

# CHARTER REVIEW COMMITTEE MEETING

The second meeting of the Charter Review Committee held on Wednesday, March 25, 2015 at 5 p. m., in the Legislative Hearing Room, Sullivan County Government Center, 100 North Street, Monticello, New York.

Pledge of allegiance.

Roll call.

Members present: Steve Altman, Paul Burckard, Bruce Ferguson, David Forshay, Isaac Green Diebboll, JJ Hanson, Peg Harrison, Sandra Johnson Fields, Bill Liblick, Ray Nargizian, Nadia Rajsz, Larry Richardson, Kenneth Walter.

Members absent: None

Others present: Gerald Benjamin, Professor of Political Science at SUNY New Paltz and former Chairman of the Ulster County Legislature, Gene Benson, Legislator, Cora Edwards, Legislator, Josh Potosek, County Manager, Nancy Buck, County Treasurer, Tom Cawley, Assistant County Attorney, Joe Todora, Commissioner of Department of Health and Family Services, Dan Hust, Sullivan County Democrat and Fritz Mayer, River Reporter.

At the request of Sullivan County Chairman Scott Samuelson, Paul Burckard chaired this meeting.

Mr. Burckard introduced Isaac Green Diebboll, the newest member and Ray Nargizian to the Charter members.

Mr. Burckard introduced Dr. Gerald Benjamin, the former Chairman of the Ulster County Legislature. He is also the former Chair of the Charter Commission that changed the Ulster County government to the present government that they have, which is the County Executive form. He is a recognized expert in government on both state and local government. Presently, he is Vice President and the Director of the Center for Research and Regional Education and Outreach based at SUNY New Paltz. I have known Dr. Benjamin for many years, in fact, I first met him up in Albany when he was the Director of the State Local Government Issues at the Rockefeller Institute many years ago. So with that, ladies and gentlemen, Dr. Gerry Benjamin and thank you for coming, we do appreciate it.

Dr. Benjamin said I am pleased to be here, it is not my first time. I once did a study on your jail. So I am happy to be here and I regard myself as a resource. I am here to answer questions and in preparation for this meeting I asked for a list of questions and I actually have one that will guide my initial remarks. I want to start with a little bit of history so you have the context because most people, even experienced people in County government, don't fully understand the role of

counties in New York State. County governments were created for the convenience of the State. They were a step toward delivering essential services. They were created and completed at the end of the 19th Century with the exception of the Bronx, which was created in 1914. So they kind of established a number of Counties in New York since 1914, that is 62, 5 which are within New York City that are not self governing and 57 that are essentially functioning and now self governed units. Over time Counties came to be run by elected officials, County wide officials with County wide elections and the town officials ran the County as a second function in many of the rural and suburban areas. We also evolved an idea of Home Rule, which suggested that local government forms and structure be organized by local people. That idea came to combination in 1963 when we created and adopted the Home Rule Provisions of New York State Constitution. So we have County government that is a hybrid, it is a State agent in an atomist locality in the same time. Where people are governing the Counties, especially when they just start, they often complain about those conventions of the jobs and have nothing to do with being an agent of the State because in those areas there is no atomicity. Those are called mandated functions, you probably heard that word a lot but at the same time there is a Home Rule opportunity. If the County determines to take up the Home Rule opportunity, it adopts the Charter. So there are Counties governed without a Charter and there are Counties governed with a Charter. This County has in fact opted for Home Rule, adopted a Charter. So we have many Counties in New York, especially in the rural areas that operate under State law without a Charter. So the first step is whether you adopt the Charter that step has already been done. When you adopt a Charter you have lots of choices, the State Constitution guarantees you when you pass it, you make those choices once you make that initial step. That is what you are really meeting about. You are meeting about whether the choices you took initially or that you are currently operating on in this County are the appropriate choices for the current circumstances of the County. You made the Home Rule decision. Many Counties have not done that and some are doing it as Montgomery County recently did and Ulster County recently did, actually after Sullivan County. Now the choices are among the alternatives that are not universally better or worse. A lot of people want me to say that one choice or another is better, one choice or another is worse. The choices are consequentially, are optimal relative to the circumstances and needs of the communities being governed. So you have to initially determine what those circumstances and needs are. I am not here to advocate for one thing or another, I should point out. But I will say there is a pre-dispersion that when you get discontent, when discontent rises with forms of the government or the circumstances of the community to chose an alternative form and then it is not necessarily addressing the cause. It is just seeking an alternative because it is an alternative. I think that you have to keep that in mind. Your are charged with a very important task, which is determining if the Home Rule choices of this community have been properly made with the current circumstances of the community, without judging whether they were properly made for the community when they were made. Because they could have been entirely proper in the evolution of the economy, the character of the population, the internal social dynamics , it may be very different for those choices. We do have lots of research on what structures have been

chosen in different places of different sizes with different population propositions in New York and across the country. We have a database of County government provisions. We have undergraduates busy keeping track of all of that stuff. So that is the first point. Dealing with the government is not fully atomist, it has to deal with the relationship that the State is a primary consideration in dealing with a government where you have choices about self government. You made that choice, now the question is the characteristics of the institutional design, the self governing end. I going to talk to these questions and then I am going to answer whatever questions that you have.

Mr. Benjamin goes on to say let me go through what I got from you so far. May be JJ is the one who wrote the questions, I don't know. Did you aggregate them or did you write them? JJ Hanson said I wrote them. Mr. Benjamin said I have some other questions that I had from one or two other members and I will try to remember what they were too even though I didn't bring my notes. The first question, what is the prime reason Ulster County choose to adopt a Charter? Ulster County was governed by a legislature. Another historic point, in 1965 we had very important decisions over one person, one vote decision in the US Supreme Court. Most upstate communities at that time, even Nassau County, a suburban County, were run by Boards of Supervisors under State law and the operation of County government was not in conformance with one person, one vote because the towns were different populations and equal voting in a Board of Supervisors, different populations was not in accordance with the Constitutional standard. One of two steps were taken, either the creation of Legislative body so that one person, one vote could be adhered to within the range of difference allowed by the courts. Or the adoption of weighted voting systems that allowed the Board of Supervisors to persist but with each Supervisor exercising a shifted proportion of the vote relative to the population. That is not exactly the way the portions work. The third remedy was to change the numbers of members so as to allow one person, one vote to be conformed to keep the town boundaries intact. So consequently, what you find out in rural areas is either a Legislature or a Board of Supervisors operation. One question I had - Could you return to a Board of Supervisors in this (Sullivan) County? And the answer is I suppose you could repeal your Charter, it has not been done in my history. I suppose you could put a Board of Supervisors in place with a Charter that actually has been done. It is no longer operating, it was the case in Nassau County. But the question would come what do you get from having a Charter, if you are operating in accord with what State law gives you anyway with regard to the government. That was one question.

Mr. Benjamin goes on to read the next question and he said why did we adopt a Charter in Ulster County? Were you dissatisfied with the performance of our government? Mr. Benjamin said our taxes were rising rapidly. The directive energy of a single person at the head of the government, which is the comment practice in American organizations was not present. Or we had a Manager responsive, we had an Administrator responsive to the Legislative body with a very capable person, his name is Cal Cunningham, some of you may have known him . But he did not have authority under State law absent a Charter to make some of the decisions he needed

to make or that he might have made if it was a Charter system. I would tell you that State law doesn't allow a fully empowered Manager. It allows an Administrator and that is a distinction that I make between Manager and Administrator. So it is not only that you have no elected Executive under State law absent a Charter but you have no fully empowered Manager. I did some research for Columbia County when there was some interested citizens in trying to get the County board there to adopt a Manager system or to empowered Administrator that acted as a Manager. There are limits to what you can do in empowering an Administrator. We were feeling the lack of directive authority at the top of the government. We were feeling a certain absence of locust, locust of authority direction. There were other reasons to make the change but that was the fundamental element of it. Another element that was important was that we thought we had insufficient voice with the State government. There was no person to whom the State government could turn to, who was in fact the manifestation of the authority of the County, whether an elected or an appointed official. I was actually at the head of that government and I was regarded as the person to whom State officials, elected officials could turn or the Governor could contact if that was necessary but in fact, I had no formal authority. Formal authority was vested almost entirely in the Legislature and the only way I exercise authority was by acting as if I had it and the more senior you are, the better at getting away with that but I made some bad mistakes. Like I tried to fire a department head, only to discover he could not be fired by me. It upset a number of people, especially me, since I paid the political cost of doing it. The politics were the Democrats in Ulster County who were a minority, much of the modern history in New York they are in the majority. The Democrats always advocated the change in form of government and this is not icon and the party in minority wants to change the form of government because they are not succeeding politically and they expect and hope that they will succeed politically when they change the form of government. So they always advocated and the Republicans always resisted it because we were winning. That is not uncommon, you can examine that circumstance in Albany or Washington. But what happened was the Democrats came closer and closer to winning and the Republicans divorced all political situation to forestall or to respond to the demand, and said we are going to study it. I was out of collective politics at that time and the Democrats knew me and the Republicans trusted me. So they turned to me and said will lead us and I said yes but in fact many us of who had been in the government and left were frustrated by the Legislative form so I had a serious interest in change. So I was a Republican with a serious interest in change and I set certain conditions that we can do with the selection of the commission, the staffing of the process and so on. We went ahead and studied it with the Republicans fully expecting that they would kill it by studying it and the Democrats fully expecting that there was some prospect of success. Then low and behold the Democrats won the majority. So the Republicans committed o the process and the Democrats committed to the outcome. We had a virtual unanimous acceptance of the recommendations of the commission. What does that mean? It means very little in the practical terms because Sullivan County's politics are whatever they are, I don't know what they are. But there was a propitious moment, where change could occur and people present with the compendious capacity as will

and skill to take advantage of the moment when the moment arose. So it is also frustrating to try to change government because there is a lack of conversions between the skills, the will, the moment and the political opportunity. That is a judgment that has to be made and a lot of people who try to change the form and structure of government get frustrated because of the lack of conversions. So they think that they have made their best effort and they have a right, rational argument and they are defeated by the circumstances.

Mr. Benjamin said the following story is when the Legislature had to put the Charter on the ballot and I believe that is your circumstance too. So they all received the report, only one person voted against it. They accepted it, they debated it, they made some marginal changes, truly marginal, because we were creating an entire document. With pride, I say, I actually wrote it because it turn out hiring a lawyer was very expensive. So I wrote it, then we turned it over to a lawyer to review it, which was less expensive because our budget was small, about \$30,000 for the whole process of doing a Charter. We had some student workers and so on. Then we put it on the ballot by action of the Legislature and then the public seemed receptive to the idea because of who was advocating frustrations with the government concerns about things like the County Jail issue, which I know you have here as well. We built a big expensive Jail with cost overruns and fears of potential corruption, which we never proved. So there was anger and there were circumstances, partisan difference, there was conversions of partisan interest and I was a big advocate obviously of the outcome and then at the eleventh hour a very wealthy and a very smart guy came in and said this is a bad idea. We had a debate and an election. Interestingly to adopt a Charter in New York, you need simultaneous affirmative outcomes by all the people, in all of the cities in the County, as a unit and all the people outside the cities. Cities are Chartered entities, so they separately enact. You don't face that because you already have a Charter, you are doing an ending process. So we got those majorities and it was very challenging and it was a close election. The guy who opposed it ultimately came around to thinking it was a pretty good idea after all and we became friends. The person that I am angry at voted against it, is an exceptional persistence of my anger.

Mr. Benjamin moved on to the next question and he said - why did we choose a County Executive form? This comes to the specifics of the decision before this group as I understand it. We started out evenly divided on the commission, by the way included lots of people with deep and serious experience in County government, demographically represented. Except, it was not more than half female, in racial terms, it was representative. It had an ethnic diversity, it had political diversity, it had geographic diversity all the kind of suspects were appointed as you might image. The arguments, I have Power Points on all of this stuff, but the arguments in favor of an Elected Executive are that the Elected Executive has a mandate. The person runs for office. They say they are going to do these six things or five things, elect me and I will do them. Four years later or two years later, whatever you determine that person either did them or didn't do them and they are identifiably the County in human terms to the populace. One thing that I experienced was people thought of me as the County government but I lacked the authority or

the advantage because I was elected in one portion of the County, not in the whole County. There is a legitimacy of being elected in the popular base and the claim the person can make to being in a Democratic society of acting in an appropriate formal entity, which is powerful claim. Also, the political coalition building that is required to elect somebody to a Countywide office, especially, as a Chief Executive power in the Charter, in ways we expect a Chief Executive to be empowered, requires lots of the diverse interests of the County to converge united, one person. The more diverse the interests are, whether economic, social and so on, the more you want that political coalition to be a dynamic dimension of governance. The more homogenous you are the less important it is because you are not using the political process to bring a level of agreement among or across the groups, Hispanic, African-American, White, Jewish, Christian, Catholic, Protestant, rich, poor and so on. You have to come to a winning coalition. Managers don't need winning coalitions. Managers need majorities on boards. So you can get the legitimacy and the consequence, in the best case the consequence of the election process creating a certain cohesion behind the elected leader. You also get a rootedness in community. It is very rare for places to elect somebody who hasn't been around a long time. Because that person can't claim a connectedness. In upstate New York, especially in rural areas, communal values are compelling and important so people that get elected are local people. They are often local people who have been in the game a long while. They have been in town government. They have been in other positions in County. They have been in County wide elected positions or in appointed positions. So there experienced in the political dynamics of the community and rooted in the community and they probably have some base in the community, whether it is church groups, volunteer fire departments, business associations, so that is local so there is a deep commitment to the local place. The risks on the political side are you get somebody who is popular but incompetent and we have had that experience in New York. I would say that even a relatively incompetent person can hire competent people and mask their incompetence for a long time. But the ultimate authority in an incompetent person is pretty risky. I tend to kid around a little bit but I am not kidding around. I have met a lot of the County Executives in New York and served for a long period of time and many of them are very able and some of them were not. They were appealing, they had very, very, strong will, high energy levels, people got to know them and they got themselves elected. The main concern in our commission was that an Elected Executive would not be competent. You are putting the person in charge, in our case, when I was doing it, much bigger now, was \$175 million dollar business. You don't want a (Chief) Executive of the business that size who is not a capable person even if they are smart enough and have enough humility to hire lots of people who have strong enough egos and high enough energy to get elected but are not highly capable people. Also, who are not risk takers, with regards to the people that they hire because they don't want to be out shown by those people, so that is concern. Threatened by competence is one of the main problems. On the Administrative side, you get somebody who is trained. There is a career ladder in the Manager profession, it is a national profession. It has standards, people start out in smaller places, with smaller budgets, and work at bigger places, with bigger budgets. They have a track record. You can take a look at it. You

can see if they perform. I have had students that have gone into this profession and have done very well. I have traveled across the country from New York to California doing these jobs in places of more complicated and more diverse character with success. The downside is there is the lack of political legitimacy. A long serving Manager can create a political base. The political base is a different kind of political base. It is a political base built in the community. People know the person. People value the person. They think the person is smart and good. They meet a lot of people over a long period of time. They have to maintain a base in the Legislature or they will be fired, so that is part of it. I am not saying that it is not political to sustain yourself as a Manager but it is not political in the conventional sense of building a broad supportive coalition that gets you appointed and re-appointed. It is not local, the process can be mischievous if you don't have a Charter that defines the position well, the qualifications well, that keeps the Manager dismissed cavalierly and without notice on the whim of a majority. There are difference of views among people who write Charters about whether the Manager should serve at the pleasure of or for a term. People are less and less likely and interested in taking a job that is high risk and want some security if they are going to move from Savannah, Georgia to Monticello. They want to know that when they buy their house that they are not going to have to sell it. The formal authority in the Manager system remains with the Legislature. But in a Charter you can give the Manager the power to hire and fire. The Manager writes the budget, defining the course. The Manager can be quite powerful as you probably know and sometimes leads to certain discontent in the Legislative body. Now the Legislative bodies are interesting when you do changes, they get disgruntled especially if their powers are diminished. So the Ulster County Legislature, I go to reunions even now and I survive the experience. So the Legislature after we did this said some members said we never should have done it. We gave too much power away to the Executive. We are dominated by the Executive and we were naive and this concentration of power is undesirable and problematic. My view and I have no crow with the Sullivan County Legislature. I know a few of the Legislators. My view is that Legislators that complain about that don't know how to be Legislators. They don't know the function of a Legislative body relative to Executive. They know the function of a Legislative body when there is no Executive. If you change over and you have an Elected Executive that is strong, they remember what they used to do and they don't realize what they can do now under the new circumstances. So they don't do what they can do. This may even be the case with Managers but it certainly true with Elective Executives, there is chapter and verse on that.

Bill Liblick asked when the (Ulster) County Executive was appointed (elected) how did the Legislative body change. Mr. Benjamin said it was made smaller. That was one thing that happened. Ultimately, when we had multi member districts and went to single member districts, the structures were changed. But those deals were cut before the commission started. Our question was, are we going to make further change and we did not. We thought that disrupting that agreement was ..... there is always a political calculation. Nobody works on something and doesn't want it to happen. Everybody works on something, wants it to happen. So you make a political calculation. Here we have this matter settled between the parties and they are

expected to do it. They told the public they can do it. We want to say, you cut the size of the Legislature by a third, we think it should be cut by half. We thought that issue was not one that we wanted to provoke. So those are things that changed. Now the people also changed. We have reunions among the older members and we think we are smarter than the current members. I am sure that surprises you. I don't know all the members now. There are still a few who served with me. Some are very talented people. I think that the partisan differences among them keep them from functioning as an institution. I think that the Executive exploits that, he is my friend. I think he is a very capable person and I think he exploits it because he wants to get his way and he gets his way. I have told many Legislative leaders in Ulster County that I will comment and talk to people about it on how to be a Legislator. I have been asked to do it and I have done it a couple of times. But I can't be the Legislator, for example, you can have oversight here and require the presents of a department head and if the Executive says I won't let my department head come to the hearing, you can say as a Legislature yes, we will subpoena him or her. We provide the budget and they are accountable to performance on the budget with us and the Executive will lose in any litigation that arises.

Bill Liblick said looking back was it a good idea? Mr. Benjamin said I think it saved us in the fiscal mess we got into in the country. I think the County has been extraordinarily well run. My views aren't all positive about issues of style but I think you will find except in a very small number of people who are engaged, hostile to particular individuals, who are discontent with the shift in power. I think you would find quite a consensual view that we have a better situation then we had before. I don't want to ramble. I want to stay focused here but I want to ask what is on your mind.

Mr. Benjamin goes on to say in the end, we came to the consensus that we wanted an Elected Executive. I know a lot about this. I have political experience and I am pretty aggressive when I want to have my way. I wanted an Elected Executive but there were people with strong character and experience on the commission that came around to the view that it was a pretty good idea. Also, my criticism of the Elected side is the persistence of Executives over long terms. I don't think it is healthy for one person to be elected as the Chief Executive of government for a long time. The incumbent gets enormous political advantage so that is a problem on the Elected side. On the Manager's side the problem is careerism. The person doesn't stay long enough because they move on to bigger and better opportunities. There is no perfect outcome. There are outcomes that are necessary and desirable. The risk benefit calculation, outcomes that are desirable for a certain place and a certain time. That is why there are commissions, reviews, and changes. If not changes, there is a validation of what you got. So if you go through a commission process and say we are content, or the alternatives are worse, you have still done something. That is what Madison said in the federalist papers, the validation after a periodic review is something of value. People don't think about it that way. They think if change happened, it is good. If change doesn't happen, it is bad. It could be depending upon your circumstance.



Mr. Benjamin goes on to say - why did we keep a Comptroller? You asked me this. The Treasurer had announced that he was retiring. So we didn't have to worry about abolishing the Treasurer's office, which I thought was a good idea, being taken as an attack on the individual. We had a chance to reduce the number of elected offices. But I have a strong view that there should be an atomism internal auditor overseeing policy performance of the government, not counting the pencils, but doing policy auditing. So after discussing this, and the model was the State Comptroller, there are a number of places, Counties that have an Elected Comptrollers, one of the best known is Nassau County. They have a very aggressive Elected Comptroller who had made some important studies of County government that were important for New York State. The problems, you have partisan difference in the Comptroller's studies or dismisses as partisan attacks. If you have partisan commonality you have the Comptroller's function mitigated by partisan agreement. If I would to do it over again, I would still do it. But what we really got wrong was we didn't sufficiently resource the Comptroller's office. We didn't protect the Comptroller's office against starvation and strangulation, the denial of resources. How would you do that? Well there is an example in the New York City Charter that is pretty interesting. There is an independent budget office there, which is not a Comptroller's office, it is analogy, it is not a comparison. What they do is they budget that office relative to the budget office. So if the budget office gets \$100 that office has to get \$5. So there is certain guarantee resource so the Comptroller can actually do what he or she is supposed to do. I was also the implementation process for the Charter because after we passed it we had to do it. We had to change the Code and fill in the details. We had to turn the computer on, which I didn't do personally. We had a debate should we guarantee certain staffing levels. I don't like that because it is wasteful. I said that we need to have some reasonable staffing levels but not guaranteed staffing levels. The resources that the Comptroller recovered would justify the further funding of the office. One of my colleagues being MaryAnn Collins said wrong, the resources aren't guaranteed it is going to be skewed by the Executive doesn't want us looking over their shoulder. We have certain personal dynamics in Ulster County.

Paul Burckard said according to the NYSAC book that we got from Steve (Acquiro) you were putting in a stronger form of County Executive government. I was wondering if you are trying to create a stronger form of County Executive form of government why would you put in another Countywide elected office? Where if it is a strong person they also have the ability to use the bully-pull-pit of that position, which would diminish the effectiveness of the Executive? Instead of putting in a Finance Commissioner that the Executive would appoint so that they would be running the show. Mr. Benjamin answered by saying the Executive also has a Finance Commissioner. The Executive also needs to be accountable. The other County institutions hold the Executive accountable. The argument is actually better for the Sheriff than it is for the Comptroller. The Comptroller is an Auditor. The Sheriff is a Department Head. The Sheriff has constitutional responsibilities, a constitutional status. The person is an operating Department Head then the argument that they should be directed by the Elected Executive. It shouldn't be elected. It makes strong sense. That is the argument against the Elected Highway

Superintendent in town government. So what we were thinking, an elected Auditor to look over the shoulder of the Executive who might want to be Executive himself or herself. Who would have an incentive to help assure the County operated efficiently. You have to again, elect somebody who will do that and understands and embraces that role. The Legislature should be doing that but we thought that a Comptroller doing that would also be a good idea. One other thing that I forgot to mention, when you go to a separation of power system, people say it is more expensive because there is a duplication of staffing. To some degree it is true. The Legislature needs some staffing and the Executive needs some staffing. So we said you have to balance that against the fact that the government would be more efficiently managed. In net terms, you would come out ahead of the game. I can never prove that Elected Executive system was cheaper or more efficient, delivered more for the money but I could prove that they weren't less efficient and you are getting other things. You are getting a relationship with the Governor because these are political people taking with each other. The Governor is a political person. He is talking to a head of government who is a political person and that was the significant thing. They could be on the same side or the other side but they were in the game together, in the same world. I couldn't prove it and that proved their liability in the political debate. Social Science properly done is limited by the evidence unfortunately.

Bruce Ferguson asked do you give a sense that Albany prefers dealing with a certain forms of government? Mr. Benjamin said first of all, Albany is such a massive entity that redefining it that way is problematic. A lot of the relationships are picket fence relationships. There is the Commissioner of Health with the Health Department, the Commissioner of the Transportation Department with the highway people and so there is that and it is irrelevant. The voice of the County Executive Association is an effective and political and governmental voice that is a collectivity. The County Executives have status especially from larger Counties but I think generally they have political status that elective heads of Legislatures don't have that I can say from personal experience. It is just so because they are Elected Executives. They can claim to speak in a unique way for the public in that jurisdiction. There are exceptional people who are so capable, so talented, so long serving that they come to be regarded as go to people in the smaller Counties of New York. I mean that by population. The smaller Counties are content and the people are good at it and the government works well with, in my view, comes in a certain size, certain complexity, economically, from a budgetary point of view, from a population point of view, they need to have that Elected Executive voice. That was my view but there certainly are respectable alternative views as well. The circumstances are defining but the choices are determinative or should be determinative.

Mr. Benjamin continued with the next question and said- Is the County Executive have more political way with dealing with State and Federal political leaders than the County Legislator Chair or the County Manager? Yes, most of the time not all of the time. Depending on who the County Manager is. How long he has served. The respect that the others in NYSAC have for the person. If the person has been a leader in the State Association (NYSAC). They are a

Manager and they command the respect of colleagues or they command the respect of Steve Acquiroy, and they command the respect of the Elected Executives, they are going to be go to people, especially on particular items. Some Assessors in New York like this guy (name unknown) upstate, his is one of the great figures in government in that area of policy and that is an unusual person that is not a structural matter that is a reputational matter that comes from doing stuff for a long time.

How has the transition to the County Executive form of government impacted the financial status of Ulster County? Mr. Benjamin said I think it was crucial in keeping us fiscally sound. I think there is no question about that. I think that the kind of tradeoffs that occurred in the Legislature, failure to address fundamental issues for example, featherbedding within the Highway Department and failure to take a very hard, for reasons of having to assemble and maintain a majority of the Legislature rather than have an Executive courier take a very challenging position of whether to keep our nursing home open. I think on the hand the Executive built his staff beyond my expectation. I did think and I still don't think he needs as many people as he has got. JJ Hanson said a little bias on that one. Mr. Benjamin said yeah, well he hasn't got you anymore but he replaced you. So I didn't expect that and Michael is very talented. I don't think he is perfect. I admire him and he has taken on tough questions.

Paul Burckard said when he went from County Administrator to County Executive, he changed in his operational way of doing things. Mr. Benjamin said yes, because he was not accountable to the Legislature. When we had an Administrator, he would call me and say Jerry, I want to do that, is that ok with you? Our relationship was fundamental. That was ok with you, Jerry. You need 17 votes or 22 votes, it was bonding. We had 33 members and I had to bring in the political majorities, and the minority leader and I had no formal authority. What I had was political persuasion and the ability to agitate the majority. We had a role collectively in electing. He could not give the direction to government he wished he could. Cal Cunningham complained about it to me. He was frustrated because he would see things that needed to be done but he didn't think he could achieve them in the political environment. So Michael (Hein) was in a different structure. Structure makes a difference and he was less constraint in providing leadership. I contract to do studies. There is a big belief in Ulster County that we have too many police departments and that we are over served in some parts of the community. People are paying for town and village police, Sheriff's Department and State Police and other people are not paying for any. They are paying for the County Police and the State Police, no town or village police. I think Michael is frustrated by the inefficiencies of police services. I think that his brother was a State Trooper. He has an interest in that and he doesn't see a way of doing anything about it and it is a third rail. He would like us to do a study. I would like to do the study but somebody has to fund it. There are issues and this is without prejudice, I don't think it is a negative point but there are issues that he has been unable to take up. He is frustrated with the management of the Jail, and the road patrol. As an independent elected official at that head of that department. He is not perfect. The structure is not perfect.

Legislator Cora Edwards said at the Legislative meetings there have been discussions among the Legislators that if this body were to chose a direction that they are going to go with recommendations on a County Executive, that would make a whole different perspective on the amendments to the Charter as opposed to saying at the outset we are going to stick with the Charter as it is with the Legislative form of government. We are going to look at the fact as time goes by resolutions have actually passed authority from the Legislature to the County Manager in a resolution form. So what is your guidance with regards to that, where do you want to get to in terms of destination and amending the Charter accordingly. Because my understanding is that the last time that the Charter Revision Commission met, they had actually recommended a County Executive form of government and the County Legislative at the time ignored that and keep on with the Legislature. Mr. Benjamin responded by saying the Legislature is the policy making body. At the end of the day, they make their choice. If you are talking about your starting point, your starting point is the Charter as amended now, the operating Charter. If the document is not easily read then that should be fixed. Usually, Counties and localities have contracts with companies that help them do that, companies that prepare municipal codes. The question, if you are going to amend the Charter to make a fundamental change in the structure of government and there are implications and consequences for other parts of the Charter, then you have to amend the whole document to make it consistent with the structure that you created. That might mean a series of amendments. If you offer those at the ballot, you could offer it as a package, which is one approach. Or you could offer a number of questions to the board. When I worked on the New York City Charter, we offered six questions. The reason we did that is we didn't want passionate feeling about some particular but not core matters to defeat all of the work that we had done. It turns out, in 1989, the city voted to adopt all six. The negative references when the New York State Constitutional Convention offered a new constitution in 1967, they offered a single question and it was defeated at the polls so the constitution was lost, so all of the work was lost. So very able people who were delegates told me years later that they were entirely turned off by government forever after because they worked so hard and the matter was put forward and defeated because it had certain controversial elements. Someone said they weren't political. Mr. Benjamin said well they were. They were making a political calculation. After you make a job you make a political calculation and you forget the whole thing and he was wrong. So it was a political judgment. The point is if you make changes, the way you make them, they have to relate to each other. You can't change without consideration with consequences elsewhere in the document . You have to systematically change the job in the document and then you have to decide how to offer that to the public. Because there is a political geography being made available what is central and you want to make sure not to put at risk. For example, it was very interesting to me that the historic preservation of buildings in the city, it was a big issue because when you designated those buildings, the owners had a harder time changing those buildings. So there was a fear of that when we did the historic designation provision that I would get a lot of people who own property upset and they would oppose the

Charter. So we took that out and put it over here and it turned out it passed but it wasn't essential to the government.

Steve Altman asked what is your views on length of terms, term limits and here all the Legislators are elected at the same time (staggered terms)? Mr. Benjamin said I like longer terms rather than shorter terms because I want people to be willing to take risks and they have to be distant from the next election to take risks. Shorter terms leaves some people a higher level of accountability. I think that is offset by continuous campaign. In our culture we use very long terms so people would want to be independent of the public, like judges, U.S. Senators although they no longer behave that way, but that was the idea of some conventional choices of ten years or four years, so I prefer four years. Term limitation is kind of a second best choice. If you have competitive elections, you don't need term limitations because you have accountability in turnover. I don't know where your turnover is here. I would have to study it but I come to be convinced certainly on the Executive side there is no downside to the eight year limit. When we look at the studies of the government of states and we look at the qualitative analysis of states that is done by places like the Maxwell School or the Cue Foundation and the Study of States and they rank states on the criteria of which ones have the best governing systems. Then you look at the powers of Governors, you see no negative relationship between the presence of a term limitation provision and a year limitation provision and lower quality, there just no relationship. So I don't think you are trading off. Term limitation for the Legislature in New York City, where we had some experience with it, hasn't had a negative consequence for the City Council since its union study on that. I think you give away some experience. You need to be careful about the particulars in term limitation provisions. Lots of differences. How long can services be permitted? Whether it is a hiatus or return to an opportunity for service or whether it is a lifetime limit. There are details and that is why we do studies to help with the details. The question of staggered terms, I like that because it helps with continuity. Someone asked a question that was not audible. Mr. Benjamin answered by saying well, you put a provision in the Charter when you adopt it. You can do it in a number of ways. With a certain proportion of half the seats are initially elected for two years. Your issue really is your redistricting because you have some incumbents and some not at the point of redistricting so there is an issue there. These are manageable, these are technical drafting issues. So I prefer not putting the entire Legislative body at risk at the same time. So if you have a two year term, you are essentially have to do that. If you have a four year term..... Bill Liblick asked how do you determine what district gets the two year term. Mr. Benjamin said draw straws. You can do it by designation but it makes some people mad. If you do it randomly then they are just unlucky. You are finally getting gambling in Sullivan County do they should understand.

Legislator Gene Benson said I think the whole point that everybody is trying to make is we are all up for election at the same time. There are nine legislators. Do you want to do three, three and three or four and five. How do you decide which districts are going to get the short trip of it that first time around. Mr. Benjamin stated those that are choices at the margin. Three, three

and three maybe go to a three year term. Peg Harrison suggested maybe a six year term. Mr. Benjamin said if you did a six year term with no eligibility for re-election, I might be ok with it. That is what Jimmy Carter wanted for the Presidency. I think that is a little long. I think accountability to the public should be more. There is no objective way of determining certain things. There is no objective way of determining how large your Legislature should be. People want a magic bullet. Some criteria, for example, if you are going to have a committee system, you have to have enough members so you can have a committee system. Social Science studies about the size of groups and what the effective size of groups are for decision making but at the end of the day you make a value choice. What size seems to make sense to you and your circumstance. Often the size of districts is an important concern. You have a lot of members with small districts and you can have a better relationship between the member and the district or at least a more personal relationship. Few members, bigger districts less personal interest but if you have no population you can have fewer members in relatively small districts. The idea of small and big is interesting one. In Albany, the Assembly Districts are about 119,000 people and that is the smaller district. The Senate District is 315,000 people so that is the bigger district. In the City, the City Council Districts are bigger than the Assembly Districts in population. So small and big is relative.

Peg Harrison asked when you did the change in the Charter what was your budget in relationship, what was the mandates verses the real estate taxing in your budget. Mr. Benjamin said I would have to look it up. We had a sales tax and we had the two local revenue streams at our discretion. They weren't really at our discretion because the increment of the sales tax that beyond what was directly authorized by State law needs to be re-passed periodically. I can't tell you.

Larry Richardson said I not clear on when we talk about the powers of Elected Executive powers, are those powers spelled out in the Charter? Mr. Benjamin said yes, if you look at the Ulster County Charter under the Executive article. So generally speaking when you think about Executive powers as budget, appointment authority, removal authority, the term limits are a source of powers. Think about formal powers, re-organization authority, which is given usually subject to a Legislative veto. There are lists of formal powers and they are detailed far beyond that and the Legislature similarly has a list of powers. So their appointment could be a veto for consideration. Items in the budget could be a power for consideration. The Legislature is empowered in certain ways and you could try to find some balance. Not all remedies are structural. You have to elect people who are capable and honest. We have some challenges. Right now we are talking about some Ethics legislation. What we are now in New York is punishment. If you do something bad, we are going to whack you. We are going to take your pension. We are going to punish you and we might benefit from looking at picking people that are inclined to do bad things. Someone said all of the indicted candidates won elections this Fall. Mr. Benjamin said that is right, so there is a citizenship issue. Citizens have to act as citizens.

Mr. Benjamin read the next set of questions and said -how does this transition effect the Ulster County financial status? Ulster County benefitted.

What is the appropriate government structure for Sullivan County? Your Chairman can manager in advocacy if you think unbalance the structure is best for you. You are giving up a little in terms of advocacy in Albany but the way you want to be govern is without an Executive because when you give consideration to your values, and the question of accountability and some of the factors that I talked about then that is what you should choose. I don't think it is this dispositive to think about what externally the consequences, the dispositive considerations are how the community wants to be governed.

Can you explain the policy operations and how they are distributed in Ulster County? Mr. Benjamin said no and then said we all know the fundamental model of the Corporate model of the Chief Executive Officer. That model is an impartial model of informing ourselves about how government is not a private enterprise measured by the bottom line. The government is a public service enterprise measured in a lot of other ways. So we should seek efficient effective performance with managerial oversight by the Executive but that is not leadership. That is almost achievable by the power of Executive through delegation. We should seek policy leadership from the Executive base upon that Executive's best judgment about what the policy requirements are for the community. Ultimately, the policy decisions being made in relationship with the Legislative body, which has a wild say on what you spend the money on, how you get the money. So the Executive has a policy leadership role and a managerial role. The Legislature has a policy role and an oversight. We said we were going to do these things, are we doing them? The public has an accountability responsibility. You aren't doing what you said you were going to do. We are going to fire you. If you are doing what you said you were going to do, we are going to hire you back. So the distinction between policy and management is kind of a false dichotomy. Since the roles are mixed in a way. It is a common way of organized thinking. You can also image the implementation of the Charter. When we adopted the Charter, we had an effective date down the road. I don't know if it was one year later or eighteenth months later. I don't recall, it is in the Charter itself. There was a transition committee appointed. The person who was most consequential to that transition was the County Attorney and then there was an advisory group some drawn from the commission, some drawn from inside the government for the implementation process. Part of it was very careful to the point earlier made. Very careful consideration of the local laws and the implications needed changes and the Legislators received a group of budget recommendations on implementation and acted on those.

Why did Ulster County transition the size and structure of their Legislature? Mr. Benjamin said as I said there is no optimum size. In the anti-governmental environment that we have in New York State, there is a view that there is too many people in County Legislatures. There is too many people on town boards. In recent history of New York, an attack on the size of Legislative bodies. A notion that Ulster County's Legislative body is too big. Too big at 33 with very wide spread. Made a public issue by some elected officials. At the end of the day, an argument was

made that government would cost less if we had to do away with elected officials. That is kind of an ant on the back of the elephant. It is not a big number but symbolically it became a powerful point. Right now, in Albany County there is 39 Legislators and the same conversation is going on. Reformers can't decide whether they want a smaller Legislature or get themselves elected to the bigger Legislature.

What is your opinion on Legislative reapportionment? Mr. Benjamin said I think Legislature shouldn't do it. I think an independent body should do it. I think that the self interested consequence of doing it is palpable and discouraging to the public. We put a processing place in Ulster County that actually works. Distant districting from the elected officials have produced a fair and balanced body. Most reformed efforts in New York State have not worked because they were flawed in their design. The Ulster County design was flawed too and that was my fault. My goal was to have the final say on the Legislators redistricting but I didn't write the language in because of an over sighted mistake. So the Legislature has the final say. The Charter was just changed so that the Legislature has forgone the final say except on certain conditions. They can challenge. When this was litigated, I told the judge, I gave a deposition from what I intended to do. The judge told me, I don't care what you intended to do, I care what you did. You didn't do what you were going to do so that was a mistake. We put this in Newburgh and it worked in Newburgh too. We helped redesign the Newburgh Charter for the composition of the City Council, powers and duties of the Manager and the accountability of the Manager to the Council. They wanted to retain their Manager system. They re-did their Charter and we put a repositioning commission in and it worked in Newburgh and produced a greater diversity with the City Council, which was one of the shortcomings of Newburgh. They had an at large system, that districting and now they have a mixed system and a more diverse set of outcomes. What did we do? We created a process that had deadlines. We created a process where a pool of interested parties were gathered. We had multiple appointing authorities. We had deadlines for performance and in Newburgh we gave finality to the commission. So Legislature didn't have a say. People say it is an elected body and you should do it because it is the accountable body but really the people in charge is the public and if you put it in the Charter and the public approves it then the public has said that is what they want.

Should Charter include ethical standards? Mr. Benjamin said yes. We worked on the Westchester Charter and we talked to some of the attorneys who were leading on this question and there are model provisions. If you go across New York State, you will find ethical standards in Charters, the level of detail is different. Sometimes broad statements, sometimes more particular statements. It is a fundamental question. For level of detail, too much detail in our Charter in Ulster County. The reason was I thought if you put every department in the Charter no department head would be against the Charter. It is political judgment, wasn't best practice. If you look at the Charter it almost looks cookie cutter in the chapters about departments but in fact it makes it harder to re-organize the County. So I would have less detail about the



departments then we have in the Charter. Paul Burckard said put more in the Code, less in the Charter.

What was the research process? Mr. Benjamin said I was Chairman of the Commission and Dean of the College, so I guess I had my office do a lot of the work and we had a part-time staff assigned to me you had graduate education in public administration. We had an intern from Marist College assigned to meet her requirements for graduation. We had a budget of \$30,000 but it might have been less to pay some of the workers. I didn't want the student workers to work for free and to hire consultants and I returned money to the County. There is a provision in State law to help finance Charter processing. But the fact is that it is an unfunded provision. So when we tried to get the local government office at the State to give us money, they said it is not funded and I said you have all of this money for local government reform, take it out of there. They did do it. They try to do it, we provide these services by contract. I have seen places try to do it. People don't understand their alternatives. They don't see them laid out. The question comes up. Tomorrow I am going to Johnstown, New York. They have an elected Water Board running their water system. This is an ancient provision, a 19th century provision. There are only two elected Water Boards in New York, Gloversville and Johnstown, cities and it is compounding their finances. I made a presentation and at the tail end of the presentation, they said by the way Fulton County is thinking about having a regional water authority. Do you know that and I said no, I did not. What are the implications of that for our Charter? What is the point? The point is questions come up in the course of the process and then you have more to do and more to find out. People have limited time and energy and also limited skills. I am for professional help and that requires..... I work with attorneys and they know things I don't know and I know things they don't know so there are different skill sets that are involved. We had a political scientist who cared and knew about this as a volunteer so that was good.

This is the journalist question, the last question, which is if I forgot to ask you anything and if so what is it and answer it. Mr. Benjamin said the answer is I am sure there are other important issues. I think one thing that is really important is transparency and we have members of the public here. Inviting people in, not surprising the sitting elected officials, keeping them informed. Having a web site, communicating outward. Having a way of including me not because a large number of people show up but because somebody might have a good idea and at the end of the day when you try to sell this document and asked a lot for your ideas and the fact that you came in at the 11th hour and 59th minute, you say your ideas are important but you know you had your chance. Legitimize your process by being open completely, as open as you can be. Another thing that I would recommend is meeting somewhere other than this building someplace. We had our meetings in town halls, in the Community College. We said to the public we are going to come to you. It is not convenient, the building is not always well heated, it is hard to find for some people that don't live around the neighborhood. We are going to come to you and you are going to get a chance to walk out your door and be there in ten minutes. You don't have to drive an hour, that is important. There are other particular issues. There are some

departments such as the Planning Department. It has a relationship with the town planners and as a board. There will be engaged in a different way that a department doesn't have a board. There are constituencies inside the town governments. Assessors care about that department head that is. Each particular decision that you make has consequences for different groups of people even if they are not paying attention to the whole thing. They should be asked not just told we are having a meeting in Liberty on Tuesday. We are working on this part of the Charter I know you care about it and do you have any ideas. Also, very important, the department heads should be asked. What have been your frustrations in the current system. They will say why would I tell you, somebody will screw me if I tell you. How can we make you comfortable so you can help us avoid mistakes without feeling you are at risk. You can't secret meetings. You have to go the extra mile to get to people who are working on this document to give you their best information, the conditions under which they are working and how they can be made better. Even if at the end of the day you don't think that they are right. It is all about consolation, participation, legitimacy, keeping an eye on engaged. So JJ, I hope I got at least a B. JJ Hanson said well above a B.

Bill Liblick asked how long did your Charter last. Mr. Benjamin said a year, we recorded a little past the deadline. I had to ask for an extension. I think a year and three months.

JJ Hanson said I followed on your budget and staffing. How did you develop your budget? Is that developed by the Legislature for you? Or did you come to say this is what I need to achieve this? Mr. Benjamin said the Chairman of the Legislature came to me and said Jerry will you do this and I said yes. He wanted me on staff or do you want to be head of the commission. I want to have the policy voice but I have certain conditions. He said what are the conditions? I said I want to have a voice in choosing commission members. I didn't just name pals but I didn't want to be saddled with people who didn't work. People who were irrational and not subject to reason, discourse. He said well that is our control. I said but I want to know who it is going to be and make suggestions and object if there is some problem. I was Staff Director for the State Constitution Commission and I saw how the conditions that the Chairman of that commission agreed to with the Governor. So I knew what some of the problems and what he was trying to do. And then with the budget, I tried to get enough money to pay staff and consultants without upsetting the Legislature. So I made a political judgment. I made an assessment of the costs and since most of the money was for staff, I over estimated and returned some and I could claim I didn't spend it all.

JJ Hanson asked with the staffing side, how much did you realize in house staff? Mr. Benjamin said the assumption was that we were going to do that but in fact, department heads were very reluctant. I was hiring people on an ad hoc basis, doing certain tasks. I decided in retrospect that it wasn't a good idea. We have a great planner, my work was what he needed to do and more important to him. I needed to have people dedicated and that was a constant problem because I was relying on my own staff.

Ken Walter asked does the commission or can the commission give interterm recommendations instead of the end because of the timing of this possibly? Mr. Benjamin said I don't know if you want to go to the public multiple times. If you went to the Legislative leadership and said we are going to have a report in September but we know that we are going to recommend some things now then you should consider, I have to think that through. I want them to see the whole package as written. The whole package that arose from the process to make a judgment about the whole package rather than some increments. My inclination would be that would be a good idea. But of course you are driven by what you want to be on the ballot. I really believe very strongly that you have to deliver a draft. You can't deliver an idea that is very important. People who are making policy have to see in concrete terms what you are asking them to do. You can't tell them we like term limits. You have to say here is the term limits provision we want. Then they can say ok but we want to change it in paragraph 3 in sentence 2. You say we like the idea, there is nothing to work on. I believe this also in state legislation, you have to have a draft provision. Then you have a report that says here is the six reasons, Article 1, Section 3 is the way it is. That is the explanation and then the policy makers can make the judgment.

Bill Lilblich said one of the items that we faced the Legislature is going to change, the election is in November, what effect will that have on us. Mr. Benjamin stated it could be traumatic. You have a requirement in your Charter that this process occur but the people committed to the people who are appointed might not be there. It could be traumatic in both directions. It could be more strongly supported. But more likely the people will say, we didn't choose these guys, why should we listen to them.

Bruce Ferguson said with the kind of government that we have here with a County Manager it seems there can be a strong relationship with the Legislative Chair. The County Manager can't really have nine bosses. So I am wondering if we were to stick with the structure would it make sense to perhaps have a County Chair who is elected At Large? So that we are more representative of the County than they have to get together a broader coalition and then they are the voice in effect of the Legislature. Mr. Benjamin said that is not uncommon in city government. In Newburgh, the mayor is elected At Large and sits on the council as one vote. The problem with it is that the public expectation of the At Large person is that they are the empowered person. So that person then is expected to be the person who has the appointing authority for department heads because the public view of their circumstance is not in accord with their actual circumstance. The problem that leads to governmentally is that that person tries to do things that empowered to do. No good Manager will allow that. The Manager will say I can't Manager this government if you are trying to be the Manager. And the elected person will say but I campaigned and people expect me to be in charge. They are calling me up, why isn't my garbage picked up. Well, call the Manager. Call the Manager, you are the Mayor. It is a difficult thing. They can have positive relationships and interpersonal skills that can overcome the structure problem.

Paul Burckard said Jerry, we have our Treasurer, Assistant County Attorney, our County Manager, Commissioner of Health and Family Services, does anyone have any questions for Dr. Benjamin while he is here.

Nancy Buck, County Treasurer said she respectfully disagrees on your comments regarding the elected Treasurer. Mr. Benjamin said I loved your Treasurer and thought that he was one of the truly, truly, talented and committed public servant in New York. I was deeply saddened at his death. He is a person who transcended his office, his influence in that capacity but that is not a good defense of the institution. That is an exceptional circumstance, so we differ.

Legislator Gene Benson said I have a comment regarding the tenor of the Commission. I would find it reprehensible, if I lost the election and somebody took my seat, I don't think anybody who came in after any of these Legislators would have guts enough to change that. I don't think they should change it. You are an independent commission and you are appointed to do a job regardless of who was in office.

Bill Liblick said the last time that the Commission met, they recommended a County Executive. The Legislature just ignored it and said the Commission didn't even exist. So I think what we have to do is to promote this Charter Commission. When we come out with the findings publish it in a way in Sullivan County that they understand the work that we have done and how serious we are about our findings.

Mr. Benjamin said the counter example, from my experience was when Mario Cuomo appointed our Constitution Revision Commission in 1995 and asked me to be Staff Director. He had the full expectation that he would be Governor, in 1997 when the vote was taken. So we beavered away and Peter Cuomo was Chairman and produced a commitment that I hoped for because the commission was a very complex political problem. Mario Cuomo lost the election. So we took our report and we made an appointment to visit the new Governor, it was George Pataki. I sat in the waiting room and Peter went in to talk to the Governor. Peter came out and said Jerry we made history and I said we made history? And he said yes, we made history, we are the first state department to be abolished. The point is that there is no reason for George Pataki to take ownership of that commission's work. The political situation may not be the same but that is the risk. During the election, he took some marginal, positive attitude toward the work but at the end of the day he didn't want to accept a Mario Cuomo product. Legislator Benson said but I think you have to know the atmosphere of your community and your County. I think we are all a big family and I don't think something like that would happen. I don't think it is that bad here yet. Mr. Benjamin said again that is my experience and the best I could say.

Paul Burckard said thank you for coming. I think this has been a real learning experience. Mr. Benjamin said I really appreciate it.

Members took a brief recess.

Paul Burckard called the meeting back to order at 6:56 p.m. He said the next order of business is to elect our Co-Chairs. Our last discussion, I think there was a general agreement for having either two or three Co-Chairs. Chairman Samuelson's question as to who did want it, it comes down to who is willing to take on all of the work that is going to be down the road, especially at the end.

Bill Liblick said three people indicated they were interested. There is a lot of work here. We are a small County with a small budget, so I see why there is no reason when three people have stepped up why we can't just have three people work together and run this Charter with us. You have technical and political knowledge here and I think that would be the best solution. Discussion ensued regarding who might be interested in serving as Co-Chairs.

Tom Cawley, Assistant County Attorney said I am parliamentary to the board and proper procedure is this is a public body. You call for nominations and you need one second and that puts the name on the floor, you can put all three names in if you want and you can vote on them collectively as a block, that is fine.

**Bill Liblick moved to nominate Paul Burckard, JJ Hanson and Nadia Rajsz. Bruce Ferguson seconded the motion to nominate. Paul Burckard asked if there were any additional nominations. There being none, Paul called for the vote. Motion carried unanimously all ayes, no nays.**

Co-Chairman Paul Burckard suggested to JJ Hanson and Nadia Rajsz that they decide who will chair the next meeting.

Tom Cawley said at the beginning of every meeting whoever is the presiding officer rules on points of order, has to be determined. If you are going to have three Co-Chairs, if you are going to alternate it, if you have a set pattern that is fine, assuming that all three are there. You just have to know that at the beginning of the meeting. Co-Chair Paul Burckard said yes we are aware of that and that is what our intent is.

Co-Chair Burckard goes on to say our next order of business is to approve the minutes from the last meeting. Chairman Burckard entertained a motion to approve the minutes from the February 18, 2015 Charter Revision Commission. Motion moved by Larry Richardson, seconded by David Forsay, motion carried unanimously, all ayes, no nays.

Co-Chair Burckard said I would like to ask that we adopt Roberts Rules of Order to have guidance to run these meetings Discussion regarding whether a Chair can motion or vote and Roberts Rules. Tom Cawley said with Roberts Rules the Chairman can vote but refrain from moving and seconding motions but that is not an exact rule. He can if he chooses to but it is not proper procedure.

**Motion moved to adopt Roberts Rules of Order as guidance for operating the Charter Review Commission meetings. Motion moved by JJ Hanson, seconded by Bill Liblick, motion carried unanimously, all ayes, no nays.**

Nadia Rajsasz said just to clarify the Chair can vote but doesn't move or second a motion. Tom Cawley said only in a situation where sometimes the Chair is ex officio. The Chair of the Legislature is an ex officio, non-voting member of all of the committees, except for Executive, which he is also the Chair of. So you would have no power of authority. Maybe that is what you are eluding to but typically this board all members vote at all times.

Co-Chair Burckard said has everyone read the Charter and has everyone read the Code. If you haven't been able to do that up to this point in time, I would ask that you do that before the next meeting. Because our County Attorney has asked to speak to the Charter Commission and we are going to have to discuss having different people come. If any of you have any questions about the Charter and the Code, you can ask Sam at the same time. The Code puts together how this government really functions. Whoever is going to be the Chairman for the next meeting, could you extend an invitation to our County Attorney, Sam Yasgur to be one of the speakers at our next meeting.

Co-Chair Burckard said I asked Scott if there were any members of the Legislature who wish to speak to us and we agreed to do that sooner rather than later. Scott said he thought there would be several members that would want to speak to us. He was going to get back to us on that. Whoever is going to be the next Chair please check with Terri and Scott to see who would like to come. Maybe we could schedule the County Attorney and also the members of the Legislature so we can hear from them and know where they are coming from.

Co-Chair Burckard said I will just make this comment. If this commission at the end decides to make a recommendation that is going to need a public referendum, not simply a local law, or something done by the Legislature, and there is a difference. They can do certain things, certain things they can't. But if we do that at the end there is going to be a tremendous amount of work involved for the three Co Chair, actually all of us. With the press, public presentations, and all kinds of things that are going to have to happen. So this is the easy part, it is going to get a lot tougher.

Nadia Rajsasz said the three Co-Chairs are well versed in speaking as well as Bill.

Larry Richardson said I do a presentation at my Town Board each month, a summary of what has been discussed here. Maybe you can get on the agenda and do the same. Nadia said I do that as well in Lumberland. Discussion resulted between members regarding presentations of what occurs at Charter meetings.

Co-Chair Burckard suggested inviting the County Manager, County Treasurer, the Sheriff, County Clerk, District Attorney and Commissioners, and Department Heads, and the

Commissioner of Jurors George Cooke to speak to this Charter Commission so that we can hear from them as to what they would like to tell us. We can ask all the questions we have for them as to how they perceive and what we may be seeing or hearing as to the perception of how this government is running.

Larry Richardson suggested inviting former Charter Commission members to find out what happened to them and what became of it.

Bill Liblick suggest inviting some of the directors of the institutions within Sullivan County. Co-Chair Burckard asked if he could leave it to the discretion of the next Chair for the next meeting to schedule it for as many people as you reasonably think you can fit into the meeting.

JJ Hanson said I think we need clarification from some of the members. Right now we have had a lot of discussion on the form of our County government, the existing Charter, what we should look at and both speakers have said you may like the existing Charter, you may not like the existing Charter. They haven't really commented on what they think we should do. But they said as a Charter Commission that is something that is our job to understand the existing Charter. They left by beginning to say we need to do that more. To read the existing Charter and the existing Code. Who we interview beyond that, and who we get, their thoughts, I think the initial part determines on the Charter itself. Ultimately, I think from understanding that we are going to go to form is the top priority. But until we get to that point and this body is willing to say that form is our top priority because if we go with form, form of government, form of our Charter as in existence is the number one focus. Not just a small component of that Charter but the entirety of the Charter. That is going to change our entire direction. There is no purpose in setting up fifty meetings, or the next six meetings, if we don't know if that is the direction that we are going to go. I think it likely will be. Personally, I think it should be. After the next meeting, which we are going to be hearing from several people, which I think we will be given more information. We might be ready to make a decision to say yes. To be candid that is probably why most of us joined this body.

Nadia Rajsza said I think at some point we as a body, we need to meet and just discuss what we have in our Charter and where we want to go in our direction.

Bill Liblick said I think we should do that after the County Attorney and the Legislators speak.

Larry Richardson said I have a little bit of a difference of opinion. I don't really come in here and I haven't up to this moment, I am not leaning toward one or the other. I think that these discussions are going to lead me in a certain way. I don't know how quickly I am going to come to that conclusion but I believe hearing from these different departments and different entities, and different people is going to make up my mind in what direction we are going.

Nadia Rajsza said so what you are suggesting is that we hear from Sam and the Legislators and from that point we regroup and just discuss ourselves before we go to the department heads?

Larry Richardson said I am not sure because you do have the option to keep the form of government as it is. You can recommend changes to the Charter.

Bill Liblick said you still have to hear from these people no matter what direction.

JJ Hanson said Mr. Chairman, thank you for allowing for debate at this point. If you are bringing in department heads and this was said during this conversation. If you are bringing in department heads and I know this full well because I managed department heads and I worked with them every day and dealt with the Charter regularly. If you are bring in department head and you are getting their opinion right now and they fully well know that one of the major primary discussion points is whether we stay with the current Charter and maintain the current form of government, or whether we alternated significantly this Charter and go to a County Executive form of government. I am going to tell you that the overwhelming majority are going to say that the status quo is going quite well and we like it. You are not getting a true read on this situation. You are going to get bias and that is just the nature of what we are doing here. I am not saying don't interview them. We can interview them but we need to independently as a board, understand what we want to do. What we want to achieve. Do we want to change the government? Or do we not want to change? Maybe we will like it.

Co-Chair Burckard said I would agree with Larry to a certain point. You can't make that conceptual decision. I don't believe until you are relatively cognizant of how this government works, which is understanding the Charter, understanding the Code, both. You need to understand both and then secondly, we have the opportunity to very specifically ask questions of the leadership, starting with the County Manager and I will give you a reason for it. Some people may be thinking at this point in time, we should look at County Executive but you can also structure the government to make the County Manager form much stronger. We haven't even thought about that or discussed it. Something that we are going to have a chance to look at these various things and then see is it a major form change or is it something else. We need more before we can get to.....

Bill Liblick said or maybe the County Manger is too strong and we may want to make changes in the opposite way.

Larry Richardson said I think we are getting ahead of ourselves. Why don't we first pick a date, which is first things first and then lets invite Mr. Yasgur or someone else. Then let's check in again and when everybody feels ready to take up the subject of County form of government, which we are not all ready to do yet, let's move to that, interview people.

Sandra Johnson Fields said I totally agree with you because I didn't come in here with anything specific in mind. The more I hear, the more I learn. So I would like to be open and hear more and without putting a time limit on exactly when we are going to start.



Co-Chair Burckard asked members how does the 15th of April at 6 p.m. work for everyone for the next meeting. It is the third Wednesday of the month, three weeks from today. Paul informed members that Nadia Rajszyk will be the Co-Chair at the April 15th meeting. JJ Hanson will Chair the May 20th meeting at 6 p.m. Much discussion took place regarding the scheduling of meetings, the number of absences allowed, and setting a continuous agenda.

**Motion moved by JJ Hanson to schedule the Charter Revision Commission meetings for the third Wednesday of the month at 6 p.m., for the year 2015 in the Legislative Chambers, at the Sullivan County Government Center, Monticello, New York, seconded by Steve Altman, motion carried unanimously, all ayes, no nays.**

Co-Chair Burckard stated we mentioned the posting of the approved minutes. This is an issue that Ken Walter raised at the last meeting so I want to go to Ken.

Ken Walter said we should be posting under the Open Meetings Law. If we have an agenda everything should be posted before the meeting so the public can know what is going on ahead of time. Not after we agree on it. It is supposed to be out there first and it is a record for anyone to look at it. If we have a web site or a space on the web site that is up to Lorne Green, the MIS person to set it up. Right now, the Legislature sets up their agenda two days before the meeting and the minutes afterwards.

Co-Chair Burckard said Nadia will be working with Terri setting up the agenda before the next meeting. So once that is done and you could amend it because of changing circumstances. But at least you would have something. Nadia you have to get working on the agenda and Terri will get it posted. Also, posting of the minutes, Scott Samuelson said he would talk to MIS and I thought that he did. Legislator Benson said yes Scott did speak to Josh to get MIS to do it. Josh Potosek, County Manager said it shouldn't be a problem and I will speak to MIS regarding a web page.

Co-Chair Burckard said I will give a presentation on the first Charter Commission. Terri will provide a list of names from both the Charter Commission and the Charter Revision Commission members. Paul said there was a member of the Board of Supervisor who became a County Legislator and was willing to talk to the former Charter Revision Commission. Some of the points that I will make very specifically. There is a very important thing that you will learn about that which was one of the main reasons behind one man, one vote. There were other things involved about why we made the changes. You need to be made aware of it.

Co-Chair Burckard asked is there any other business from members. Ken Walter said going back to openness and I understand we have the capability and we also have to do upon when we take the show on the road, I believe we should web cast these meetings. So people at home could watch them if they care to and there will also be a digital recording of it to be archived in the system so if anybody wants to go back, they can do that.

Co-Chair Burckard asked members what is the pleasure of this board as to web casting. Discussion resulted between members and others present. Bill Liblick said there is something that I don't understand. Why the Legislature never goes over to Time Warner and says you have so many subscribers in Sullivan County, why can't you provide an access channel and access equipment if we broadcast on your network. I don't understand that, they are using Sullivan County roads and everything else, why the Legislators doesn't bring that up. Other municipalities have agreements with the cable companies to broadcast these meetings. Someone said because they are licensing the cable company to sell them service to their township. Bill Liblick said right and we only have the cable company. The Legislature is not telling Verizon to come in here with Fios. There is a whole thing with this Legislature before this Legislature when Fios wanted to come up in here and it was prevented. They wanted to come into Monticello, and they wanted to come into Liberty for competition and that was denied, the Legislature took care of that. So this Legislature could call the cable company to work with us, they do it in Manhattan, Public Access Stations. More discussion took place.

Co-Chair Burckard said we are going to put the agenda out, we are going to post the minutes, and the best we can do at the moment is to see if someone can come up with some methodology for web casting. Tom Cawley said the Legislature could look into what the cost would be. It may be as simple as a cheap camera. Isaac Green Diebboll said I intend on bringing my camera and tripod to the following meetings and they will be posted on YouTube.

Someone suggested bringing a microphone so the people in the back of the room can heard those speaking.

Ken Walter said I think the first thing is we have to gather the information to understand what we have to do in a Charter process. Then through the interview process, we have to identify the problems. Once we identify the problems then we decide what will be the best form of government to address those problems. Not to put the form of government first. We have to find the problems, can we solve the problems with the present form of government to adjust that form of government. But to try to make a peg fit into a square hole is going to put us behind. I think the first thing is understand, interview, identify then we find the solution.

JJ Hanson said has a budget been presented or prepared for us? Josh would probably know that better than anybody. What do you have in your contingency budget? Co-Chair Burckard said correct me if I am wrong, the Legislature has made arrangements for Terri to be assigned to us and compensating her for her time. Discussion resulted regarding budget for the Commission and whether a request was submitted.

Co-Chair Burckard asked JJ to prepare a budget for presentation to the County Legislature and to relate that to Nadia for the next meeting. Much discussion followed regarding possible Charter costs and budget.

Peg Harrison asked there was White Page done that was discussed in the Times Herald Record about consolidation of services within the Hudson Valley. Does anybody know about that? Discussion and Gene Benson said he will try to get it.

JJ Hanson mentioned Skyping and Nadia mentioned FaceTime. Much discussion took place regarding Skype.

Co-Chair Burckard said Isaac and Ray, all of us gave comments as to why we wanted to be here and you are the only two that hasn't so far.

Ray Nargizian said I was born in Brooklyn, raised in Queens, attended Pratt Institute and that was one of my best decisions because I met George Parker at Pratt.

Respectfully submitted,

Terri Waverla,

Charter Review Committee Secretary