**LEGAL/SAFETYCOMMITTEE MEETING MINUTES – September 15, 2020**

PRESENT: Legislators Sauerbrey, Balliet, Roberts, Standinger, Weston, Hollenbeck, and Sullivan and County Attorney Peter DeWind, Treasurer Jim McFadden, Stephanie Jerzak, Chief Accountant, Bethany O’Rourke, Personnel Officer (and County Attorney Secretary Diane Stephens – Minutes)

ABSENT: Legislator Monell

Legislator Mullen

Meeting convened at 4:55 p.m.

**Minutes** - On motion of Legislator Hollenbeck, seconded by Legislator Roberts and unanimously carried the minutes from the August 11, 2020 meeting were approved.

**Budget** – YTD budget report presented. Due to the 10% budget cut, a small transfer had to be made to cover the purchase of needed items.

**New Business:**

* **Juvenile Prosecutions and Juvenile Appeal:** Attorney DeWind reported that there continues to be a number of juvenile cases involving sex crimes coming in. Unless there is an open DSS case or Probation case, accessing counseling is troublesome. He has spoken to other agencies regarding this issue and what can be done.

This past month an answering brief to a juvenile appeal took a great deal of time to draft and file.

* **Professional service contract for labor counsel and legal research contract:** These contracts expire at the end of this year. Attorney DeWind is contemplating going another way with contracting for legal counsel. The 13.2 hrs. per month that we are currently paying for are not being used. Some departments have a legal services line item and are able to pay for their own legal fees, while others do not.

At this time the Lexis Nexis on line research contract most likely will be renewed. The expense for this is paid from several departments’ budgets (DA, PD, ILS, DSS and Personnel).

* **CAASNY:** Attorney DeWind is virtually attending the annual CAASNY meeting, which includes attending three days of continuing legal education courses.
* **Labor Law 194-a**: Attorney DeWind reminded those in attendance of this law which prohibits asking any candidate for employment of their prior salary history.

Personnel Officer O’Rourke stated that department heads were advised of this and she assumed it was communicated to any of their employees that may conduct interviews.

Attorney DeWind also stated the need to be aware of religious or cultural differences in dress or hair which need to be accommodated. There was a brief discussion about this. A dress code can still exist, but someone’s adherence to their cultural or religious beliefs have to be taken into consideration. Ms. O’Rourke stated that the Sheriff’s office has a policy about hair length being at ear level. She stated, for instance, that if someone has dread locks, under the Sheriff’s policy, they will have to pin them up but they cannot be told to cut them off.

* **Recycling Fee Options:** Attorney DeWind reported that he spoke with Ellen Pratt (Recycling Manager) and Terie Huseby (Director of Real Property) about the recycling fee. Leaving the recycling fee on as a tax (with the lesser amount of $250,000) can still be done, but they cannot put it on as a fixed fee exempting out vacant land, farm land, etc. because they are not currently coded to do that. The options are to leave the recycling tax as is or remove it from the tax bill, put the money into the B Fund (or under Solid Waste) and it won’t show up on tax bills as an additional tax. Leaving the recycling tax on the tax bill counts against the 2% tax cap. This matter will be addressed in the next Public Works committee meeting. Ms. Huseby will be meeting with Budget Officer Jackson Bailey to go over numbers. Chair Sauerbrey and Legislator Roberts feel that it looks better to have the tax off the tax bill. Chair Sauerbrey stated that Ms. Pratt will be speaking at the public hearing to explain the new source separation local law. Chair Sauerbrey has sent out a press release about the public hearing on the local law. Attorney DeWind will speak with Ms. Pratt to let her know where they are at and that this matter is going to the Public Works committee for discussion and recommendation.
* **Police Reform and Pandemic Planning Directives:**  Attorney DeWind stated that a series of meetings with law enforcement and the community need to take place and a plan developed and submitted to the State by April 1, 2021 regarding any needed police reform. The State is also requiring a pandemic response plan be developed and sent to them by April 1, 2021. Failing to do either of these have financial consequences.

Chair Sauerbrey reported that Sheriff Howard is in the process of setting up meetings with local law enforcement to start the process on the police reform requirement. A list of who in the community needs to be included in these meetings needs to be developed. A series of community meetings will be held via Zoom where input can be received. All of this needs to be documented and sent to the State.

There was some discussion regarding the pandemic response plan. Legislator Roberts stated that it’s hard to develop a plan because the type of pandemic varies greatly. Legislator Sullivan asked if any current disaster plans the County has in place addresses this. Attorney DeWind stated that it’s more about going through the exercise and submitting the plan. There is no right or wrong, just the need to prove that the County has addressed the issue and can properly respond to it. Chair Sauerbrey stated that the County will comply with the basic requirements.

**In Rem Foreclosure Status:**  Attorney DeWind stated that he spoke with the Court this afternoon. The same hold is in place because of what is happening with residential mortgage foreclosures. In at least one county they are allowing the process to advance only against vacant land. There have been many inquiries about this from those stuck in the foreclosure process. One of the properties is 113 Liberty Street, where he has spoken twice with the owner who is very upset. The redemption period is past. So at this point the Legislature would have to decide whether they are willing to sell the property back. Another property is 33 Elmwood where the bank sent a check for the wrong amount, the check was sent back, but the bank never followed through with sending a check for the correct amount.

Attorney DeWind stated that he doesn’t believe the foreclosures will take place this year. This has caused a lot of inadvertent problems and budget consequences. An email to Porter Kirkwood District Executive will be sent to see what can be done to kick this matter forward.

Meeting adjourned at 5:30 p.m.