

WESTCHESTER COUNTY CHARTER REVISION COMMISSION
MINUTES
January 25, 2012

Members in Attendance: Richard Wishnie, Jeff Binder, Alfred Gatta, Herman Geist, Julie Killian, Derickson Lawrence, Steve Mayo, Anne McAndrews, Florence McCue, Paul Meissner, David Menken, Jane Morgenstern, Guy Parisi, Bertrand Sellier, Matthew Thomas, Paul Windels, Gary Zuckerman

Absent Members: Raymond Belair, Anita Delgado, John Mattis, Vincenza Restiano, Ronald Volino, Sam Zerka

County Staff in Attendance: Kathy O'Connor, Peter Tartaglia, Katy Delgado, Justin Adin, Stacey Dolgin-Kmetz, Josh Annex, KerriAnn Stout, Melanie Montalto

Legislators in Attendance: Virginia Perez, Catherine Borgia

Guests: Alfred B. DelBello, Timothy Idoni

MINUTES

With a quorum present, Chairman Wishnie called the meeting to order at 7:05 PM.

Chairman Wishnie introduced Alfred B. DelBello, former Lieutenant Governor of the State of New York, Westchester County Executive, and Mayor of the City of Yonkers.

Mr. DelBello discussed the culture when he was County Executive and that today, the culture has changed for the worse, calling the present legislating process dangerous. The County Executive and Board of Legislators did what was best for the citizens of Westchester County.

Mr. DelBello discussed the Board of Acquisitions & Contracts, stating it is a County Executive function, as he is ultimately responsible for the contracts and performance of the contractors/vendors. He reiterated that this is an executive form of government, and must be kept strong so that someone is held accountable and responsibility isn't diluted. Mr. DelBello believes that if the legislative branch doesn't function; it is the executive branch's fault. He noted that this is not something that can be changed by amending the Charter.

Mr. DelBello stated the budget process and elections continue to be kept separate. He noted that the Board of Legislators has a smaller window to add to the budget than it does to items in the budget. Mr. DelBello suggested changing the fiscal year from January 1 to July 1 as it makes no sense to submit the County Budget before the State Budget. Mr. Wishnie opened the floor for questions.

The Commission asked how much of the budget was mandate driven during his tenure compared to today. Mr. DelBello responded that it was worse, stating the contribution to Medicaid used to be 25% compared to only 15% today. Mr. Geist noted that the number is closer to 18%. Mr. DelBello stated that they used handle state mandates in their budget a little differently. He pointed out that while the mandates may be set, the way they are handled is not, as the State doesn't tell you how to run them. It is up to the County's governing ability and efficiency. He said he handled absolute mandated costs to aid dependent children and administrative costs together, giving them flexibility. Mr. Geist stated that the County also had additional responsibilities such as the court houses, the medical center, and the college.

Chairman Wishnie asked Mr. DelBello to talk about duplication of services and the consolidation of departments. Mr. DelBello stated that at the County level, people automatically assume and equate the consolidation of departments and services with savings and efficiency, as certain functions require dedicated commitment and attention, giving the Department of Public Works & Transportation as an example of how consolidation may not always be better.

Jeff Binder asked about the counties AAA bond rating. Mr. DelBello noted we are only one of two counties whose municipalities guarantee bill payment. Mr. Binder asked if that is fair and should it continue. Mr. Geist discussed the history of how that law came to pass. Mr. DelBello stated that the AAA rating was on the brink of being lost this year. He said there are approximately 30 AAA rated counties in the country, and they maintain a 25 – 30% reserve balance. He said the recent analysis showed that Westchester has spent down its fund balance to 6.5-6.9% and that the appropriate course of action was to cease dipping into the reserve fund and rebuild it to around 15-20 %.

The Commission asked Mr. DelBello's opinion on the number of Commissioners the county has, as well as, the number of legislators. Mr. DelBello stated that he thinks 9 legislators on the Board is more than enough, as to the number of Commissioners, he said it depends on the County Executive and his staff. He said the deputy county executive should be the chief administrator; and this is a question of span of control.

The Commission asked if the culture doesn't change and there is a continued period of "head banging" between the Board of Legislators and the County Executive, would any charter provisions make this relationship better. Mr. DelBello says there is no way to amend the charter to influence this and that ultimately you can't force the two branches to work together.

The Commission asked Mr. DelBello's opinion on using the veto power. Mr. DelBello said the veto power is appropriate as is the Board's ability to override it. He said it is a system of checks and balances.

The Commission asked Mr. DelBello to discuss the office of the County Attorney. Mr. DelBello felt that the County Attorney position is the most important position in the county government and needs to be professional, responsible, and impartial as he or she represents the entirety of the County Government.

Matthew Thomas asked how Mr. DelBello's experience as Mayor of Yonkers using City Managers and being a weak-format Mayor influenced his time as County Executive. Mr. DelBello stated it was helpful since he was involved with the council. His City manager in Yonkers referred any political decisions to him and same thing happened when he was the County Executive. As an elected official he had many political responsibilities and needed a competent administrator to handle the day-to-day responsibilities. Mr. DelBello reiterated the need for a strong executive branch of the County Government.

Chairman Wishnie discussed the proposed legislation to extend the life of the Charter Review Commission with the group. The legislation would extend the Commission through the end of December 2013, with a deadline for the report being May 31st, 2013. He made a motion to accept the legislation, which passed, and stated he will be forwarding it to the Board of Legislators. He then discussed changing the day of the meetings to accommodate the Commission's new consultant, Lester Steinman, along with several planned trips to County and State facilities.

Chairman Wishnie introduced the Commissioner of Parks & Recreation, Kathleen O'Conner, who gave a PowerPoint presentation on the state of the Parks, Recreation, & Conservation Department. Ms. O'Conner introduces Deputy Commissioner Peter, Tartaglia. She stated that it has been a difficult time for the Department, but the leadership has compensated for that. A copy of the presentation is on file and available for review.

Since the Department has had so many cuts in recent years, leadership training has been essential, as relatively recent staff additions now hold leadership positions. She noted that the Parks, Recreation, & Conservation Department is the only County Parks Department accredited by the National Recreation & Parks Association.

Ms. O'Connor discussed the values of the Department – Performance, Respect, and Commitment – an ideology that all staff adheres to. She described the various annual training seminars that helps deal with problems, such as numerous layoffs and then rehires, 33 layoffs, 19 rehires – in order to re-energize the 19 rehires that are wary of their job situation.

Ms. O'Connor stated that the Department of Parks, Recreation, & Conservation accounts for approximately 3% of the County's budget, while the Department's operating budget is down 8% from last year from \$51 Million (7% tax levy decrease) down from \$48 million. She noted that 70 % of the Department's costs are made up in revenue. They currently stand at 268 employees, down from 330 in 2009. Service cut savings include closing certain facilities, the redistribution of staff, and partnering with local companies to reinstate services that would otherwise have been cut. She added that the majority of the consolidated positions within the department have been administrative positions.

Ms. O'Connor noted that the Department uses surveys to determine the public's interest in the County's Parks, with 84% of the responses giving the Parks positive reviews, of which, Playland and Kensico Dam Plaza are the two most widely utilized Parks and the County's Golf Courses as one of the most utilized facilities. She further went on to describe the County's Golf Courses increasing popularity, due to the economic climate, and that the costs of running them broke even with the annual revenue.

Ms. O'Connor stated that much of the infrastructure is over 80 years old, and the Department continually improves existing facilities and takes on new capital projects. One example of a successfully completed capital project recently was the waterslides Tippet's Brook Pool, with an estimated 86,000 visitors in 2011. The Commissioner went on to describe the Department of Parks, Recreation, & Conservation Legacy Programs and intermunicipal agreements with local municipalities, and how they generate revenue.

Ms. O'Connor told the Commission that the County Center is a popular venue, describing some of the larger events that local municipalities can't handle. She further went on to state that it has operated with a close to 0% tax levy over the last decade. Mr. Thomas asked if anything was privatized and the Commissioner responded no, that her Department is directly responsible for the County Center.

Ms. O'Connor went on to discuss the state of Playland, stating that the park is open for 2012, and the future development of Playland is in phase 3. She described the responsibilities of the Playland Staff, numbering 700 hourly's hired annually, with 70% returning. She noted that Playland is 1 of only 2 amusement parks to have National Historic Landmark status and is recognized worldwide. She described Park Revenue coming from admission, parking, private catered events, group sales, and concessional contracts.

The Commissioner discussed the Playland Ice Casino, its operation, and related activities. She noted it operates with a close to 0% tax levy and its recent renovation in 2007 for the Empire State Games.

Finally, Ms. O'Conner described concessions. She stated that they are a significant part of revenue, running about 100 license agreements, with a \$5 million dollar annual budget. Ms. O'Connor opened the floor for questions.

The Commission asked about Playland's admission rates for County residents and non-residents. She stated that 4 years ago in order to improve the tax levy ratio and improve safety, a fence was put up around the park and a wristband was introduced.

Florence McCue commended the Parks staff and asked if the County's ethnic festivals would be happening and what would be the additional cost. The Commissioner said that the festivals are happening, and the only program that they will not be doing are the Open Gym program at the County Center.

Chairman Wishnie introduced County Clerk Tim Idoni, who gave his experience and credentials, as well as the history of the office of the County Clerk. He noted he works under both the State Constitution and the Federal Government for passports and naturalization and under the county charter for electricians and plumbers. Mr. Idoni stated that he is an agent of the state; he operates the land records office under state law, is the clerk of the supreme court and county courts, and is paid by the citizens of the County, He stated he has all 3 levels of government controlling his office.

The County Clerk has worked with virtually every department at one point or another and is close with the Information Technology Department. Since 2006 he said they have automated their land records and have cut down on staffing; now operating with 75 staff members. He said there used to be too many people working in the Office of the County Clerk, and now there are only 8 people under him, and because of the savings they operate at a negative tax levy of \$3 million dollars. He used his management background to reorganize the Office and now saves \$850,000 annually by cutting 17 positions.

Mr. Idoni admitted that when he first became County Clerk, he had the prejudices many local officials had concerning the County Government, but he changed his views. He gave a lot of credit to both the prior and current administration in hiring good people to run the county efficiently. However, he feels, the problem is that there are too many local municipalities and he suggested that consolidation of fire districts and school districts would save us money.

Mr. Idoni said he supported a strong mayor in New Rochelle because an efficient city manager still needs a strong political figure for support. Mr. Idoni stated that the county can do a better job with sharing services, and proposed the creation of data centers around the county with servers for the local municipalities as a money saving project, realizing that the County already has a top notch IT department. Mr. Idoni opened the floor for questions.

The Commission asked about the background of the people in the County Clerk's Office. Mr. Idoni responded that his 1st deputy is a Columbia law school grad who is a great project manager; His 2nd deputy is his former assistant from New Rochelle who knows personnel very well and handles licensing agreements; His 3rd deputy is a former FBI and IT wiz who runs, tests and writes programs. Additionally, he noted he has a staffer responsible for community outreach, which markets and administers a truck that goes out 40-50 times a year.

The Commission asked who controls the County Clerks budget. Mr. Idoni responded that power lies with the Board of Legislators. Mr. Geist gave a history of how the office of the County Clerk was moved to White Plains.

The Commission asked if the County Clerk's office is fully funded by the County since they provide so many services on behalf of the State and Federal Government. Mr. Idoni responded that the numerous fees outweigh the County contribution; therefore the county doesn't actually provide real funding for his budget.

The Commission asked about the suggestion by Legislator Kaplowitz in 2010 that the Clerk take over the Consumer Protection Function. Mr. Idoni makes the point that the consumer protection office is under the county executive's office. He is in charge of passports and naturalization, and all the licenses. The Commission asked if any specific change to the charter would make his office function better. Mr. Idoni stated that the Commission should strongly look at having the responsibilities for plumbing/electricians boards and consumer affairs be merged in one place.

The Commission asked if the County Clerk provided services for the municipalities. Mr. Idoni stated they do mortgage taxes for the municipalities. He said they also digitized the records and communications between their office and the local assessors, along with automating the process for certain municipalities where they take bulk filings of small claims assessment reviews, which recently the number has soared from 650 in 2006 to over 10,000 in 2011.

The Commission asked if the County Clerk is elected by State Law. Mr. Idoni said that it is. He said a prior Charter Revision Commission recommended the county clerk should be an appointed position, but it is a state decision. Mr. Idoni believed that it should be an appointed position. Chairman Wishnie thanked Mr. Idoni for his time.

Mr. Wishnie announced the next meeting will be Thursday, Feb 23, 2012.

With a motion by Florence McCue seconded by Guy Parisi the Charter Revision Commission adjourned at 9:01 pm.