

**ULSTER COUNTY LEGISLATURE
COMMITTEE MEETING MINUTES**

NAME OF COMMITTEE: Administrative Services Committee

DATE: July 14, 2009

TIME: 5:00 P.M.

PLACE: UCOB, 6th Legislative Chambers

LEGISLATORS PRESENT: Chairman Jeanette Provenzano, Deputy Chairman Paul Hansut, Legislators Alan Lomita, Roy Hochberg, Phil Terpening, Laura Petit

LEGISLATOR EXCUSED: Ken Ronk

OTHERS ATTENDING: Comptroller Elliott Auerbach, Budget Director Arthur Smith, Lee Cane LWV, Tom Kadgen LWV, Legislative Employee Nettie Tomshaw

The meeting was called to order by Chairman Provenzano at 5:00 PM.

A motion by Legislator Hansut was made to accept the June 16, 2009 Committee Meeting Minutes, seconded by Legislator Lomita, all were in favor, Carried.

Discussion:

Financial System - County Computer System:

Budget Director Arthur Smith shared with the committee an overview of the history and current status of the budgeted financial software system.

- Assembled a team to include: Purchasing, Auditing, Treasurer, County Administrator, IS Departments
- Submitted a draft RFP to vendors Spring 2008
- Received 4-5 Serious responses approx. \$225K ~ \$1Million different packages offered depending on modules ordered
- Team interviewed vendors and concluded a software package approx. \$700+K would meet their needs and was included in the 2009 budget under the IS Department
- As 2009 approached, charter changed to a new form of government which kept people busy for the first couple of weeks
- The uncertainty of sales tax - results having a 60 day lag put the financial software order on hold.
- Decided to proceed with two out of the three programs - ADL and the Electronic Clock for payroll both having revenue potential with UCAT and stimulus monies
- Felt it would be prudent to hold off and see the sales tax outcome. County still in a state of flux
- July's sales tax adjustment check is down 7 percent
- Funding to stay in the budget

- Short term solution would be to see if the vendor could write some standard reports that would get us through the short term and not cost as much
- Appreciates and respects everyone's comments and what each department (including their own budget program) goes through using the current system
- County Executives position is sales tax dictates how monies are spent

Elliott Auerbach felt his department using the current system can retrieve the information needed to report and do their job. Implementing a new system will be an 18 month process - very labor intense. Hopefully in a couple of months the economy will improve and the county will have a better grasp of what is needed.

Legislator Hochberg asked what the county's policy is for software maintenance - comparing it to the county highway department maintenance for vehicles. Stating the computer system is just like a machine - no different than a tractor or truck. It needs a maintenance plan. Our mindset allows us to put our arms around highway equipment but not our software - financial system. We need a policy that applies to our systems. Our current system is 12 years old. What's to say the million dollars spent on the purchase of vehicles could have been split between a software policy and a vehicle policy. Legislator Hochberg wants the upcoming budget to support the IS effort - to allow funding in a balanced way.

Legislator Lomita agrees however stated right now with these economic conditions we need to prioritize.

Chairman Provenzano conveyed to Art Smith on behalf of the committee to encourage the financial system be addressed in the upcoming budget. Input from the Controllars office agreed as well. Chairman Provenzano also stated by October the 2010 budget will be out and we will know if they are going out for another RFP and hopefully in the New Year we will be purchasing software.

Whistle Blower Law:

The Human Services Committee and Administrative Services Committee are working together on the Whistle Blower Law. The issue was brought forward by Elliott Auerbach at last months meeting along with providing literature on the subject. Chairman Provenzano brought the County Executive on board stating he would have to sign off once passed - as with any local law. The Chair also expressed if the County Exec. has input, our committee would entertain it. At this point Chairman Provenzano feels it's now up to our legal council to recommend what path is best for Ulster County to develop a Whistle Blower Law.

Dan Heppner, Council to the Legislature opened discussions by giving a little history lesson about Lincoln's Law, guns, sawdust and profiteering during the civil war. A law has been in place since civil war times - 1863. This law was designed to prevent individuals from profiting by making false claims.

Today, there are many federal statutes that cover this. They provide a mechanism for trying to recover money spent and protection to the whistle blower. Also if the federal government waives its right to bring a

claim, the private individual can bring the claim and receive 20 percent of what's recovered - so there's a financial incentive on the part of the employee to come forward.

Elliot's attachment for Erie County "policy" pertains to employees in Medicaid / Health Care issues only. Erie County discusses during orientation of a new employee their rights and their "duty" to report findings or concerns they may encounter. This Erie County policy pre-dates a recently passed law in New York State and became effective in 2007.

The New York State False Claims Act under section 187, effective April 9, 2007 protects Ulster County, Villages, School Districts - etc. This state statute has absolute, iron clad protection for employees who bring claims forward to protect against retribution.

Committee discussion ensued on hypothetical situations and whether this statute covers them as well as false whistle blowers making claims. Such as things that are going on right in front of employees eyes - and how can we protect them from retaliation. Some wording already appears in the Ethics Law, also what would be the county's liability and consequences for the employee that doesn't speak up, slander, employee morale etc.

Chairman Provenzano requested Dan Heppner attend Monday's Human Development and Personnel Committee Meeting to allow Dan time to research more on creating a policy for Ulster County. Dan Heppner will come back with some recommendations for committee review.

Assessments and Equalization Rates: Dorothy Martin was away on vacation, however forwarded an equalization rate handout for the committee. Legislator Hochberg showed concern after reading a letter to the editor in a local paper - the author talked about how the rates are derived - and wants to understand further since two studies in the past 6 months show something isn't quite right. Although everyone agrees the understanding of the system is complex and confusing, Chairman Provenzano reviewed who and what took place at a previous Administrative Committee meeting. Chairman Provenzano will have Dorothy Martin come to the next meeting and discuss further. Legislator Terpening stated it's a subjective system - an educated guess such as location, condition, run down vs. good shape etc.

Draft Resolution August 12, 2009: Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement And Any Amendments To The Agreement With Ulster County BOCES To Provide Computer Information Technology To County Employee Workforce - Information Services

Motion offered to move Resolution forward by Legislator Lomita, Seconded by Legislator Hochberg, Unanimously in Favor, Carried.

Adjournment:

The meeting was respectfully adjourned at 6:05 PM with a motion offered by Legislator Hansut and seconded by Legislator Lomita, with all in favor, carried.

Respectfully Submitted,

**Jeanette Provenzano, Chairman
Administrative Services Committee**