

**Operations RFP Subcommittee  
Minutes – APPROVED  
August 30, 2021 – 1:00 p.m.  
Town of Ithaca/Zoom Conference Call**

Present: Ed Fairbrother, Chris Wagner, Sunday Earle, Schelley Michell Nunn, Mark Emerson (arrived at 1:18 p.m.)

Staff/Guests: Elin Dowd, Executive Director; Michelle Cocco, Clerk of the Board; Steve Locey, Paul Pelton, Rob Spenard, Locey & Cahill; Teri Apalovich, Finance Manager; Kylie Rodrigues, Benefits Specialist; Sarah Thomas, Tompkins County Benefits Administrator; Greg Potter, Tompkins County Director of Information Technology Services

**Call to Order**

Mr. Wagner, Interim Chair, called the meeting to order at 1:04 p.m.

**Changes to the Agenda**

There were no changes to the agenda.

**Executive Director Report**

**RESOLUTION NO. - 2021 – ADOPTION OF BUSINESS CONTINUITY AND DISASTER RESPONSE PLAN**

Ms. Dowd said the Consortium was informed by the Department of Financial Services (DFS) that it needed to put together a Business Continuity and Disaster Response Plan. Under the guidance of Tompkins County Greg Potter led the Consortium through the process of answering questions and ensuring compliance. Ms. Apalovich summarized the Plan and said in the event of a disaster Ms. Dowd and Ms. Drake would be responsible for calling the Consortium in an emergency response act. Ms. Dowd said in the event it were to be enacted the Consortium would be able to continue to pay claims and third party administrators.

Mr. Potter referenced the Circular letter (7) from DFS and said in order to meet the requirements of that Circular would be very extensive. He and Ms. Apalovich worked to develop a plan that could be supplemented with documents from the other organizations the Consortium works with in conducting its business. He said if DFS is asking for the same level of detail from every organization the Consortium does business with it would be an extremely extensive process. He recommended submitting this and to DFS and to wait for a response.

Mr. Emerson arrived at this time.

Moved by Ms. Michell Nunn, seconded by Mr. Fairbrother, and unanimously adopted by voice vote by members, to approve the following resolution and submit to the Executive Committee.

WHEREAS, the Department of Financial Services has advised in Insurance Circular Letter No. 7 (2021) that the Consortium must develop a Business Continuity and Disaster Response Plan (BCPDRP) each year, and

WHEREAS, the purpose of a Business Continuity and Disaster Response Plan is to ensure the organization's system of procedures to restore critical business functions in the event of unplanned disaster, and

WHEREAS, Consortium staff has worked in cooperation with the Tompkins County Information Technology Services Department in creating the Consortium's first approved Business Continuity and Disaster Response Plan, and

WHEREAS, upon approval, the Plan will be maintained by the Executive Director of the Consortium and shall be made available to all Consortium Participants, Consortium employees, and the Tompkins County Information Technology Services Department, and

WHEREAS, the Business Continuity and Disaster Response Plan shall be updated and approved annually, now therefore be it

RESOLVED, on recommendation of the Operations Committee, that the Executive Committee, on behalf of the Board of Directors, hereby approves the Business Continuity and Disaster Response Plan dated September 1, 2021.

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**Resolution No.     – 2021 - Urging New York State to Issue an Executive Order Allowing for Remote Attendance at Public Meetings and to Suspend and Consider Amending New York Public Officers Law (Open Meetings Law)**

Ms. Dowd spoke of the difficulty in getting a quorum at meetings and said the proposed resolution is based on action taken by the Tompkins County Council of Governments urging the State to modify the Open Meetings Law.

Members spoke in support of maintaining the ability to allow members to attend meetings remotely. Ms. Michell Nunn noted the ability to attend a meeting virtually has provided access to meetings by some who would not otherwise be able to.

Moved by Ms. Michell Nunn, seconded by Mr. Emerson, and unanimously adopted by voice vote by members, to approve the following resolution and submit to the Executive Committee.

WHEREAS, on March 12, 2020, in an effort to contain the spread of the novel coronavirus, otherwise known as COVID-19, New York Governor Andrew M. Cuomo issued Executive Order 202.1 which suspended portions of Article 7 of the New York Public Officers Law "to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in-person access to meetings and authorizing such meetings to be held remotely by videoconference, provided that the public has the ability to view or listen to such proceedings and that such meetings are recorded and later transcribed," and

WHEREAS, Governor Cuomo successively extended such suspension by Executive Orders on a monthly basis through June 25, 2021, and

WHEREAS, on June 24th, 2021, by Executive Order 210, Governor Cuomo rescinded Executive Orders 202 through 202.111, including Executive Order 202.1, effective June 25, 2021, the Governor concluding that "the State of New York [has] successfully flattened the curve of COVID-19 cases in New York," and, therefore, the Executive Orders were "no longer necessary," and

WHEREAS, the Governor's rescission of Executive Order 202.1 now requires that public meetings convene in-person at a central location and allow public attendance there and at any locations from which members of the public body attend remotely by videoconference, and

WHEREAS, since the issuance of Executive Order 210, the increased prevalence of the Delta Variant of COVID-19 has caused a resurgence of coronavirus cases throughout the United States, New York State and Tompkins County, prompting local governments to reinstate public health advisories that call for the indoor masking of individuals, whether vaccinated or not, and recommend limitations on the size of indoor gatherings, including municipal meetings, and

WHEREAS, it is important that public officials, each with their individual family and health circumstances, be able to attend public meetings in a manner that allows them to maintain a level of safety that they feel is appropriate for them, and

WHEREAS, no legislative remedy to this problem of in-person public meetings mandated by OML during a global pandemic through amendment of Article 7 of the New York Public Officers Law is likely to occur before January 2022, now therefore be it

RESOLVED, on recommendation of the Operations Committee, That the Executive Committee on behalf of the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, respectfully requests that the Governor of the State of New York immediately re-impose through Executive Order those portions of previous Executive Order 202.1 that suspended portions of Article 7 of the New York Public Officers Law, commonly referred to as the "Open Meetings Law," so as to permit municipal governing boards and other, similar municipal bodies, to conduct public meetings remotely in a manner similar to, and with like restrictions, as Executive Order 202.1 permitted, and that such suspension continue until such time as the coronavirus pandemic has passed or legislative remedies have been made to Open Meetings Law,

RESOLVED, further, That the Board of Directors of the Greater Tompkins County Municipal Health Insurance Consortium, also requests the New York State Legislature amend Public Officers Law §103(c) to strike the requirement of public in-person access to every site where a member of a public body may participate in a remote meeting, so long as the public has the opportunity to attend the meeting either remotely or at a predetermined, public location where members are present in-person,

RESOLVED, that a copy of this Resolution shall be sent to The Honorable Kathy C. Hochul, Lieutenant Governor and New York Governor-Designate, the Honorable Pamela Helming, New York State Senator, Dr. Anna R. Kelles, New York State Assembly Member, and the Association of Towns of New York State.

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### **Executive Session**

It was MOVED by Mr. Fairbrother, seconded by Ms. Michell Nunn, and unanimously adopted by voice vote by members present, to enter into executive session at 1:23 p.m. to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

### **RESOLUTION NO. \_\_\_\_ - 2021 - AUTHORIZATION TO ENTER INTO A CONTRACT WITH PROACT INC. FOR PRESCRIPTION BENEFIT MANAGEMENT SERVICES – 2022**

The following resolution was MOVED by Mr. Wagner, seconded by Ms. Earle, and unanimously adopted by voice vote by members present to approve the following resolution and submit to the Executive Committee

WHEREAS, the Consortium issued a Request for Proposals for Prescription Benefit Management Services and created the RFP Review Committee, and

WHEREAS, eight proposals were received, all proposals were reviewed and evaluated according to the review criteria and weighting stated in the RFP, and

WHEREAS, the Prescription Benefits Manager Request for Proposals Review Committee conducted interviews of three applicants and has directed the Executive Director to forward a recommendation that a contract for Prescription Benefit Management Services be awarded to ProAct, now therefore be it

RESOLVED, on recommendation from the RFP Subcommittee, Operations and Executive Committees, That the GTCMHIC Board of Directors authorizes a one-year contract that includes a three-year pricing agreement for Prescription Benefit Management Services with ProAct Inc.; the initial contract period shall be January 1, 2022 through December 31, 2022 with the option to continue the contract thereafter for two (2) successive years at the discretion of the Greater Tompkins County Municipal Health Insurance Consortium.

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The meeting returned to open session at 1:41 p.m.

#### **Adjournment**

The meeting adjourned at 1:41 p.m.