county officials to maintain essential services and pass responsible budgets within the confines of the tax cap. Saratoga County enthusiastically joins with counties across the state in the “Mayday for Mandate Relief” initiative, and we urge state lawmakers to provide the relief that we desperately need.”

Saratoga County’s 2012 budget anticipates net expenses of more than \$61 million on mandates including Medicaid, Early Intervention, Preschool Special Education, pension contributions, community college tuitions, probation and indigent legal defense. This amount represents over 120% of the county’s \$50,774,998 property tax levy.

Today’s Board of Supervisors resolution proposes two reforms to the state’s Mandate Relief Council. It is believed that Saratoga County is the first county in the state to call for these reforms. First, the resolution requests representation for county officials on the Mandate Relief Council. Second, the resolution urges the establishment of specific budgetary targets quantifying the relief that the Council, through its work, must deliver to counties.

“It is troubling that the Mandate Relief Council’s eleven members include seven State Executive Branch officials and four State Legislators, but no representatives from the counties,” Wood continued. “We believe the Council would be well-served by including county elected officials who have direct responsibility over county budgets and deal most directly with the effects of unfunded mandates.”

Saratoga County’s participation in “Mayday for Mandate Relief” continues many years of advocacy on these issues. Year after year, the Board of Supervisors has passed resolutions calling for mandate relief, its members have traveled to Albany to lobby our State lawmakers for mandate relief, and its Legislative Program has called for an amendment to the State Constitution barring the imposition of unfunded

mandates no fewer than thirteen times over the past fifteen years, including in 2012, 2011, 2008, 2006, 2005, 2004, 2003, 2002, 2001, 2000, 1999, 1998 and 1997.

The Board's 2012 Legislative Program, adopted on February 28th and presented in Albany to State lawmakers on March 6th, called for specific mandate relief measures including: a full takeover of all local costs of the Medicaid program; adoption of Pension Tier VI; a Constitutional Amendment banning new unfunded mandates, and a statutory ban that would provide protection until such an amendment may be passed in final and ratified; state reimbursement for 100% of the costs associated with hosting an unprecedented third primary election in 2012; and reforms to ensure more timely state reimbursement for state mandated services.

The 2012 Legislative Program, as well as today's "Mayday for Mandate Relief" resolution, were approved unanimously by the Board of Supervisors.

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