

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: MANDATE RELIEF SUB-COMMITTEE

DATE: AUGUST 8, 2012

COMMITTEE MEMBERS PRESENT:

SUPERVISORS WESTCOTT
MONROE
WOOD
MASON
CONOVER

OTHERS PRESENT:

DANIEL G. STEC, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISORS KENNY
STRAINER
THOMAS

COMMITTEE MEMBERS ABSENT:

SUPERVISORS TAYLOR
GIRARD

THOM RANDALL, *ADIRONDACK JOURNAL*
CHARLENE DIRESTA, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Westcott called the Mandate Relief Sub-Committee meeting of the to order at 11:36 a.m.

Motion was made by Mr. Conover, seconded by Mrs. Wood and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Copies of the agenda were distributed to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Westcott reminded the Committee members that information had been distributed at the prior meeting pertaining to potential requests for waivers to be submitted to the Governor's Mandate Relief Council. He said he had requested Paul Dusek, County Administrator, to suggest the three mandates he would recommend for submission. He stated that Mr. Dusek had suggested that the formula utilized for Indigent Defense be submitted for review. Mr. Conover opined that the suggestion was valid and should be the first of the three waivers submitted. He inquired about the previous amount of State Aid and Mr. Dusek replied it was \$213,623 in 2010 and had been decreased incrementally since then.

Mr. Dusek explained that when the new funding stream had been created, it was intended to improve the delivery of services; however, he continued, each year the State had decreased the previous funding by the amount attributed to new programs. Mr. Monroe opined that the system was set up so that an increase in spending was rewarded and efficiency was penalized.

Mr. Dusek explained that Warren County had established a system with two attorneys to create contracted Conflict Defenders for the Family Court and the Criminal Court; however, he continued, although it had saved Warren County money, the Court System had determined it was unlawful and the Conflict Defender for the Criminal Court was abolished. He recommended if this mandate was submitted, the County should not only request the recoupment of the original funding level but should also request legislative amendments to allow the Conflict Defender contracts.

Mr. Mason asked if submission of the waivers to the Governor's Mandate Relief Council would only apply to Warren County or if they would be applied Statewide. Mr. Dusek responded that generally the requests would pertain only to the County which submitted them; however, he added, since this request would require legislative action, it would be applied Statewide if it was approved.

Discussion ensued.

Motion was made by Mrs. Wood and seconded by Mr. Monroe to authorize submission of a waiver to the Governor's Mandate Relief Council pertaining to the revamping of the formula utilized for Indigent Defense, as the current formula reimbursed Counties for new programs but reduced the current level of State Aid by the same amount; seeking legislative amendments to allow Conflict Defender approval; and recouping the full amount of funding of approximately \$200,000.

Mr. Westcott suggested that NYSAC (New York State Association of Counties) should be notified about the submission to obtain their support. Mr. Conover asked if the mandate was discussed with representatives from NYSAC and Mr. Dusek replied in the negative. Mr. Conover suggested contacting NYSAC as they could assist with the development of the resolution and Mr. Dusek responded the cost of Indigent Defense was a requirement on the Counties and was listed among the NYSAC 9 (the nine mandates submitted by NYSAC to be reviewed by the Governor's Mandate Relief Council). Mr. Dusek said he believed that NYSAC was not focusing on this mandate as specifically as Warren County was requesting. He explained that in order to offer relief from this mandate the State would need to amend the State Finance Law through legislation and they would need to amend one provision in the County Law to allow the contract Conflict Defender.

Mr. Westcott called the question and the motion was carried unanimously to authorize submission of a waiver to the Governor's Mandate Relief Council pertaining to the revamping of the formula utilized for Indigent Defense, as the current formula reimbursed Counties for new programs but reduced the current level of State Aid by the same amount; seeking legislative amendments to allow Conflict Defender approval; and recouping the full amount of funding of approximately \$200,000. *The necessary resolution was authorized for the August 17, 2012 Board meeting.*

Chairman Stec exited the meeting at 11:52 a.m.

Mr. Westcott stated the Triborough Amendment (an amendment from the 1980's resultant of a court decision made in the 1970's which required prior union contract terms be followed until the next union contract agreement was reached) had been suggested as a possibility for submission to the Governor's Mandate Relief Council. He said he would like to have a brief discussion pertaining to the Triborough Amendment and he was hopeful that the Committee would authorize Mr. Dusek to complete further research on the issue to determine which amendments would be requested.

Mr. Monroe advised that the Triborough Amendment had evolved due to the fact that public employees were not allowed to strike and it would be beneficial to the County to have this repealed; however, he added, if there were amendments made which could save the County money it would be worth submitting. Mr. Westcott opined having the Triborough Amendment repealed was unlikely; however, he added, if the County could make a case for adjusting the current requirements a significant savings could be realized.

Mr. Conover commented that the largest cost to the Counties was derived from health insurance costs which increased yearly and the Triborough Amendment allowed the employee contributions to remain the same until the next union contract was negotiated. This was costly to the Counties, he continued, as the employee contributions did not always increase with the cost of health insurance to the Counties.

Following further discussion on the matter, it was the consensus of the Committee to review the Triborough Amendment for possible adjustment, especially pertaining to health insurance costs, at the next Committee meeting to determine if it should be submitted to the Governor's Mandate Relief Council.

Mr. Westcott suggested the Committee request the attendance of Suzanne Wheeler, Acting Commissioner of the Department of Social Services (DSS), at the next meeting to present an overview of the Medicaid Program and the changes she would recommend to State programs. He reminded the Committee that New York State participated in all of the electives of the Medicaid Program at the highest level.

Mr. Conover stated that the Medicaid Program was also an issue with Westmount Health Facility as the rate for Medicaid residents was significantly lower than that of private pay residents. He noted the private nursing home facilities were able to discriminate against the Medicaid patients and push those residents towards County-owned facilities. He said a lot of counties were considering privatizing their nursing homes as they operated at a loss attributed in part to the Medicaid reimbursement rate formula. Mr. Westcott agreed Medicaid was a key issue for Westmount Health Facility. He stated that Ms. Wheeler could assist the Committee by informing them of all the facts and hidden costs in the Medicaid Program. A brief discussion ensued pertaining to the privatization of nursing home facilities in other counties.

Mr. Monroe inquired about the possible impact from President Obama's Healthcare Reform Act on Medicaid Programs and Mr. Westcott responded that Ms. Wheeler would be requested to discuss any possible impacts at the next Committee meeting. Mr. Westcott requested the Committee members to reflect on the best approach to influence the Governor's Mandate Relief Council to consider mandates submitted by Warren County for review.

Mr. Conover suggested Mr. Dusek meet with Ms. Wheeler prior to the next Committee meeting and request that she prepare recommendations as to possible changes to State Programs which would be beneficial and result in significant savings without diminishing the current level of services and benefits to the public. Mr. Dusek agreed that he would meet with Ms. Wheeler to apprise her of the expectations of the Committee. He asked if he should request Ms. Wheeler to present recommendations beyond the Medicaid Program and to include discussion on all State Programs within the DSS and Mr. Conover replied affirmatively.

Mr. Mason advised that it was necessary to request the State to establish a defined contribution pension plan. He said a new Tier was needed for the State pension plan and asked the Committee members if this was something that should be considered as one of the mandates to be submitted to the Governor's Mandate Relief Council. Mrs. Wood informed that a Tier 6 had recently been added to the State pension plan and she felt it was unlikely that the State would consider the addition of another Tier so soon after the addition of Tier 6. Mr. Westcott opined that the benefits of the addition of Tier 6 would not be seen for another 30 years. Mr. Monroe stated that pension reform was something that the State Administration was already considering which was why they had added Tier 6. He said the role of the Committee was to try to point out the mandates which were not currently being considered.

Mr. Monroe reminded the Committee that a resolution was approved to request the Governor to expand the Mandate Relief Council by appointing local government members and he asked if a response had been received. Mr. Westcott replied there had not been a response yet and he recommended the Committee members meet with Senator Little who was appointed to the Mandate Relief Council to discuss the appointment of local government members. He suggested the creation of a Statewide County level Mandate Relief Council consisting of six Republicans and six Democrats.

Following further discussion on the matter, it was the consensus of the Committee to request Ms. Wheeler attend the next Committee meeting to explain the components of the Medicaid Program

and changes she would recommend to the State Programs, while preserving the same level of services and benefits to the public.

As there was no further business to come before the Mandate Relief Sub-Committee, on motion made by Mrs. Wood and seconded by Mr. Monroe, Mr. Westcott adjourned the meeting at 12:19 p.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist