



Sullivan County Charter Review Commission Meeting

October 19, 2016 at 6:00 PM

Present: Steve Altman, Paul Burckard, Bruce Ferguson, Sandra Johnson Fields, J.J. Hanson, Michael Levinson, Brian McPhillips, Larry Richardson, Norman Sutherland, Ken Walter

Absent: Peg Harrison, Bill Liblick (entered at 6:10pm), Sara Sprague

Others Present: Daniel Sturm, Andrew Ford

The Sullivan County Charter Review Commission Meeting was called to order by Co-Chairperson Larry Richardson at 6:00 pm. He then welcomed J.J. Hanson back.

APPROVAL OF MINUTES:

Mr. Altman made a motion to accept and approve the September 21, 2016 minutes, seconded by Mr. Hanson. Put to vote and carried unanimously 10-0.

SUPERVISOR DANIEL STURM'S COMMENTS AND OBSERVATIONS:

Co-Chairperson Richardson introduced Supervisor Sturm to the Commission and the Commission introduced themselves to Supervisor Sturm.

Supervisor Sturm thanked the Commission for the opportunity to be here tonight and stated that he is the Supervisor in the Town of Bethel and also the President of the Association of Supervisors since 2009 so he has seen a lot of Supervisors come and go over the last 8 years and he has dealt with a lot of Legislators as well in his capacity. Some questions and concerns that he has are certain concerns about the Legislative form of government that was formed in the 90's; they created an additional layer of government. Arbitrary lines, two or three towns each and he does not know that it is the most effective method for the people that they represent; Legislative districts that were formed. He is not picking on any Legislator, he has dealt with many Legislators and this has nothing to do with any one in particular. It seems that there is a disconnect between the people in our town and the Legislative form of government, whether Legislators go to the meetings or do not go to the meetings. Again, everyone has their different style. When he has had instances with dealing with the Legislators, he has had success with them. In the current County Charter, there is a Council of Governments where the Supervisors met on occasion monthly or quarterly with the Legislators as a group and that was helpful over the years. It depends on who is on the Legislature but they have not had one of those meetings in probably a year now. Unless there is a topic that comes up the Supervisors and the Legislators, do not get a chance to.... Mr. Altman inquired why they stopped. Supervisor Sturm stated that the last time they did it on a regular basis was when Jonathan Rouis was the Chairman. The last time that they had a formal meeting was

when the sales tax sharing was considered and talked about. They met with the entire Legislature and Supervisors Association, so they have not done that on a regular basis for quite some time.

Co-Chairperson Richardson stated that they heard early on is that the reason why the meetings stopped where that the Supervisors were not coming. The attendance of the Supervisors, there did not seem to be interest among the Supervisors.

Supervisor Sturm stated that his experience has shown that to call a meeting was up to the Chairman of the Legislature and they have always shown up when there was a meeting. Initially there were not many Supervisors that did show up, there was that, they had about four, five or six and then at the last one regarding the sales tax there were about 13 Supervisors that showed up including a Village Manager.

Co-Chairperson Richardson inquired if the Supervisors meet monthly on their own.

Supervisor Sturm stated yes every month or every other month.

Co-Chairperson Richardson asked if they get pretty good attendance to those meetings.

Supervisor Sturm stated that they average about 10-13 Supervisors at their meetings which is pretty good. You could have a meeting with six or seven but generally, they have a quorum of Supervisors to take care of business.

Mr. Hanson stated that one of the things that Supervisor Sturm is stated jumped out at him because it is one of the big things that they are discussing about having a County Executive. The sales tax component; they had this Council of Government meeting, so they are negotiating on behalf of the towns with the County and the County is basically negotiating from the Counties point of view on sales tax. He then inquired how many Legislators were in that meeting?

Supervisor Sturm stated all of them, there may have been one that was missing.

Mr. Hanson inquired who they were actually negotiating with?

Supervisor Sturm stated that it was more of a meeting to have a discussion about the sales tax sharing.

Mr. Hanson inquired if it went beyond that at all?

Supervisor Sturm stated that it did, at that meeting it was determined to have a smaller committee set up which included 5 members, two members of the Legislature (Samuelson and Alvarez), Nancy Buck, Ed McAndrew and Joshua Potosek from the County and the Supervisors proceeded with himself, Charlie Barbuti, and Tom Bose, one Highway Superintendent and Village Manager David Sager. They met after that Council of Government meeting in a small committee format to further their discussions on the sales tax sharing.

Mr. Hanson inquired where that has gone.

Supervisor Sturm stated at the moment they have not had any success meeting again. The last meeting that they had was a small committee, just 9 or 10 people. They had agreed that there were 6 bullets of items of discussion, they agreed on 5 of them except for one which was the amount that would be shared, a number. They had discussed \$41.5 million, if it was anything higher than that, the County would share with the towns 60/40 which was at the last meeting either May or June. The County was not comfortable, the Legislators were

not comfortable with the fact that a jail bond had not been put in, they had no idea what it was going to cost. They had a lot of their own issues, so some of them were not comfortable to begin with. His understanding of the last meeting was that they were going to meet after Labor Day and the jail bond discussions were had with the Legislature and they had more of an idea of a possible number that they could discuss with them and agree on. That is where they left at and he has not had much success with setting up another meeting with the Legislature, they have heard other things in the press that some of them are shying away from the idea which they understand. At the moment, their view is to try to reach out to each of the Legislators and try to have a discussion with them about where their feeling is on the sales tax sharing as opposed to a formal meeting.

Co-Chairperson Richardson inquired if there is someone on the other side that is leading the Legislative discussion?

Supervisor Sturm stated that the meeting that they had was led by Chairman Alvarez.

Mr. Burckard stated that there are a lot of other issues that are involved there, hopefully next time there is a meeting it will be in a facility that will be open for people to come to it.

Supervisor Sturm stated that the Council of Governments meeting was open to the public, the press was here.

Mr. Walters stated that it was open to the public and there was also a full board meeting that day.

Mr. Liblick entered the room at this time.

Mr. Burckard stated that he thinks if the Supervisors are going to lobby the Legislators on an individual basis, he thinks the Commission should be aware of that which opens up the door for the Commission to do the exact same thing.

Supervisor Sturm stated that the lobbying is being left to him as the President of the Association, he is actually working on a letter to each Legislator and they should have it by tomorrow. He feels that is better than having all the town Supervisors reaching out to have an in depth discussion. You do not want to load up 15 Highway Superintendents, 15 Town Supervisors and load up a Legislative meeting, they do not want to do that, the Legislature has their own concerns.

Mr. Burckard inquired if the Supervisors have addressed concerns that come from past history and has the Supervisors made any offers with regards there to.

Supervisor Sturm stated that he thinks that they did; the small committee that was set up, they got pretty far with the previous Legislature. The new Legislature started and they had their own thoughts and views a lot of those issues were brought to the Supervisors attention and they discussed them in this small committee that was set up. They discussed what had happened in the past and the reasons that the Supervisors felt that they had a pretty strong case as to why going forward it would be beneficial for the towns and villages to have some sort of share in the sales tax revenue that will be generated. Not just from the casino but from the offing businesses that are around it in the Thompson area. They felt that it was a fair decision to have and they did consider the items that Mr. Burckard is referring to.

Mr. Burckard inquired if the Supervisors made an offer to offset what had happened in the past.

Supervisor Sturm stated that the Supervisors felt that the offer that they offered with above \$41.5 million was more than fair for a beginning negotiating number and the Legislature was going to come back to the

Supervisors with a number that they thought was fair. They did agree on the 60/40 split, they also agreed that it would start a year after the casino was up. There were certain things that they had all agreed on.

Mr. Burckard stated that the bottom line is that the Supervisors made no offer to correct one of the major reasons why the original Charter Commission changed the government in the first place.

Supervisor Sturm stated that no, they did not get in depth, some of the county employees and the Chairman at times had brought up old issues, roads, bridges and things like that; they felt that it was unfair to the County.

Mr. Ferguson stated that Mr. Burckard is alluding to something that himself and other members of the Commission are maybe not aware of.

Mr. Burckard stated that if everyone reads the February, 2007 minutes of the Charter Commission, the night that the Commission invited the then present Legislature, Chris Cunningham and Rodney Gaebel very clearly readily admitted as to what was going on prior to the time the change was made in the government. Not the most important reason, one man one vote, which was why they changed it, but one of the major reasons was to stop what was going on. Supervisor Sturm and himself have talked about this in the past, he knows how he feels about this because Mr. Burckard was here when this went on. It would be one thing if the Supervisors came in and said we recognize past history, we recognize what happened here and we will make an offer to thus and so, either credit for the bridges or we will take them back, etc. What he is saying is that the Supervisors made no offer to correct what was in the past and it was not just the bridges.

Mr. Hanson stated that there is a reason why he had this question and wanted Supervisor Sturm to talk a little bit more about it because he thinks that it is an important part of the discussion regarding the form of government. Going from the current form, to a County Executive which is what they are looking at right now as the top area of discussion. In Ulster County, this is a regular occurrence where they are negotiating with towns and the City of Kingston regarding the share of sales tax. It has gotten fairly heated at times, the one fundamental difference, and they have seen it in other places. When the Supervisors go to negotiate they are representing the towns, a singular person representing the town and you talk about the sub-committee meeting, now the Supervisor is negotiating with four different people. They are negotiating in way that all that becomes public, so now that is public negotiation, so there is no one actually there that can make that independent decision on what the actual final agreement will be. It slows down the ability to actually make a decision of how this is actually going to move forward which is why you see in many cases this type of discussions and no one ever follows-up; it is standard operating procedures. Let us get a big meeting and talk about it and no one actually moves forward. You have a singular person and in his opinion, the way the Charter was initially intended but not practiced, where you actually have someone who is responsible for negotiations. Whether it is contract negotiations or sales tax negotiations, they are making essentially, the deal and once the deal is agreed upon between the two parties that then goes forward to the Legislature for review. The Legislature then either passes it or they say no they do not agree with it and you have the political decision made and then the towns would then proceed with either to push back or say, that is the deal that they got and here is our leverage that we have. Those are his thoughts on that if everyone was looking at it the same way he was.

Mr. Walters stated in regard to what Mr. Hanson said that no one seems to be leading the charge in the present situation to come to an agreement and the bottom line is it will still be the Legislature to vote on which way the money goes in the end. It does not matter who is leading the charge, it is still going to come back to the Legislature. He wants to go back to the comment that was made that the public feels that there is a disconnect,

there is basically a major division of jobs that the town is responsible for and those that the County is responsible for. He inquired why Supervisor Sturm feels that the public thinks that there is a disconnect and what is the disconnect that they feel.

Supervisor Sturm stated that speaking from a town perspective if someone in his town has a problem, they know to go to the Supervisor or the town board members if they so choose to call them. If that person does not get anywhere they may feel comfortable in calling one of the Legislators. Generally, himself and the board members are there every two weeks, so they are there if there is a problem, the people know where to go. He feels that the people just do not feel as comfortable with the Legislative form of government. You have a Legislator that is responsible for three towns, he just feels there is a disconnect. When someone wants something done on a town level, they come to the Supervisor, that has been his experience.

Mr. Ferguson inquired of Supervisor Sturm if it would be a lot easier right now if they had an Executive to negotiate with on this sales tax issue, who could cut a deal with the Supervisors without anyone else.

Supervisor Sturm stated that it is a perfect example, if you had a case study about how the government is functioning with using the sales tax discussion. To follow-up on that, they have a difference of opinion when it comes to the sales tax, the Supervisors feel that they made an appropriate offer and now they are having a hard time even getting a meeting. So they had this discussion and they had an agreement and had a few Legislators and the County Manager was there, they would say that they like it and then it would go to the Legislature. What you need is someone to lobby. When the Commission says "make the deal", it leads to the discussion of a County Executive. When he is in the Town of Bethel, he is an Executive branch and he is also a Legislative branch because he is there every day, he has to make a decision every day just like a County Executive would. The question is you have to get buy-in, he has to get a buy-in from at least three of his board members. If he does something during the week and he knows it is going to be upsetting to three of his members, he cannot do it. In other words, he not only has to make the deal as an Executive but he has to make sure that it flies with the Legislative branch which is the town board. That is where he thinks an Executive would be able to probably do better, let us just say that the manager is in favor of what they are doing, then he has to lobby for 5 votes out of 9. The question is would the Executive have any more juice to lobby those 9 Legislators, that is the real question. It is not just making the deal, but then they have to sell it, that is similar to a Supervisor.

Mr. Walter inquired what other issues Supervisor Sturm has that he thinks the Charter could be helpful? They are not going to settle this argument of where the money is going but as Supervisors are dealing with the County and how one form of government in the Charter can be changed to give the Supervisors more leverage to do what they want to do and be better off in the County.

Supervisor Sturm stated that he has given this a lot of thought and he has a degree in political science which comes in handy with these kinds of discussions. He had Gerald Benjamin as a Professor, he thinks that the Commission met with Professor Benjamin, he got Supervisor Sturm into local government. Supervisor Sturm continued by stating that he feels a County Executive would have advantages over a County Manager. A couple of things that he sees as a problem is if you have a County Executive they are elected by the people which means do they have the experience. Anyone can get elected but if you hire a County Manager you know you need a Master's degree and ten years of experience; you need certain things which is one thing that troubles him. Anyone can get elected.

Mr. Ferguson stated that it always astounds him when people say that because everyone is elected in this country, the President is elected, the Governor is elected, the Supervisor is elected. What is so uniquely different for being an Executive in the county than a state, a country or a town that we suddenly raise this question of oh they may not be competent.

Supervisor Sturm stated that he would not say not competent, but he is sure that the Commission is aware that it is an issue that you where you can hire someone with a Master's degree and this or that so his answer would be to be careful if they were to do a four-year term. That is one of the flags that raises to him with a County Executive even though it is a pain to run every two years because he knows it as a Supervisor. He is just thinking a four-year term for someone who may not have the highest qualifications, it would be an answer to that.

Mr. Levinson stated or someone runs and wins and then realizes that they are in over their head and then they are stuck for four years.

Co-Chairperson Richardson stated that is it not just as important to have someone with managerial skills or other skills not necessarily that he has a degree in accounting or anything else. He does not think that is really the key, can the person run a business or run a government. If the person is capable, he is going to hire people that are suited to get that job done.

Mr. Levinson stated that when they are running the people will ask questions at a debate and they will know if he is qualified or not.

Mr. Altman inquired from Supervisor Sturm how he feels about term limits?

Supervisor Sturm stated that everyone has a different feeling about term limits but the thing is there is an advantage to someone having term after term because you learn on the job. The person on the job should be able to explain what they have done and he does understand the level of corruption that people talk about at the state level and on all levels of government but he always feels that if your good at your job you should have an opportunity to run. Term limits for him and it is just his opinion has not always been a big thing for him.

Co-Chairperson Richardson stated that on one of the handouts, Dr. Benjamin is quoted by saying "a number of witnesses opposed the idea of a County Executive, some argued that electing a County Executive would essentially be a popularity contest that could result in an incompetent individual taking range of government." Mr. Richardson echoed those words early on in these discussions, it is going to come down to the decisions of the County Democrats and Republicans of who the candidates are, etc. Conversely when a County hires a Manager they have the ability to select the most qualified individual from a pool of applicants and in some way it seems to carry argument in a country where we routinely elect executives ranging from Mayors to Town Supervisors to Governors to Presidents. One does not hear the argument that we should replace these individuals with appointed democrats. This anti-executive argument makes two assumptions, first that a relatively poor rural county like Sullivan will never necessarily be able to attract first rate management talent and second that the Legislature will always hire the best applicant for the job. Anyone familiar with recent history acknowledges that Sullivan County experience with a County Manager has not always been a success. Dr. Benjamin talks to this issue he has come to the conclusion that he does not want to get hung up anymore on qualifications.

Mr. Burckard stated that when he was put on the board he was asked to always keep the historical perspective and he thinks it is important because of the discussion that they just had. Under the old system, the Supervisors were always conflicted, where and who did they actually represent, where was the loyalty to. It had to be to the town that was their power base, that was where they got elected and that was the budget they had to keep down as best as they could. That led to other things that they talked about before, they all know this, it is not rocket science. When they switched it to a Legislature representing an equal number of people relatively, he keeps hearing the Legislators represent towns that is a misnomer that was never the intention. They represent their constituents, the people that live in their Legislative districts just like a member of the Assembly, Senate, etc. Do they relate to the town if there is a town problem, sure. They are going to talk to all of their constituents and it is a two-way street, that is the way that they intended it. If the Town Supervisor has a problem, they are going to go to their Legislator and the particular committee that oversees that issue. He remembers having this discussion with Kathy LaBuda because, he does not know if everyone has read the 2007 minutes they are fascinating, one of the things that Mrs. LaBuda spoke about was every fire department, she had five towns and it was impossible. It was never intended for them to do that.

Co-Chairperson Richardson stated that he would also say this and he has experienced that same feeling as a disconnect and he does not know if that is not something that they could rectify with a change in the Charter. The comment from Mr. Samuelson, his Legislator, is that his door is always open and he is here most of the time and he is willing to talk to anyone. The reality is when you are out in the infringe of your territory you have issues, the average person will not take the time or cannot take the time to come into Monticello to meet with him. He always felt that it would be nice if the Legislators would go out and routinely make an appearance in your district from time to time, he does not know if they can address that.

Mr. Hanson stated that he thinks that when they go to structure and the way the government is set up that public relations role, that is really what they are talking about here, government relations having someone they can bring their issues to that is the role of the County Executive. It is part of the responsibility, when there are problems in towns and there is a County Executive, the Executive is responsible to communicate with the Supervisor. The Executive does not have to communicate but when the Executive comes to terms that they are not going to communicate with the Town Supervisor the Executive is going to have to pay the consequences. If that road does not get paved or if Joe Smith's mailbox got knocked down and the Supervisor calls because it was the County that knocked it down, and no one follows up, and that hits the paper, there is now a political consequence for one individual person whereas now if that happens there is no political consequence, there is no follow-up. Same argument that is made in negotiations is made in the intergovernmental affairs capacity, there is no one specifically that you can call that is going to be responsible at the end of the day that you know will follow-up. There may have been good ones along the way and there may be good ones now that do it but there is no one that the role of their job is to be that conduit between the government and the town.

Mr. Ferguson stated with the tax plan idea, the Town Supervisor is approaching nine or ten individuals because there is no go-to-guy for them to go to.

Supervisor Sturm stated that the Chairman is the one that they expect to follow through.

Mr. Ferguson stated that the Chairman cannot make a deal with Supervisor Sturm though.

Co-Chairperson Richardson stated that the Chairman could though hypothetically the Legislature could vote and say that they empower the Chairman to negotiate on their behalf. That would give the Chairman a little

more stature in this thing and also with the idea that he brings back a proposal they would be more likely to say that that they would work with it or they could appoint the County Manager to negotiate on their behalf.

Mr. Bureckard stated that is precisely the problem that they are addressing with the way things are going now. The Chief Executive Officer of this county is the County Manager, you read the Charter, you read the Code, he is the person in charge not the Chair of the Legislature. The person that the Supervisors should be talking to is the County Manager and that is not happening the way the Charter and the Code require it and one of the problems the way this government is working. It should not be the case, that is what is wrong.

Co-Chairperson Richardson stated that they had heard that argument before.

Mr. Altman stated that like what Mr. Richardson stated that some group or someone gets empowered and then it comes back to the Legislature to be ratified.

Mr. Liblick stated that he just wanted to point out that the Legislators are all one vote, so it does not matter who the Chairman is, it is still a vote of 9 and it is still a 5-4 vote. He then inquired if the head of the Supervisors or have people gone to the Legislators when they have a problem or have they gone to the County Manager; who is their access person if they want to deal with Sullivan County right now?

Supervisor Sturm stated that over the years he has had different experiences, his earlier experiences with Jonathan Rouis when he was the Chairman and they had a good relationship, they met 4 times a year with the Supervisors Association. When he had an issue with his town he would call his Legislator, Scott Samuelson or David Sager whomever it was at the time and they should be able to get the ball rolling by contacting the County Manager. The Legislator should be able to help them with whatever they need and they have had good experiences. To bring the discussion back to the sales tax, Josh Potosek was on the committee and nothing against him because every time they have ever called him, he has answered but the bottom line is would a County Executive be better than the County Manager and he thinks it would.

Mr. Walters stated that the bottom line is it is going to go through the Legislature no matter what it does not matter if you say the County Executive or the Chairman of the Legislature. He or she is going to move based upon the homework that they have done to make sure that they have the votes before him. Neither one is going to bring it before that group as plan A knowing that plan A is going to be defeated. It is still going to be the Legislature who is going to make the final decision in the end. So the ones that the Supervisors have to lobby or anyone has to lobby is the Legislators, that is the way life is. If you want to your Senator or Assemblyman you call them you do not call the Governor, you call who is in between, who passes it. The form of government is not going to change the end result so it comes down to do they have the votes to move it along in the direction that they want to move it to.

Mr. Liblick stated that Dan Sturm has been the Supervisor for ten years, he has been the head of the Supervisors Association for 9 years, so they are listening to speculation of how protocol is but Supervisor Sturm is here telling them how it is done through experience. So, he takes what Supervisor Sturm is saying that if they had one person who is the Chief Executive of that corporation who is elected by the people he would have easier access going directly to that person.

Supervisor Sturm stated that based on what Mr. Walters said, the only difference is that the County Executive would be elected by the people, in his opinion every two years, they would not only have to answer to 5 Legislators and they would also have to answer to the people.

Mr. Altman stated that it behooves them to drop the ball is it not up to the Supervisors to keep pushing somebody. If the Legislators do not address the Supervisors, they get to keep the money so it behooves them to drop the ball.

Mr. Ferguson stated that he wanted to pick up on what Mr. Walters stated, there is a difference between getting five people to agree to something and negotiating with five people. What is lacking here is executive function and even if they empowered the Chairman, the Chairman in our Legislature is not elected by the County and he has a particular constituency that is 1/9 of the county and they cannot claim to represent the people of Sullivan County, they do not. If it is an elected official, it is either an at-large Chair which is conceivable or an Executive that has to go to the entire county for a vote if they are going to have legitimacy.

Mr. Walters stated that Aileen Gunther is very effective with getting bills passed, the way she gets them passed is she knows she has the votes in her house and she knows she has the votes in the Senate and she knows she is going to have the Governor sign it. That same thing is going to happen here, you do not go to bat and use up your political ammunition and political capital on something that you are going to lose at. It is all still going to come back to that body of people that are going to vote on the agreement because if they do not agree you are wasting your time. The Executive may grandstand knowing he is going to lose the battle, it does not matter what form of government that you have it is still going to come back to the Legislature saying yes or no. Negotiations take place upon what the Legislature says, if you sit in that room enough times most things go through because the homework is done among them. That is smart politics, you do not want to go out there and get egg on your face and then wind up in the newspapers as being ineffective.

Mr. Burkard stated that in practicality Supervisor Sturm is the Chief Executive Officer and the Chief elected official of the town as Town Supervisor. If you were to think of the efficiency that Supervisor Sturm can achieve by holding that hat on a local level and you took a county and the county was big enough to be one town, the same theory applies and that in essence is what Supervisor Sturm is saying.

Supervisor Sturm stated he thinks that the same thing would apply because he would have to answer, he cannot make any decisions, like if the county had an Executive, to go back to the County Manager for a minute, the Manager has to respond to those five Legislators that appoint him. He is looking for someone as the county grows, the county is growing and we are trying to move forward and they want some face of the county, it cannot be the Chair and it cannot be the County Manager, the County Manager has to overcome the five votes. If the county has an Executive, Supervisor Sturm does think that it is very similar to a Town Supervisor, he cannot succeed or get his agenda passed if he does not have three members of the board. He can but he will hear about it but he has to get elected every two years. He tries to do what is right for the people, it is really about power not in the internal sense but it is about getting things done. He feels great when he knows that the board is behind him and other than day to day things, he is going to let them know. He is trying to compare it to a town where you can do the day to day basis to make decisions, but part of the job is to get five of them one way or another to agree with them and if you do not then you cannot proceed.

Co-Chairperson Richardson stated that the County Executive can be as powerful or not as we choose to or suggest it to be, it is not the Commission's decision. The Executive could have the authority and many instances to make that decision today, right now and the Executive does not have to get anyone else to agree to it. The Executive can make decisions right on the spot.

Mr. Burckard stated that technically if the budget is passed and the money is there to do whatever, that decision falls with the Executive, they give the order they do not have to go ask anyone. The Legislature performs its function and passes the budget.

Mr. Hanson stated that in the Ulster County budget that is specifically spelled out the way that they do their contracts. Any major contract negotiations are done by the Executive, he serves as the head of operations, and the Chief Executive of that county, he manages those negotiations independently and separate from the Legislature. When the negotiation is done, then it is brought to the Legislature he has to bring forth his argument. That is a good example of a check and balance. The current structure that Sullivan County has there is no check and balance because you have your boss pretty much telling you this is what we just negotiated so this is what we are going to vote for with a majority. Now you have someone who is independently elected bringing forward to the Legislature what they negotiated and they are going to review that, especially in politics. The Legislature is going to want to make sure that the due diligence was done and the finances are proper and whatever the agreement is in on a proper term and that is a good way to manage government and a business. You want to make sure that there is a positive check and balance there to make sure that there is not a failure in the system. That is just an advantage of having the independent elected Executive.

Supervisor Sturm stated that he just wants to be clear that he has had great success with the current County Manager, he gets along well with him, he always has whether it was the Chairman or the County Manager.

Co-Chairperson Richardson inquired if Supervisor Sturm had an issue with one of the county roads or something like that on this day would he go to the Department of Public Works with the issue or the Legislature, how would he deal with the issue?

Supervisor Sturm stated at this point he would go right to DPW to Ed McAndrew, it has happened in the past whether it be a sidewalk, a road issue or a county road issue because he knows that they would take care of it so that would be his first call. If he had any problem with DPW or anything he would just ask his Legislator but normally he would just call the department.

Co-Chairperson Richardson stated that with a County Executive, Supervisor Sturm would just call the County Executive and he would address that issue or what needed to be done.

Mr. Ferguson stated yes but in a small county like this where everyone knows everyone would you go through the County Executive for a broken sidewalk.

Co-Chairperson Richardson stated that you would then.

Mr. Burckard stated that even with the old system with the County Manager and Paul Rouis was very good at it as Administrator, people would call him and he would simply say that is Paul Burckard that is his department, he will take care of it. Mr. Rouis would then call Mr. Burckard and say that "Supervisor Dan is going to be calling you with an issue with real property issue in the town, try to help him out and take care of it."

Co-Chairperson Richardson stated that he could be wrong but he thinks that he read somewhere that the previous County Manager that person did not like going to department heads. He was told that person did not want people going to departments, that person wanted to be the focal point. He does not know if Supervisor Sturm experienced that while he was here but if you had a problem with one of the other departments, one of

the Legislators got dressed down for going to a department head without going to the County Manager first. Mr. Richardson asked if anyone had any other questions for Supervisor Sturm?

Mr. Liblick inquired what the consensus was among Supervisors how they feel about the County Executive issue?

Supervisor Sturm stated that they have not discussed it recently, there was a motion a while back, they were having some kind of a problem and they agreed that and did a resolution in support of going back to the Board of Supervisors about 3 or 4 years ago. The Supervisors had voted and passed it on to someone, he does not remember exactly what they did. He knows there is different feelings from all of the Supervisors, there is no consensus that he knows of.

Mr. Ferguson stated that no county has ever gone back to a Board of Supervisors. He continued by stating that he is strongly in favor of a four-year term because there is a learning curve for anyone who is an Executive and it seems to him that two years is an awfully short time to get up to speed and really execute anything in that capacity. By the time you really get your hands on the levers and understand how they work, you are facing to have to stop working for the people and go back to getting yourself re-elected. He thinks that it is different in a smaller town because, they probably do not have to go door to door all that much these days, everyone knows Dan Sturm.

Supervisor Sturm stated that he is the one that does.

Mr. Liblick stated that Fallsburg just went to a four-year term, Liberty is a four-year term.

Supervisor Sturm stated that Fallsburg just got turned down.

Mr. Liblick inquired how Supervisor Sturm feels about going in for one year and then he has to face the voters again, the first year he does work and the next year is campaign mode again?

Supervisor Sturm stated that it is a very good question he is just going to respond by how he goes about it. He runs every two years, it is part of a Supervisors job and he knows he has to do it and to be honest it keeps him on his toes. His council members get a four-year term and the judges get a four-year term and the minute someone wins a four-year term, they are not as accountable that second or third year. He knows every year and a half, he has to run. Does he want it changed, sure he would love to not have to do that every year but he really thinks it means accountability. Six months before the election, you have to put yourself out there to show what you have done to earn another term.

Mr. Liblick stated that is a good point also the Legislature, the Chairman is in for two years and that changes every two years as well, he did not think of that.

Co-Chairperson Richardson stated that he appreciates what Supervisor Sturm is saying but he would probably be in favor of a four-year term. There is a learning curve and like they heard before the County Executive likes to have department heads resignations December 31st and they will either rehire you or not. The fact that he is going to have his own team in place is going to take a little bit to assess how good the team is or do they need to make changes in the team and then all of a sudden they have to worry about getting re-elected. It is just a thought.

Mr. Liblick inquired if County Executives across New York have a four-year term.

Mr. Hanson stated that he does not know any that are two, he does not know all of them but he does not know any that are two-year terms.

Mr. McPhillips inquired if they usually talk about the financial cost of these types of elections to the county and would we be doing a disservice to the county by holding that style election every two years.

Co-Chairperson Richardson stated no because you have other elections going on every two years so it would be putting another name on the ballot.

Mr. Hanson stated you could because you have a county-wide election every two years so it would impact if there is a primary and a county-wide primary verses a non-primary, that would be the way that there would be an impact on the budget.

Mr. McPhillips stated that he thinks that it is different for Supervisor Sturm and the amount of people in his town that he knows already with just Bethel rather than trying to handle the county affairs as well as campaigning within a year and a half across the county. He is for a four-year term.

Assistant County Attorney (“ACA”) Ford suggested the Commission keep in mind that they are also recommending staggered terms theoretically they will have three people running every time the County Executive would be running. You may have a County Executive running every two years along with four Legislators.

Mr. Hanson stated that one of the issues that has been somewhat a tougher issue for the group is having the current Treasurer who everyone really likes and is very happy with from what he has read and what he knows is that Nancy Buck is doing good work. However, having an Executive who does not have control over the finances is a concern. He inquired as a Supervisor if Supervisor Sturm did not have any ability to work with, from a management perspective does he see that as a problem?

Supervisor Sturm stated initially in the Town of Bethel he is the Chief Fiscal Officer but he is also the Budget Officer which means he does his own budget. A lot of towns do not do that, Thompson, Fallsburg, Liberty hire someone, a \$50-\$60,000 a year comptroller who does their budget. His point is that he is more comfortable in his town because the Chief Fiscal Officer should also be the budget officer, it leads to better day to day decisions. He is not sure about the county form but they have to have to know what is going on whether they appoint or inherit a Treasurer to do what they have to do. Again, he loves Nancy but he does not know, you have to have control of all aspects, whether they appoint someone or hire someone you have to know what is going on as an Executive. That is how he sees it.

Mr. Sutherland inquired what the sales tax was last year, Supervisor Sturm stated \$41 million, what was it last year?

Supervisor Sturm stated sales tax last year if he is not mistaken was \$35 million.

The Commission and Supervisor Sturm continued a brief discussion about the sales tax and the sales tax sharing.

Mr. Altman stated that he thinks that they are all in agreement that what they are all looking for is a leader that will move the county forward and correct him if he is wrong they have had two County Manager’s since the change?

Co-Chairperson Richardson stated no they have had more than that.

Mr. Walters stated when you start comparing towns to county government, size is a big thing and requirements from the state are different with mandates and so forth. When you start throwing Fallsburg into the mix you are talking about a Class 1 town which they chose to be many years ago and they are required to have a town manager which none on the towns have. They have a system that is different than the other towns. We have talked about this more than once, how you make the manager bullet proof because when Fanslau was here all it took was a vote of the Legislature from six to five to fire, the public had thirty days to bring that petition forward and make it on the ballot. The thirty days passed and that did not happen and that is not a bullet proof situation. That is one of the problem that they are going to have, if they are going to stick with what they have got what are you going to do to protect him or her whomever that person is to do their job. He does not care who they have to run the government, either what they have now or an Executive they are going to have to hire someone to be a County Manager because someone has to understand the government and understand the stuff that goes through and keep a pulse on what goes on at the state and federal level. The checks and balances he believes is in the system itself in this county either the Legislature could initiate an inaction which would require a bid or RFP process, it could come from the Manager himself, they have a comptroller in place and the Legislature themselves are part of the checks. Are they going to have an appointed County Manager under a County Executive, are they going to be civil service which has protections that appointments do not. There is something that bothers him a lot when he hears it, when anyone talks about the cost of elections, he does not want to hear it. There is a cemetery filled with a lot of crosses of people to make sure we can do it for free let us not measure it by dollars.

Co-Chairperson Richardson stated that it has been his feeling when he runs a meeting to allow people to say basically whatever they want to say. In this case, the Commission is moving forward in support of an elected County Executive, they are not talking about fixing, changing or staying with a County Manager. Let us try to focus our discussion on those items and how they can get there and make that better. He then thanked Supervisor Sturm for coming.

OLD BUSINESS:

Co-Chairperson Richardson stated at the last meeting Mr. Walters had handed out a condensed “Local Government Handbook”.

Mr. Walters stated that he wanted to talk about that on the level that he is not convinced of a County Executive, they all know that. He wanted to start off with how do they know when they have leadership? To him leadership is quiet governance, you do not read about it in the paper and things are getting done. How do you know, the roads are being plowed and taken care of, the DA’s office is running, the County Clerk’s office is running, Office for the Aging, Department of Family Services and many others, the Sheriff, the Jail, Emergency Management and County Treasurer whom has kept us with a AA bond rating with cooperation between the County Manager and the County Legislature and Community College to name a few. Lack of funds is the biggest hindrance to move ahead more aggressively, tax cap and lack of cash income that is our biggest hindrance for forward movement no matter what the form of government is. When he hears the phrase lack of leadership his first response is “oh you did not do it my way” that is how he always feels especially in politics. There are those in electorate that expect a god like outcome from people with little governance or government experience who work on a part time basis because they have to maintain an outside income to support their families. He continued by stating that this is their 40th meeting which at a minimum adds up to forty hours and

not much to show for it as far as he is concerned on his part. As the Commission knows he is not sold on County Executive, they have time to make changes to the Charter that he believes will improve the working in governance. He heard a comment today that an executive is authoritative and an administrator/manager type of government is more of a cooperation to get the job done. First, he would like the Charter to take the Sheriff's duties to be expanded to take the Road Patrol and have it become a county police force. This will permit other governmental jurisdictions that have police officers and coverage without the heavy tax burden without sergeants, lieutenants or a chief and they start to spread the overhead around. It would be based upon a certain number of individuals based upon taxes or whatever. If the town wants more coverage then they would contract with the county to provide that service but they will not have the overhead of management, it will all be under the Sheriff's Department. Right now there are jurisdictions that pay twice for law enforcement, if you look at the Town of Fallsburg, Town of Liberty or Village of Monticello that have a police department, they are paying twice for that privilege, not only for the county but for the town. Transparency in government, they need to adopt the state's open meetings law and add some teeth to it. There are parts of the state's law with added strength like changing words like "may" to "shall" so that they are there for the public to see after the meeting is finished, all handouts anything given at that meeting should be on there. They are going to have eventually the meetings here being videoed but there should be audio no matter what committee or organization meets. Agencies and Boards can appoint boards under their umbrella but membership are a spread of the current organization, the IDA does this a lot, but must have a majority that does not consist of parent board so there is more input into the process. Council should not serve both boards, they should have different council or attorneys for each one of the boards because then it becomes just another rubber stamp.

ACA Ford stated just for his own obligation besides the IDA is there an agency that Mr. Walters is thinking of there.

Mr. Walters stated that he really does not know if there are other agencies that the Legislature appoints to but he does know that the IDA is the main one and they have a major effect upon our taxes. He continued with stating types of government in reference to his handout "Local Government Handbook".

Co-Chairperson Richardson stated that he made copies of a condensed version of Mr. Walters handout pursuant to ACA Ford's memo from last month (please see attached), this version was handed out to members of the Commission. If everyone remembers ACA Ford's memo's to the Commission, he was not advocating for a position but he makes the comment "the purpose of this memo, he thought a brief synopsis of the current will of the Charter Commission is in order the CRC plans to recommend to the County Legislature that the County's Charter be amended to provide for a County Executive. That is a County Executive to be elected in a county-wide election instead of a County Manager and the CRC's belief is that a strong Executive form of government be more representative of the county, etc". Then it talks about the County Treasurer but it talks about in his memo, ACA Ford cites the history to need to balance power, so he knows that the members all have that but if they are anything like him, the members have pile of stuff home and it is tough to go through it. He is trying to condense to as little paper as possible with the idea that they get to the end game, they are not going to swamp the Legislature with paper. What he did was he took that page that he had of Mr. Walters handout and the second page of the handout is what ACA Ford cited in the handbook and if you read through it, it supports an elected County Executive. This is out of the New York State handbook and it is very important he thinks. On page 47 of the handout, they are comparing the County Executive and the County Manager form of government and how they are different. On the back page of the handout it talks about those counties with Executives and the population and keep in mind this was done in 2009. Those numbers certainly have changed and he is sure

has gone up with the counties that have Executives to date. Very important to keep in mind from a historical perspective the importance to have a County Executive.

Mr. Ferguson stated that they should make that page 47 another appendix.

Mr. Walters continued by going over his complete handout from last month's Charter meeting. One of the things that keeps coming up is that Executives have a lot more pull in Albany than others, when they represent a very large voting population than others if Governor candidate has a choice of going to Sullivan or Westchester county and it is at the same time, we lose. That is where it comes down to, it all comes down to the votes.

Mr. Altman inquired who hires the manager?

Mr. Walters stated that the Manager here is hired by the Legislature, six is required to hire them.

Mr. Altman inquired who interviews them?

Mr. Walters stated that they go through a head hunting firm like others and narrow it down and meet with them and decide who makes the best pitch to hire.

Mr. Liblick stated that he would like to point out when the Governor came here and they passed the casino bill the larger population was in the other counties that are getting casinos if you look at Albany county that is getting a casino but the Governor chose Sullivan County to make the announcement. He thinks that the Governor plays where he wants to go that it does not matter about population.

Mr. Walters stated that when people say that when an Executive shows up in Albany, he gets to go to the second floor and everyone else goes to the third floor it still goes down to where the votes lie. Mr. Walters than continued going over his handout.

Mr. Liblick made a note that the tax charts for Pennsylvania and New York are totally different and we cannot compare them.

Mr. Walters stated that one of the things that they need to compare if they are going to go to a County Executive is take the two lowest closest in population which is Chemung County and Putnam County. The cheapest that he could find was Chemung, it cost them \$205,000 to have two people in the County Executive office. How much more would it expand here and how are you going to offset those costs. If they want to sell it, they will have to offset those costs and make sure those costs are steadily offset.

Co-Chairperson Richardson stated that they have already seen and Ulster County is a good example, it cost them money to set up a County Executive and they save money in the long run. A couple months back they had Mr. Burkard and himself had a conversation about how much they are paying the County Manager. We are paying the County Manager more than a lot of the counties are paying Executives already. So, he understands the other positions that go with it but what Mr. Walters is talking about, the top, they are already there.

Mr. Walter stated that you are still going to have to pay a County Manager, you are never going to find an elected Executive that is going to be able to handle the volume of bureaucracy.

Co-Chairperson Richardson stated if Mr. Walters looked at the flow chart they just had a couple of months ago.

Mr. Ferguson stated that he is just confused by what is going on here, some of this discussion he is not clear if this has anything to do with their linear discussion about a County Executive. Mr. Walter just gave the Commission a huge amount of information most of which just went by because it was so many diverse topics from what he said, it was a speech not a discussion.

Mr. Altman stated that he found it very interesting.

Mr. Ferguson stated good. He got confused, what they are supposed to take up from those points. They can talk about money, they had those discussions before, they can have it again. They know that Ulster saved substantially by going to a County Executive, they heard that from their County Attorney. Dr. Benjamin said the same thing, you can remove, there are efficiencies with an Executive that can more than offset the costs. He inquired if that is what they are talking about now, money.

Mr. Walters stated that there is one other thing that he did forget and it is the heart and soul of this whole thing. During this whole process, them as a board never sat down and had a read through of the Charter and had a discussion followed by the Code and a discussion, so everyone can understand where it interacts with the governance in the County and decide where they can make changes in the Charter. Starting at the top with if they wanted a County Executive or not and going down the line in other areas. They never had that discussion and an understanding by the whole group. A lot of people are on the outside, they read the newspaper and then it all gets filtered to them.

Mr. Ferguson stated that he for one has read the County Charter and Code several times and he is sure that others have. They have gone through it line by line with Joshua Potosek and in certain other areas with other people. If Mr. Walters format is the desirable way to go about their business is line by line through the Charter and thinking of rewriting it, he thinks is a mistake in an approach to it in talking about making a fundamental shift. County Attorney McCausland advised the Commission not to get into the minutia of certainly the County Code, she said leave the Code alone. If the recommendation of the Commission are followed, it is up to the county and the County Attorney to amend the code to form whatever form of government they decide on. He thinks that it would be a waste of their time at this point. If they are taking the big structural issues to deal with line by line reading would be an utter waste of time at this point he thinks.

Mr. Liblick stated that he is confused about one thing that Mr. Walters said about the Sheriff's Office, right now the Sheriff's Office is in the Charter, the last Charter Review Commission included the Sheriff's Patrol. The Village of Liberty, Town of Fallsburg, Village of Monticello and the ones that have constables, they all have their own municipalities and their own Charters and they have their own tax revenue that supports their law enforcement. Mr. Altman added Woodridge too. In Liberty, it is a contentious problem there about dissolving the Village with the police department, if the voters in that village decided to dissolve and maintain a police force, they could do it two ways. They can do it by taxing the village and keeping the Village of Liberty or they would absorb everything and dissolve it completely and absorb it into the Sheriff's Office where he does not know how the tax base would be. Right now their taxes (town taxes) go to the Sheriff and if you live in the village to village department to pay that police force and the New York State Police. So, when he lived in Swan Lake, if they called 911 the first responder was the State Police or the Sheriff's Office. He is confused with what Mr. Walter is saying, the only Charter change that the Commission could make is say instead of an elected Sheriff, we have a county-wide police force with a police chief. That is something that he could see a Charter talking about and he would never want to even touch that but that is the change that they have the empowerment to do. The empowerment is to have a civil unit mandated which is the Sheriff's Office which they have the

patrol which was included and should remain. They cannot say how many or what the budget is that is up to the Legislature and then to look at an alternative would be something else but they cannot dictate to the Village of Woodridge, Liberty or anywhere else how we want those taxpayers to operate the police.

Co-Chairperson Richardson stated he wants to get off this topic.

Mr. Burckard stated that he wants to clarify one thing the Commission does not have the ability to create a county-wide police force. The Charter controls one municipal corporation, the county.

Co-Chairperson Richardson asked Mr. Walters if he had other topics of conversation to make a note of them and then when they get through the County Executive discussion, the question should be then what other things should they discuss. He then handed out the “Powers and Duties of the Legislature” (please see attached) which was taken from the Ulster County Charter.

The Commission then had a brief discussion about the powers and duties of the Legislature. The also had a discussion about handouts that were passed out at last month’s Charter Commission meeting including ACA Fords memorandum and the information contain within.

Committee Member Bruce Ferguson’s draft preamble-

Mr. Ferguson stated that he does not have anything further than what he circulated, he added at the top the quote from Orange County.

Mr. McPhillips stated that he thought that they had discussed taking the people against it and putting that in the middle and having the people for it at the end.

There was a discussion as to where each of the paragraphs should be in the document.

Mr. Walter stated that he would suggest that Mr. Ferguson number the lines in the document which will become easier to discuss.

Mr. Altman stated that it seems to him that this is still a divided issue to some there are some members here that are not passionate about a County Executive.

Co-Chairperson Richardson stated that is correct at least two.

Mr. Altman stated that he just wants to point out that they all realize that the people sit around here have some power and they enjoy their power and what the Commission is asking them to do is relinquish a lot of power.

Co-Chairperson Richardson stated relinquish some power, if you look at the matrix it is clear to some people.

Mr. Altman stated that he just thinks that it is easier to sell them on a super majority to fire the Manager than it is to choose to give up their power and have an elected official.

Co-Chairperson Richardson and Mr. Ferguson stated they are really not giving up that much power.

Mr. Burckard stated that he had a lengthy conversation with Jonathan Drapkin which he wishes they could have taped and played. The problem is that the existing government is not doing what the Charter and the Code require. To say it bluntly the Legislature, this one and the one in the past for whatever reasons has gotten off the reservation. There is happening things that should not be happening. The Charter and the Code are very

clear, when they put it into place who is supposed to be running the show here. A tremendous change from what it was to what it is supposed to be and that is the County Manager. For example, the Chair of the Legislature has no business being at the Pattern for Progress thing that Jonathan Drapkin runs from Poughkeepsie, he should not even be invited. The Legislature has no business discussing who is going to be hired in departments if the positions are already budgeted that is the business of the Manager and the Commissioners and the Department Heads. The County Manager cannot walk into the Legislature and say “this is my business, it is not your business, I own the decision, not you”. That is what should be happening here, once it is approved by the budget they are out of it. They are so far over the reservation, how you get them back is the problem. Those are the reasons why he changed his mind, he did not realize how bad it had gotten since he retired until he got back here.

Mr. Altman stated that is why he asked who hires the Manager because they are likely to say that they are going to hire a weakling so they have control and power.

Mr. Burckard stated that is what has happened. The Manager does not have the ability now to walk in there and say “no, you are not going to do this, this is the way that it is going to be run because that is what the Charter said.” It is not happening.

Mr. Altman stated that they are going to change the form of government for one character.

Mr. Liblick stated that they just reappointed him unanimously.

Mr. Burckard stated that this is the problem if they do not change it how are you going to fix it permanently.

Mr. Altman stated to have a super majority to fire him.

Mr. Liblick stated that Mr. Burckard just told Mr. Altman what the problem is and the Manager was just reappointed unanimously by the Legislature.

Mr. Altman stated because they can control him, why would they not rehire him.

Mr. Hanson inquired where they are with this as far as a stance, he does not know because he just came back but he inquired if the Commission has taken an official stance of the County Executive.

Co-Chairperson Richardson stated that they did a vote, an unofficial vote, the majority of this committee wants to move forward with recommending an elected County Executive so that is what the focus is at this point. Mr. Ferguson has been working on very diligently putting the verbiage together, right now their focus needs to be on supporting documentation. They want to have something in place, he knows there is some discussion on this Commission about this but the County Legislature has asked if they could have a position by the end of December presented to them, on what changes they want to see. He would like to see work towards that deadline, if the Commission cannot make it, they cannot make it but how do they get there. The question becomes they need to work on documentation that they can present to the Legislature that supports Executive.

Mr. Burckard stated that he could not finish his point, and the point is very, very important. If this government was working the way that the Charter and the Code require it to, the Legislature would be giving up less when they go to an Executive. The Legislature gives up more now and it is more difficult because they are way off the reservation. They should not be doing what they are doing, and they are not going to want to give it up.

Mr. Altman stated how do they fix it.

Mr. Liblick stated a County Executive.

Mr. Burckard stated yes that is the only way to fix it. That is why he changed his mind.

Mr. Hanson stated that was why it was done in Ulster. He then continued with in terms of the Commission's step forward, we have the document that they are working on. He inquired if the Commission is going to provide the Legislature with a pre-drafted.....he inquired if it would require a local law?

ACA Ford stated that he does not think that there was any desire for the Commission to present a law, the Commission presents a recommendation.

Mr. Hanson stated that he is sure that there was no desire but he inquired if that is how it is actually done.

ACA Ford stated that if this Commission wanted to draft a local law he is available to the Commission to draft the way they want to see it. He thought at the earlier meeting was more the focus was to make the recommendation and the perimeters and the arguments and the backups.

Mr. Hanson stated that it is his opinion that they should do both, giving them just a paper with their thoughts on it, he hates to say it but it is going to get thrown in the trash. He thinks that they need to go in prepared with a presentation and a paper that this is their findings, here is the backup on what they found and what they are working on and also have the actual detailed local law that says this is what they would like them to put forward. He thinks if they are going in, they should have at least one Legislator who is willing to sponsor that otherwise they are wasting a certain degree of their time. He also does not think that they should be focusing on any other issues until that get this one done.

Mr. Ferguson stated Amen to that, if that is their goal he does not think that they should talk about anything other than County Executive until they have completed that. Otherwise, they keep going in circles, they get halfway in one direction and get pulled back. These last two meetings they have had significant retrograde motion only. He then inquired of ACA Ford what the correct form is? If a change of government has to be approved by referendum correct?

ACA Ford answered yes.

Mr. Ferguson inquired if the local law would proceed or follow, would the referendum be the local law or it would be a resolution?

ACA Ford stated that the referendum could be as simple as "are you in favor of going to a County Executive" and it could also be as detailed as having an attachment. Ulster is not a good comparison because they were adopting an entire Charter.

Mr. Hanson stated that was their first Charter yes.

ACA Ford stated that Ulster did not present the voters with the Charter the voters did a vote of do you want to go to a Charter.

Co-Chairperson Richardson stated if he remembers correctly it was like a two sentence referendum.

Mr. Burckard stated to help answer the question, remember he said that it more difficult here because they are amending an existing Charter that has been adopted by the public. Can it be one sentence, yes, that they are

going to change the government to a County Executive form of government but then you have to be prepared to go much further because you would have to show how now when the people walk into the booth they have to be aware of what their voting will change.

Mr. Ferguson stated that we are seeming to overstep our charge, the Commission is charged with making recommendations to the Legislature we were not charged with writing local laws. He thinks that the Commission will get push back if they do that.

Mr. Hanson stated that he has the opposite concern he thinks that if they do not do a local law that it will be disregarded. He has seen in Ulster County when the Charter has been amended and they have seen it here in Sullivan County where it could be done by local law singularly, no referendum and it did not have to go to a vote.

ACA Ford stated that if they are eliminating a position and creating another, that is the law.

Mr. Hanson stated if they are changing the Charter by changing the position, they are creating a new position and removing an existing position in potentially two particular locations that is what requires the local law.

ACA Ford stated that is where the referendum comes in, if they were changing another part of the Charter it may not require to go any further than to go to the Legislature.

Mr. Burckard stated that one other thing that complicates it more here is that Sullivan County has in place an existing Charter that has an elected Treasurer and he thinks that they all realize that if they are going to make the change in the southeastern part of New York State the reality is that the Treasurer has to go the form of the government is what they have to have. So, when you go out to talk about putting in a County Executive form of government you are not going to have 16 pages of Charter language in the initial thing but you are also going to have to include in that what else you are doing to elected officials. To change the Charter you need a referendum in any way when you are going to affect elected officials.

ACA Ford stated that if this Commission detailed what they thought that position would be, what the recommendation is of County Executive he would think that it would be fairly equivalent of what Mr. Hanson is suggesting. Even if you present them with a written log, they could accept the recommendation and draft something else, so he is not sure that drafting the law gets you much more else. He will leave it to the Commission, he is willing to have further discussions if the Commission wishes to.

Mr. Hanson stated that when you have a local law previously drafted, that does not mean that they are not willing to budge on something, it clearly defines according to local law the way that the Commission feels the Charter should read.

ACA Ford stated that is what the last Commission did, they proposed a bunch of different changes in actual text format. There is definitely precedent for doing it that way.

Co-Chairperson Richardson stated that they could do it that way, they could make it very simple and let them flush it out as they go.

Mr. McPhillips inquired if they have to detail everything because here they have the Commission that are struggling because of the qualifications of the current Treasurer so would you have to say are you in favor of a County Executive and also this will change, you will no longer elect a Treasurer.

ACA Ford stated that you could create it like that.

Mr. McPhillips stated that what he wants to be careful of is even this table has a problem with moving from that particular individual. If they make that type of description on a vote, people might say no because they want Nancy or that Treasurer.

Mr. Burckard stated so be it. You have to understand you cannot go in there and say we are going to a County Executive form of government and then try and create a Charter that eliminates a Treasurer. You cannot do that legally. The Charter has to say that the elected official will no longer exist after this date.

Mr. McPhillips stated that the Commission is going to get a lot of pushback from people.

ACA Ford stated that this may set up a Suffolk County type scenario which where they ended up might have been a bad thing but how they got there was baby steps. So, they decided that they are going to have an elected Comptroller and an elected Treasurer and then they had to ultimately resolve that. They resolved it in a way that seems odd to them, maybe this is just an interim step as well but you could say, are you in favor of a County Executive, and are you in favor of the Treasurer or are you in favor of creating an elected Comptroller. They would be independent decisions.

Mr. Hanson inquired if they have the option of doing them as one or by law do they all have to be separate?

ACA Ford stated that is a good question, he thinks that they could probably bottle it up as one question.

Mr. Burckard stated that they would have to because if they make the proposal to go to a County Executive and have an appointed Finance Commissioner which would come under when the Charter is changed and you are eliminating the Treasurer and putting in an elected Comptroller instead of an appointed person. That all has to get accomplished in the same shot. That is why he kept saying from the beginning that it is much more complicated here because we have an existing Charter. We never focused on my words and now the Commission is starting to focus on them.

ACA Ford stated that if the Commission is looking to get a report to the Legislature and say what their recommendations are he is happy to help put that into a draft or proposed chapter of the Charter that talks about the Executive as opposed to the County Manager. He would say that the Commission could probably do a lot in the report itself because it is about a page and a half right now that would be effected by a County Executive and that is double spaced, there is not a lot of text. Mr. Hanson and himself can talk about that and he can speak with County Attorney McCausland.

Co-Chairperson Richardson inquired if the Commission would like ACA Ford to go ahead with that and bring a draft next month for discussion.

The Commission agreed and ACA Ford stated that he will work up the language.

Mr. Walters stated that when the state makes their changes they do not print the whole change on the ballot. They are definitely not going to make December because next month is November and they are going to have to respond or have input onto this draft so it will be impossible to have it finalized because the next meeting will be before the third Thursday of the month when they have their full Executive Committee and full board. The coming to an end in December is not going to happen and the Legislature should be made aware of that.

Co-Chairperson Richardson stated that they have two more meetings, they will go as far as they get.

ACA Ford stated that they can double up if they want to, if the Commission wants to give him a deadline of two weeks and the Commission comes back to look at the law.

Co-Chairperson Richardson stated that he does not know, they will discuss this after the meeting.

Mr. Burckard stated that he thought what Mr. Ferguson did was excellent and now that they have opened the door, in addition to what he said they would need to put in an elected Comptroller.

Mr. Ferguson stated that he thinks that is a separate document. What this means for the Legislature, that should be addressed in a separate document.

There was some brief discussion about the presentation and what should be included in a separate document.

Co-Chairperson Richardson stated that it was suggested last month that they should have Bill Reiber, Supervisor of the Town of Thompson here and he has invited him to come to the next meeting.

There was some back and forth conversation about who Bill Reiber was and some past committee that wanted a County Executive. Mr. Liblick explained what happened the last time with the prior committee of a group of people.

Co-Chairperson Richardson inquired if Ms. Johnson-Fields wanted to go over her points from a few meetings ago that she did not get to address.

Ms. Johnson-Fields stated that Mr. Ferguson's report encompasses her thoughts so she was fine with that.

NEW BUSINESS:

Co-Chairperson Richardson stated that everyone on the Commission received the email from Mr. Burckard that there are circumstances that do not really permit him to continue the burden as a Co-Chair. Ms. Harrison is not going to be here next month either, she has asked him to Chair next month's meeting as well and he agreed. He is asking the Commission to be prepared next month to vote on a replacement of a new Co-Chair he cannot do this alone.

Mr. Liblick stated that first he would like to make a motion to thank Mr. Burckard for all his hard work as a Co-Chair, it is greatly appreciated and they are glad that he is staying on the Commission.

The Commission then thanked Mr. Burckard and gave him a round of applause.

Mr. Burckard stated that he wanted to clarify that it is not only his wife, that is a small part of it, he had to take over as the Finance Officer for the Legion and the Ambulance Corp and a tremendous amount of other reasons and responsibilities.

Mr. Liblick stated that he would also like to point out that Mr. Hanson would be an ideal candidate for it and if he would think about it for next month.

Co-Chairperson Richardson stated that they will take nominations next month but he also pointed out that Mr. Ferguson has been working very hard as well. He is also thrilled that Mr. Hanson is back on the Commission and he so much institutional knowledge that he can share with them going forward.

Mr. Altman inquired if Co-Chairperson Richardson thinks that they need three Co-Chairs?

Co-Chairperson Richardson stated that he says that they need three only because he does not know what is up with Ms. Harrison she has a child that is looking at colleges and she missed this month, she is going to miss next month, he does not know going forward. It is a lot easier to spread it on three people.

Mr. Altman stated that is what he means, he is a fan of Mr. Hanson and he does not care if there is three, four or five but sometimes it gets convoluted.

Mr. Burckard stated that to be a Co-Chair and set up the meetings, there really is a lot more to it than what people think.

Mr. Walters stated that the Commission should be cognizant of the fact that in their appointment it says that if someone missed three consecutive meetings it is an automatic off the Commission, there is no turning back.

Mr. Liblick stated no it is not automatic.

Mr. Burckard stated that they are all generally in agreement about the County Executive but some other things that they need to think about between now and next month is are they all in agreement with going to the Finance Commissioner under the Executive eliminating the Treasurer and going to the elected Comptroller setting it up similar to Ulster. It works well in other counties as well he is not asking for the discussion he is just asking them to think about it.

ACA Ford stated that if you eliminate the elected Treasurer then the Charter would end up having just like it has other department heads it would have the Department of Finance with a Commissioner or whatever they wanted to call it. Appointed by the Executive and approved by the Legislature typically, even in Ulster County there is an approval process.

Mr. Hanson stated that just a suggestion on this because essentially it took several years to alter this in Ulster County but it is also one of the ways that they saved money in doing the transition. They had a Budget Director which is the role that he was, Mr. Hanson was a Deputy County Executive and Budget Director and then they had a Director of Commission of Finance. The Commissioner of Finance reported to him and he would report on all finances and everything else and in that office was also the Office of Real Property which had its own certain degree of independence so the Director of Real Property reported to him. When he left the office the Commissioner of Finance moved into the Deputy County Executive position, they just merged to two positions together. Currently in Sullivan County they do have a Budget Director position outside of the Manager.

ACA Ford stated that you have a Budget Director under Josh and a Treasurer.

Mr. Hanson stated that depending on what level of detail they want to get into with their suggestions this is somewhat of a political decision because it could impact who, what and why. The Commission could suggest mergers so they could have a singular role as director is also the Finance Director so that role is merged, they work directly for the Executive. They cease to have a Treasurer, the Budget Director who currently exists becomes that person so however that restructures they can also create a Deputy position to add into that which was what was also done in Ulster to fill in the additional space. They added a new Deputy Commissioner position into the role at a lower pay grade to help fill in that needs of time and resources.

ACA Ford stated that just to reiterate what County Attorney McCausland said that there will come to a point when the Commission realizes that there are just too many moving parts to be a part of what the Commission is actually proposing. They are proposing big picture things with a lot of parameters around them but how it gets

done is going to be so subject to political and other considerations including existing positions and whether they are civil servants and things like that. So, the Commission will not be able to solve all of that.

Co-Chairperson Richardson stated there is a saying keeping simple stupid. They will need to keep it simple enough that they will allow the people to decide.

Mr. Hanson stated that keeping it simple is important but he feels very strongly that if they are creating a County Executive and the Executive does not have the strength that a County Executive needs than they just did more damage to the County than helped it. They have to be very careful.

Mr. Burckard stated that they are not separate independent questions.

Co-Chairperson Richardson stated that in his book they are, he says this because he has been in politics a very long time and the more you roll together the greater possibility is that someone does not like part of it so they vote it all down. So, would it be the worst thing if the residents said that they wanted a County Executive but even if you ended up like a situation like Suffolk County it is still better today than they have in Sullivan County and they resolve and recognize the problem with the two positions and corrected it.

ACA Ford stated that they came to a solution.

Mr. Liblick stated that they are in a very sensitive position because they have a popular Treasurer there are ways of presenting this so it makes it effective five years from now they could present the ballot like that. They would create the position of County Executive and five years after they dissolve the Treasurer.

Co-Chairperson Richardson stated he had this discussion with someone because it is the same thing, you hear it all over the County everyone likes Nancy Buck but what is it to prevent Nancy Buck from running for Comptroller.

Mr. Liblick stated that it could also show how they save the taxpayers money if you put that language in there with a timeframe as a Finance Department and then create the Comptroller it will be less costs among the taxpayers.

Mr. Altman stated that they are assuming that the voters are going to know what they are doing. How do they educate the voters?

Co-Chairperson Richardson stated that ACA Ford has made this point more than once they made their recommendation and submitted it they can then become an advocacy group until then they have nothing to advocate because they do not even know if the Legislature is on board yet. Then the education comes in and there is going to need to be a lot of education.

Mr. Liblick stated that there are two avenues here they bring it to the Legislature let us have the discussion publicly and then the debate starts; or you have a group of people that want to fund it to have a County Executive and bring it to the people and then there will be opposition.

ACA Ford stated that the best beginning to an advocacy is a well written report.

Co-Chairperson stated next month they are going to decide on another Co-Chairperson.

PUBLIC COMMENT:

None

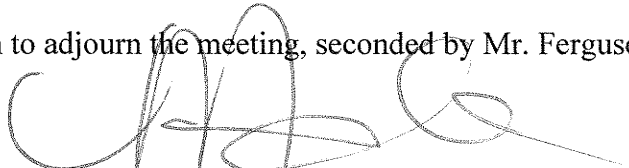
OTHER BUSINESS:

NEXT MEETING ANNOUNCEMENT:

November 16, 2016 at 6:00 PM *Legislative Hearing Room*

ADJOURNMENT:

Mr. Burckard made a motion to adjourn the meeting, seconded by Mr. Ferguson, meeting adjourned at 8:14 pm.



Michelle Huck, Secretary

Michell
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Local Government Handbook

**6th Edition, published 2009
Reprinted 2011**

**New York State
Department of State**

Charter Counties. The principal difference between a county government operating pursuant to the County Law and one operating pursuant to a charter is that a county charter ordinarily provides for an executive or administrator, independent of the legislature, who administers the day-to-day affairs of county government. Of the 19 charter counties in the state, 16 have elected executives, while 2 have professional managers.

Voters in the charter counties of New York, in most cases, have chosen the elected executive form of county government organization. The creation of the office of elected executive provides the county with potentially strong leadership, because the executive is elected by the voters of the entire county. Thus, the executive operates from a strong political base to speak for the county, and to exercise leadership in relation to the legislative body. This principle holds true even where the charter does not endow the executive with extensive powers.

The elected executive also provides a focus of public attention in county government that is lacking in the organization under the County Law. Like elected executives at other levels, the county executive operates under constant scrutiny.

Under most county charters, the elected county executive may secure additional professional administrative assistance, subject to appropriated funds. For example, the executive may provide, within the annual appropriation, for the creation of the office of deputy county executive for administration or for an executive assistant to Local Government Handbook 45 carry out responsibilities that may be delegated by the executive.

One of the most influential elements of the elected executive's authority is the budgetary power, an essential tool of executive participation in policy development and in strong administration. Through the framing of an executive budget, the county executive establishes and recommends to the county legislature priorities among programs. If they are approved by the legislative body, these priorities provide a direction for the implementation of policies.

Another important element of the authority of the county executive or county manager in charter counties is the power to appoint and remove department heads. The charter may allow the executive to exercise this authority without confirmation or approval by the legislative body, and in other cases, the charter may require the confirmation or approval of the action. In either case, the executive must exercise this authority within the scope of the applicable civil service laws as described in Chapter XIII.

Initially, the size of a county's population has much to do with whether the county's voters believe it is necessary to provide the county with executive leadership and day-to-day direction of operations by adopting a locally drafted charter. It is possible, however, that other considerations, such as fiscal concerns, are of equal importance. Without a strengthening of executive capacity, the urbanizing counties of the state found themselves severely handicapped in meeting and dealing with new and expanding service demands. Legal authority to draft and adopt a charter locally, one specifically tailored to fit local conditions and requirements, has facilitated the efforts of counties to meet their rapidly growing responsibilities as true units of local government.

FIGURE 7
County Government
Executive Form Organization Chart

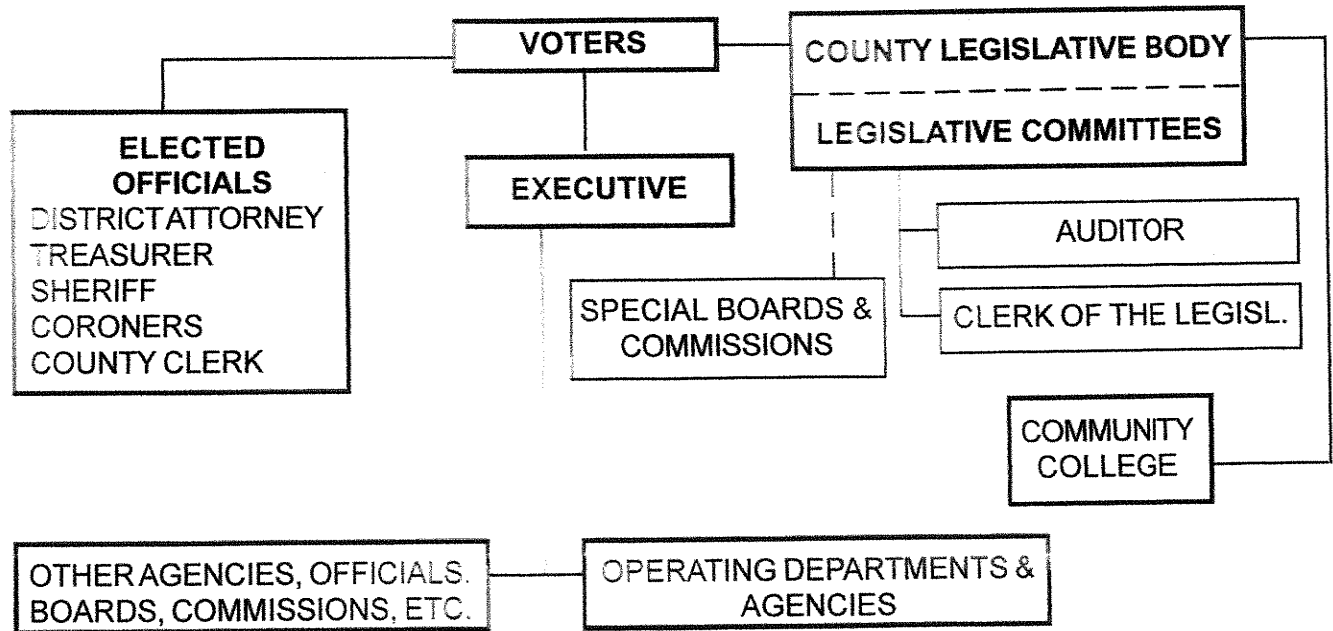
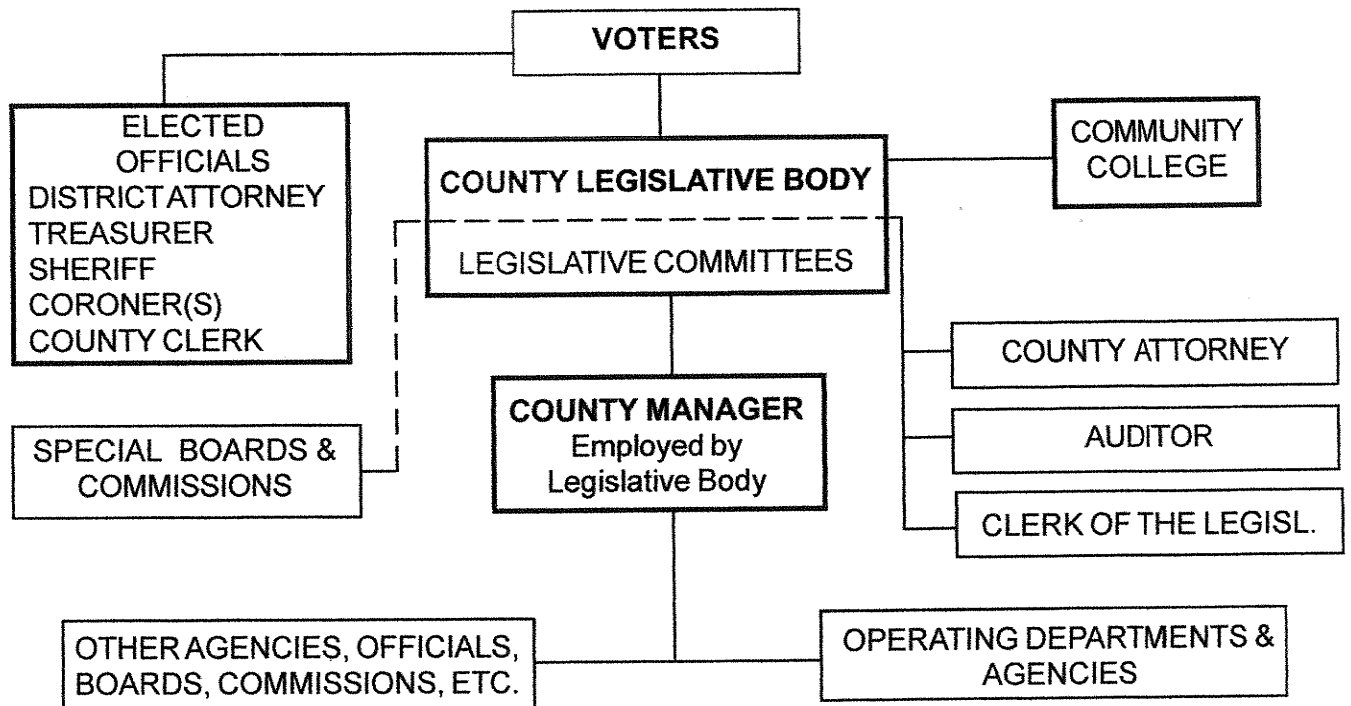


FIGURE 8
County Government
Manager Form Organization Chart



Chemung*	Executive	Legislature	15	91,070	
Putnam*	Executive	Legislature	9	95,745	
Chautauqua*	Executive	Legislature	25	139,750	
Rensselaer*	Executive	Legislature	19	152,538	
Broome*	Executive	Legislature	19	200,536	
Oneida*	Executive	Legislature	29	235,469	
Dutchess*	Executive	Legislature	25	280,150	
Rockland*	Executive	Legislature	17	286,753	
Albany*	Executive	Legislature	39	294,565	
Orange*	Executive	Legislature	21	341,367	
Onondaga*	Executive	Legislature	19	458,336	
Monroe*	Executive	Legislature	29	735,343	
Westchester*	Executive	Legislature	17	923,459	
Erie*	Executive	Legislature	17	950,265	
Nassau*	Executive	Legislature	19	1,334,544	
Suffolk*	Executive	Legislature	18	1,419,369	
				7,939,259	41.84%
Lewis	Manager	Legislature	10	26,944	
Seneca	Manager	Supervisors	14	33,342	
Essex	Manager	Supervisors	18	38,851	
Franklin	Manager	Legislature	7	51,134	
Genesee	Manager	Legislature	9	60,370	
Sullivan	Manager	Legislature	9	73,966	
Schenectady*	Manager	Legislature	15	146,555	
				431,162	2.27%
				Non NYC Population	10,968,215
					57.80%
Borough				Population**	
Bronx				1,332,650	
Kings				2,465,326	
New York				1,537,195	
Queens				2,229,379	
Richmond				443,728	
				8,008,278	42.20%
				State Total	18,976,493

* Charter County

** 2000 Census.

SOURCE: U.S. Bureau of the Census, courtesy of Empire State Development Corporation.

Michelle

2015 Population Estimates

Geography	April 1, 2010		Population Estimate (as of July 1)							Total
	Census	Estimates	2010	2011	2012	2013	2014	2015		
United States	308,745,538	308,758,105	309,346,863	311,718,857	314,102,623	316,427,395	318,907,401	321,418,820	12,660,715	
Median Income (dollars)	\$53,482		588,758	2,371,994	2,383,766	2,324,772	2,480,006	2,511,419	4.101%	
	\$1		0.191%	0.767%	0.765%	0.740%	0.784%	0.788%		
New York										
Median Income (dollars)	\$58,687		24,833	120,282	83,779	84,051	57,826	46,933	417,704	
	\$1		0.128%	0.620%	0.429%	0.429%	0.294%	0.238%	2.156%	
Sullivan County, New York										
Median Income (dollars)	\$49,388		(108)	(317)	(160)	(27)	(1,159)	(893)	(2,664)	
	\$1		-0.139%	-0.409%	-0.207%	-0.035%	-1.507%	-1.179%	-3.436%	
Orange County, New York										
Median Income (dollars)	\$70,794		646	865	(267)	932	1,036	1,653	4,865	
	\$1		0.173%	0.232%	-0.071%	0.249%	0.276%	0.440%	1.305%	
Ulster County, New York										
Median Income (dollars)	\$58,592		(110)	255	(837)	(785)	(267)	(644)	(2,388)	
	\$1		-0.060%	0.140%	-0.458%	-0.432%	-0.147%	-0.356%	-1.308%	
Delaware County, New York										
Median Income (dollars)	\$44,183		(103)	(228)	(336)	(446)	(279)	(544)	(1,936)	
	\$1		-0.215%	-0.476%	-0.705%	-0.942%	-0.595%	-1.167%	-4.034%	
Dutchess County, New York										
Median Income (dollars)	\$72,471		297	529	(1,004)	(307)	(583)	(626)	(1,694)	
	\$1		0.100%	0.178%	-0.337%	-0.103%	-0.196%	-0.211%	-0.570%	
Pike County, PA										
Median Income (dollars)	\$58,906		(34)	194	(729)	(146)	(413)	(289)	(1,417)	
	\$1		-0.059%	0.338%	-1.267%	-0.257%	-0.729%	-0.514%	-2.470%	
Wayne County, PA										
Median Income (dollars)	\$49,285		(523)	175	(178)	(87)	(245)	(769)	(1,627)	
	\$1		-0.990%	0.335%	-0.339%	-0.166%	-0.469%	-1.480%	-3.080%	

CHEMUNG COUNTY F.T.E.'S FINAL

2015 Original VS 2016 Approved

dept/Fund	Department	2015 FTE		Variance	2015		2015	2016		% 15 Orig. Vs 16
		Approved	2016 FTE Approved		Original	Actual		Approved		
<u>GENERAL FUND</u>										
UND 10	COUNTY EXECUTIVE	2.00	2.00	-	205,274	205,274	213,485	4.00%		
1010	COUNTY LEGISLATURE	17.34	17.34	-	370,601	372,896	389,240	5.03%		
1040	DISTRICT ATTORNEY	13.64	14.54	0.90	868,423	870,430	959,973	10.54%		
1165	PUBLIC DEFENDER	10.00	10.00	-	578,883	582,982	605,792	4.65%		
70-1170	PUBLIC ADVOCATE	5.50	6.23	0.73	305,175	341,169	357,376	17.11%		
70-1172	TREASURER	7.80	8.80	1.00	476,252	485,184	545,418	14.52%		
1325	BUDGET	1.20	1.20	-	120,711	120,711	138,093	14.40%		
1340	PURCHASING/CENTRAL SVCS	6.00	6.00	-	272,872	272,872	289,213	5.99%		
45-1346	REAL PROPERTY TAX	3.00	2.26	(0.74)	126,888	126,888	122,189	-3.70%		
1355	COUNTY CLERK	16.07	15.57	(0.50)	728,468	728,468	744,298	2.17%		
10-1411	LAW	2.00	2.00	-	133,332	133,332	137,986	3.49%		
1420	PERSONNEL	4.35	3.77	(0.58)	321,335	326,645	286,241	-10.92%		
1430	BOARD OF ELECTIONS	6.00	6.00	-	225,351	240,932	232,822	3.32%		
1450	RECORDS/INFORMATION	3.00	3.83	0.83	145,763	145,742	170,386	16.89%		
60-1461	WORKERS' COMPENSATION	1.00	1.00	-	56,392	56,392	58,647	4.00%		
1610	BUILDING & GROUNDS	15.60	15.46	(0.14)	1,119,114	1,119,114	1,188,452	6.20%		
1620	INFORMATION TECHNOLOGY	11.00	12.00	1.00	618,993	623,132	682,007	10.18%		
1680	PUBLIC SAFETY	21.00	21.08	0.08	1,270,597	1,323,201	1,313,626	3.39%		
3020	SHERIFF	47.69	48.29	0.60	3,728,220	3,744,602	3,700,113	-0.75%		
20-3110	JAIL	87.60	86.53	(1.07)	5,154,803	5,154,803	5,274,826	2.33%		
20-3150	DWI	1.00	1.00	-	60,612	60,612	62,976	3.90%		
20-3315	PROBATION	27.37	27.52	0.15	1,648,746	1,680,194	1,660,614	0.72%		
3140	EMERGENCY MGMT	3.36	3.00	(0.36)	198,965	210,052	188,378	-5.32%		
3640	PUBLIC HEALTH	61.83	61.03	(0.80)	3,561,370	3,562,256	3,470,678	-2.55%		
10-4083	MENTAL HEALTH	20.05	20.30	0.25	1,054,826	1,017,247	1,106,743	4.92%		
10-4511	SOCIAL SERVICES	169.49	170.24	0.75	8,050,862	8,180,454	8,218,219	2.08%		
0100-3000	VETERAN'S SERVICES	3.00	3.00	-	156,416	156,416	161,079	2.98%		
6510	PROGRAMS FOR AGING	9.00	10.00	1.00	487,566	487,566	539,575	10.67%		
6772	LONG TERM CARE	10.68	10.80	0.12	594,775	594,775	686,029	15.34%		

TABLE 6
New York State Counties

COUNTY	Chief Administrative Official	Legislative Body	Number of Members	Population **
Allegany	Administrator	Legislature	15	49,927
Cattaraugus	Administrator	Legislature	21	83,955
Clinton	Administrator	Legislature	10	79,894
Greene	Administrator	Legislature	14	48,195
Herkimer*	Administrator	Legislature	17	64,427
Jefferson	Administrator	Legislature	15	111,738
Orleans	Administrator	Legislature	7	44,171
Oswego	Administrator	Legislature	25	122,377
St. Lawrence	Administrator	Legislature	15	111,931
Steuben	Administrator	Legislature	17	98,762
Tompkins*	Administrator	Legislature	15	96,501
Ulster	Administrator	Legislature	33	177,749
Yates	Administrator	Legislature	14	24,621
Cayuga	Chair of Legislative	Legislature	15	81,963
Cortland	Chair of Legislative	Legislature	19	48,599
Niagara	Chair of Legislative	Legislature	19	219,846
Otsego	Chair of Legislative	Legislature	14	61,676
Schuyler	Chair of Legislative	Legislature	8	19,224
Tioga	Chair of Legislative	Legislature	9	51,784
Chemung*	Executive	Legislature	15	91,070
Putnam*	Executive	Legislature	9	95,745
Chautauqua*	Executive	Legislature	25	139,750
Rensselaer*	Executive	Legislature	19	152,538
Broome*	Executive	Legislature	19	200,536
Oneida*	Executive	Legislature	29	235,469
Dutchess*	Executive	Legislature	25	280,150
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Franklin	Manager	Legislature	7	51,134
Genesee	Manager	Legislature	9	60,370
Lewis	Manager	Legislature	10	26,944
Schenectady*	Manager	Legislature	15	146,555
Sullivan	Manager	Legislature	9	73,966
				9,895,568

* Charter County ** 2000 Census.

SOURCE: U.S. Bureau of the Census, courtesy of Empire State Development Corporation.

Livingston	Administrator	Supervisor	17	64,328
Montgomery	Administrator	Supervisor	15	49,708
Ontario	Administrator	Supervisor	21	100,224
Saratoga	Administrator	Supervisor	23	200,635
Warren	Administrator	Supervisor	20	63,303
Washington	Administrator	Supervisor	17	61,042
Wayne	Administrator	Supervisor	15	93,765
Wyoming	Administrator	Supervisor	16	43,424
Chenango	Chair of Legislature	Supervisor	23	51,401
Columbia	Chair of Legislature	Supervisor	22	63,094
Delaware	Chair of Legislature	Supervisor	19	48,055
Fulton	Chair of Legislature	Supervisor	20	55,073
Hamilton	Chair of Legislature	Supervisor	9	5,379
Madison	Chair of Legislature	Supervisor	19	69,441
Schoharie	Chair of Legislature	Supervisor	16	31,582
Essex	Manager	Supervisor	18	38,851
Seneca	Manager	Supervisor	14	33,342
				1,072,647

Borough	Population**
Bronx	1,332,650
Kings	2,465,326
New York	1,537,195
Queens	2,229,379
Richmond	443,728
	8,008,278
	State Total
	18,976,493

* Charter County

** 2000 Census.

SOURCE: U.S. Bureau of the Census, courtesy of Empire State Development Corporation.

* Charter County ** 2000 Census.

SOURCE: U.S. Bureau of the Census, courtesy of Empire State Development Corporation.

§ C-11 Powers and duties of Legislature.

The County Legislature shall be the legislative, appropriating and policy-determining body of the County and, as such, shall have and exercise all powers and duties now or hereafter conferred upon it by applicable law and any and all powers necessarily implied or incidental thereto, including but not limited to the power:

- A. To make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program;
 - B. To exercise all powers of local legislation in relation to enacting, amending, or rescinding local laws, legalizing acts, local laws, or resolutions;
 - C. By local law to adopt, amend or repeal an Administrative Code which shall set forth the details of administration of the County government consistent with the provisions of this Charter and which Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, resolutions, rules and regulations consistent with this Charter or amendments thereto;
 - D. By local law to create, alter, combine or abolish County administrative units;
 - E. To adopt by resolution all necessary rules and regulations for its own conduct and procedure;
 - F. Subject to the Constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of County employees and, upon recommendation of the County Executive, grant to the department head the power to stagger work hours;
 - G. To grant by resolution to officers and employees of the County vacations, sick leaves, compensatory time and leaves of absence, with or without pay, and adopt rules and regulations in relation thereto;
 - H. To fix the compensation of all officers and employees paid from County funds or, for employees not covered by a collective bargaining agreement, to establish salary ranges within which the appointing authority shall have discretion to set the actual salary within the range;
 - I. To approve all labor contracts and amendments thereto;
[Amended 8-14-2012 by L.L. No. 9-2012^[1]]
- [1] *Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.*
- J. To fix the amount of official bonds and undertakings of officers and employees;
 - K. To conduct studies and investigations in furtherance of its legislative functions and, in connection

therewith, to obtain and employ professional and technical advice, appoint citizens' committees, commissions and boards, subpoena witnesses, administer oaths, and require the production of books, papers and other evidence deemed necessary or material to such studies or investigations. A subpoena issued under this section shall be regulated by the Civil Practice Law and Rules together with any state or federal laws or rules that may be applicable. The subpoena shall not extend to disclose the identity or jeopardize the safety of victims, confidential informants, witnesses, and undercover officers or operatives;

[Amended 8-14-2012 by L.L. No. 9-2012^[2]]

[2] *Editor's Note: This local law was approved at referendum by a majority of the duly qualified voters 11-6-2012.*

- L. To create and establish the office of deputy or deputies to the head of any department, agency, or administrative unit;
- M. To determine and make provision for any matter of government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to this Charter form of government;
- N. To determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes consistent with standards prescribed by the Legislature of the State of New York and file the same in accordance with applicable law;
- O. To approve the execution of all contracts in excess of \$50,000 entered into by the County; and
- P. To appropriate funds for the annual audit of the books and records of the County by independent auditors.

[Amended 8-14-2012 by L.L. No. 9-2012^[3]]

The County Executive and staff work with the Legislature, County Departments, Agencies, Advisory Boards and the general public to provide services to county residents as defined in Federal, State and County laws and regulations. The main goal of the Executive Office is to enhance public safety, strengthen the economy, and improve the quality of life ...

Preamble from the Orange County Charter [?]

The case for a County Executive

The Charter adopted by Sullivan County in 1993 fundamentally reshaped county government. It dissolved the Board of Supervisors that had previously administered the county and replaced it with a nine-member Legislature, which in turned appointed a County Manager. The Charter also anticipated that it might need to be amended from time to time; it directed the Legislature to appoint a Charter Review Commission every ten years to determine if the Charter, as written, provides the county with the most effective form of government. The Commission can recommend changes, but it does not have the authority to make them; that power rests with the Legislature or, in the event of a referendum, with the people of the county.

The current Charter Review Commission was appointed by the Legislature in 2015 and has been meeting for more than a year and a half. It has heard testimony from dozens of individuals, including the County Clerk, the District Attorney, the County Sheriff, the County Treasurer, former and current County Legislators, the County Manager, two County Attorneys, the County Auditor, department heads and commissioners, and several experts in county governance from around the state.

The biggest question facing this Commission has been to determine if our legislative form of government best serves the people of Sullivan County. There are intelligent, experienced and civic-minded people with divergent views on this subject, but after carefully considering the testimony offered by a variety of witnesses, the Commission determined that our government would function more effectively if the County Manager is replaced with an elected County Executive. The nine-member Legislature would continue to enact laws and help shape policy.

Three out of four New Yorkers who live outside of New York City already reside in one of the eighteen counties that has a County Executive.¹ It's a form of government that is readily understood by every American because it resembles our federal and state governments in which a president or governor shares power with a legislative body. In contrast, Sullivan County's current form of government, with its elected Legislature and an appointed Manager, has few parallels in civic life. The division of powers and responsibilities with this form of government is not immediately apparent to everyone. Even members of our

county government have not always been able to agree on where the lines of authority should be drawn. On occasion this has led to confusion and conflict. The absence of a strong leader who has the authority to act decisively can also lead to inaction. With an elected Executive, there can be little doubt as to who is in charge—he or she has the both the power and the responsibility to ensure that the government operates effectively and efficiently.

Some of the most compelling testimony heard by the Charter Review Commission concerned recent events in Ulster County, which instituted an executive form of government in 2006. Two years later voters elected Mike Hein, the County Administrator, to serve as the county's first Executive. In this new role, the Commission was told, Mr. Hein was able to take bold steps that were beyond what either he, or the Legislature, could accomplish under the previous system of government. Ulster County Attorney Bea Havranek said that when Hurricane Irene struck in 2011, the county was fortunate to have a single individual with the authority to act quickly and decisively under emergency conditions.

Another witness intimately familiar with Ulster County is Dr. Gerald Benjamin, Distinguished Professor at SUNY New Paltz and Director of the Benjamin Center, the university's principle locus for interacting with local governments. Dr. Benjamin also served as Chair of the Ulster County Legislature and as Chair of the county's Charter Commission. He asserts that the benefits of having a powerful Executive can extend beyond county borders. It can give a county an advantage when competing with other counties for scarce state resources. The Association of County Executives represents a powerful voting bloc within the New York Association of Counties and is a force to be reckoned with in Albany. It's worth noting that of the seven other counties included in the Mid-Hudson Regional Economic Development Council only Sullivan lacks an Executive. By many economic measures, these other counties frequently outperform Sullivan.²

A number of witnesses opposed the idea of a County Executive. Some argued that electing an Executive would essentially be a 'popularity contest' that could result in an incompetent individual taking the reins of government. Conversely, when a county hires a Manager, it has the ability to select the best-qualified individual from a pool of applicants. In some ways this seems like a curious argument to make in country where we routinely elect executives ranging from mayors, to town supervisors, to governors, to presidents. One doesn't hear the argument that we should replace these individuals with appointed technocrats. Moreover, this anti-Executive argument makes two assumptions—first, that a relatively poor, rural county like Sullivan will necessarily be able to attract first-rate managerial talent, and second, that the Legislature will always hire the best applicant for the job. Anyone familiar with recent history has to acknowledge Sullivan County's experience with County Managers has not always been an unalloyed success.

Another argument, and one that has to be taken very seriously, is that an executive form of government will place an additional burden on the taxpayer. Without doubt, there are some added expenses associated with having an Executive. For example, operating under a system of checks and balances both the Executive and Legislature must each be afforded independent legal representation. But additional expenses do not necessarily mean there will be an increase in overall expenses. Dr. Benjamin told the Commission that additional costs can be offset by increased efficiency and the Ulster County experience seems to bear this out. Ulster County Attorney Havranek said that under its Executive, the county was able to cut the number of county employees from 1,800 to 1,300 through attrition, and reduce its budget from \$363 million to \$330 million. There's no question that circumstances are very different in Sullivan County, but at the very least Ulster's experience undercuts the notion that moving to an executive form of government necessarily entails an increased burden on the taxpayer.

Adopting a fundamentally new form of government is not something that should be done lightly or without a frank and full public debate. Members of the Charter Review Commission ask that the County Legislature and other civic institutions encourage a discussion a wide-ranging discussion of all the attendant issues so that, in time, an informed citizenry can decide the matter by a public referendum.

1. Of the approximately 11,250,000 New Yorkers who reside outside the five boroughs of New York City, 8,392,000 reside in counties with an Executive.

NYS Total Population	19,800,000
NYC Population	<u>8,550,000</u>
Total "Upstate" Population	11,250,000
Population of Counties with Executives	8,392,000

County	First Executive	Population
Albany	(1976)	309,000
Broome	(1980)	197,000
Chautauqua	(1975)	132,000
Chemung	(1974)	87,000
Dutchess	(1978)	297,000
Erie	(1962)	923,000
Monroe	(1938)	750,000
Montgomery	(2012)	50,000
Nassau	(1938)	1,361,000
Oneida	(1962)	233,000
Onondaga	(1961)	468,000
Orange	(1969)	377,000
Putnam	(1977)	100,000
Rensselaer	(1972)	160,000
Rockland	(1985)	326,000
Suffolk	(1961)	1,493,000
Ulster	(2009)	180,000
Westchester	(1939)	<u>949,000</u>
		8,392,000

2. According to the U.S. Department of Labor Statistics, Sullivan County has the highest seasonally unemployment rate (4.2%) of the seven counties in the Mid-Hudson region. (July, 2016.)

<http://data.bls.gov/map/MapToolServlet>

A July 2016 economic profile published by New York State Comptroller Thomas Di Napoli, found that Sullivan County has the lowest median income in the seven-county region.

<http://www.osc.state.ny.us/localgov/pubs/economicprofile/midhudsonregion.pdf>

Independent research conducted by Jeffersonville resident Ken Hilton found that relative to median income, Sullivan County property taxes are among the top one percent in the nation.

APPENDICES

APPENDIX ONE: List of individuals who testified before the Commission.

APPENDIX TWO: Selected remarks by Dr. Jerry Benjamin, March 25, 2015

APPENDIX THREE: Selected remarks by Ulster County Attorney Bea Havranek, June 15, 2016

SELECTED REMARKS BY DR. JERRY BENJAMIN, MARCH 25, 2015

On the history of county governments in NYS:

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.

Over time Counties came to be run by elected officials, countywide officials with countywide elections. Town officials ran the County as a second function in many of the rural and suburban areas.

On home rule and county charters:

We also evolved an idea of Home Rule, which suggested that local government[s] form and structure be organized by local people.

In 1963 when we created and adopted the Home Rule Provisions of the New York State Constitution. So we have County government that is a hybrid, it is a State agent in an autonomous locality in the same time.

If [a] county determines to take up the Home Rule opportunity, it adopts [a] Charter. So there are counties governed without a Charter and there are counties governed with a Charter. [Sullivan County has in fact opted for Home Rule [and] adopted a Charter.

We have many Counties in New York, especially in the rural areas that operate under State law without a Charter

When you adopt a Charter you have lots of choices.

That is what you [the Charter Review Commission] are really meeting about. You are meeting about whether the choices you took initially ... are the appropriate choices for the current circumstances of the county.

The choices are among ... 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 ... 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.

In 20-- Ulster County adopted a Charter for the first time. The Charter called for an Executive, rather than a legislative, form of government.

On why Ulster County adopted a Charter. Was there dissatisfaction with the performance of the county government?

Our taxes were rising rapidly. The directive energy of a single person at the head of the government, which is the common practice in American organizations, was not present.

We had a Manager responsive, we had an Administrator responsive, to the Legislative body ... 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.

We were feeling the lack of directive authority at the top of the government. We were feeling a certain absence of locus, locus 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. [At the time, Dr. Benjamin was Chair of the state legislature.] I was actually at the head of that government and I was regarded as the person to whom state officials, elected officials, could turn to—or that 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 exercised authority was by acting as if I had it. 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 role of politics:

The Democrats in Ulster County, who were a minority, much of the modern history ... [were finally] in the majority. The Democrats always advocated the change in form of government and this is not unusual, the party in minority wants to change the form of government because they are not succeeding politically. They expect and hope that they will succeed politically when they change the form of government. So they always advocated [change], and the Republicans always resisted it because we were winning.

But what happened was the Democrats came closer and closer to winning and the Republicans ... said we are going to study it.

I was out of elective politics at that time and the Democrats knew me, and the Republicans trusted me, so they turned to me and said 'will you lead us?' and I said 'yes'.

Many us of who had been in the government ... were frustrated by the legislative form, so I had a serious interest in change.

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 lo and behold the Democrats won the majority, so the Republicans committed to the process and the Democrats committed to the outcome. We had a virtual unanimous acceptance of the recommendations of the commission.

There was a propitious moment where change could occur.

Then we put [the Charter] on the ballot by action of the Legislature and ... the public seemed receptive to the idea.

Ulster County adopted a Charter by referendum.

Why did Ulster choose a County Executive form of government?

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.

