

**WESTCHESTER COUNTY CHARTER REVISION COMMISSION
MINUTES
March 29, 2012**

Members in Attendance	Jeff Binder, Alfred Gatta, Herman Geist, Derickson Lawrence, John Mattis, Anne McAndrews, Florence McCue, Paul Meissner, David Menken, Jane Morgenstern, Vincenza Restiano, Matthew Thomas, Ronald Volino, Paul Windels, Richard Wishnie, Gary Zuckerman
Absent Members	Raymond Belair, Anita Delgado, Julie Killian, Steve Mayo, Guy Parisi, Bertrand Sellier, Sam Zerka
County Staff in Attendance	Justin Adin, Robert Alberti, Chris Crane, Stacey Dolgin-Kmetz
Commission Counsel	Lester Steinman
Guests	Andrew J. Spano

MINUTES

With a quorum present, Chairman Wishnie called the meeting to order. Chairman Wishnie introduced the evening's speaker, former County Executive Andrew J. Spano, and gave some background information about Mr. Spano.

Mr. Spano discussed his time as County Executive and stated that he had a plan, which incidentally ignored in large part, the County Charter. He described it as being a job that required someone to be a flexible administrator in order to provide for the different municipalities, school districts, fire districts, etc. and considered the County Government to be a resource center for those municipalities, specifically resources that the municipalities didn't possess themselves; firmly believing in the utilization of shared services between the County and local municipalities

He stated that the problem arose when County Government was considered an entirely separate entity. His belief was to keep taxes relatively higher at the local level than at the County level. Certain County-provided services were cheaper in comparison to those same services being provided by the locality, although a takeover would directly increase County taxes.

He referenced the County taking over the repair of certain sewer systems as a whole, being cheaper than each municipality making the repairs individually, along with the County receiving a grant, further reducing the overall cost. He also discussed the success and cost savings of the GIS Data System, along with the economic benefits from the

creation of a County-wide broadband network now spanning 1,500 miles, by implementing the aforementioned principles.

He stated that any changes to the Charter must stay consistent to the idea of the County Government remaining as a resource center. The ratio of County taxes to Municipal taxes shouldn't be a point of contention, as long as the overall taxes were reduced.

He discussed the benefits to County Government from the investment of technology and other services. He stated that in the long run they saved the County money and increased efficiency, although that was a difficult thing to implement in today's economy, as cutting out the metaphorical "middle-man" also resulted in job cuts.

Chairman Wishnie asked Mr. Spano to address two issues – first, any changes that resulted in the operation of County after 9/11 and second, the relationship between the executive branch and legislative branch during his tenure, along with any possible changes to the form of government that presently exists in Westchester County.

Mr. Spano stated that before 9/11 there was no Department of Emergency Services that was under the County's jurisdiction. Although Hurricane Floyd resulted in the first steps being taken, on 9/11 there was still no official Department of Emergency Services. The inability of the County to effectively coordinate with the City of New York after the events of that day changed this.

The Commission asked if there were any provisions in the Charter, related to the structure of County Government, which may have impeded its operation. Mr. Spano stated he never used his power of veto, although this didn't equate to harmony with the Board of Legislators. He explained the current tension between the Board of Legislators was a natural occurrence, and in fact, the Board of Legislators as a whole, was more powerful than the County Executive, as defined by the provisions of the Charter. He spoke of the need to work with both political parties.

The Commission asked him to discuss the budget process. Mr. Spano stated that it was a balancing act and there were a number of issues to consider. First, taxes shouldn't be raised unnecessarily. Second, funding had to be in place to avoid crippling the government, although cuts could be made if necessary. The Commission asked if as a County Executive he personally spoke with the Board of Legislators, to which he replied all the time. Chairman Wishnie referenced Alfred DelBello's comments on the culture that used to exist in County Government, which put the people first.

He attributed problems during the budget process to philosophical differences, and the problem of "those who wanted to look good, and those who wanted to do good," with each branch of government jockeying for approval with the people. He further discussed issues with capital projects, and the need for a balanced budget. He stated charter provisions that restricted the flexibility of the County Executive, in reference to the budget, would not be a good thing. He also discussed the effect mandates have had on

taxation. Mr. Spano also addressed the Commission's questions about property re-evaluation.

The Commission asked Mr. Spano his opinion on whether the County Executive position should remain as it is today, or if it would be more successful if it were incorporated in some way into the Board of Legislators. He was adamantly against a manager form of governments, as it diluted the responsibility and accountability of the executive position. He went on to voice his opinion that the structure of the Board of Legislators should remain as it is today and that he was against the incorporation of the position of a County Comptroller. He also addressed the issues of impartiality of the County Attorney and Budget Director, and stated that if the Board of Legislators didn't agree with the opinions of the County Attorney, they should have their own counsel.

The Commission asked what Mr. Spano's opinion was as to the contributing factors of the growth of the Board of Legislators staff over the past decade. He stated that while in office, neither branch really interfered with each other's staff decisions. The second part of the question was whether certain qualifications should be in place for legislative staffers, to which Mr. Spano referenced the Civil Service case. Additionally, they asked his opinion about the position of County Clerk. Mr. Spano believed that it was an unnecessary office, as advances in technology have rendered the office irrelevant, and he went on to discuss the position.

The Commission went on to ask if the County's fiscal year should be changed so that it was in line with the State's fiscal year. Mr. Spano responded that it should remain after elections in order to stay out of the campaign process, but the time between its submission and adoption could be increased. He was also in favor of changing an annual budget to a rolling budget as there wasn't enough time for legislators to review the budget. The Commission discussed the budgetary process related to the Charter provisions, and the inherent advantages or disadvantages one branch of government had. They also discussed the role of the Board of Legislators as policy-makers.

Mr. Spano essentially stated the need for him to choose his battles during his tenure as County Executive. He stated that if one was to stand on their principles for every single item, it wasn't possible to run the government. It all came back to the need for compromise.

The Commission asked about possible changes to the Charter in the event that the current dysfunction continues to exist perpetually. Mr. Spano stated that one had to observe with a benign eye and assume that people will do the right thing, which happens 90% of the time. Philosophical differences that cause the current dysfunction still allow the government to exist and run. He discussed the current controversy over the Board of Acquisitions & Contracts, and stated that presently the balance of power lies in favor with the County Executive. Mr. Spano discussed past conflicts between the Board of Legislators and the County Executive. The Commission thanked the speaker and the Chairman opened the floor for any questions or comments.

The Commission stated that they should follow the current court case over the Board of Acquisitions & Contracts. On the next meeting, April 26, 2012, Mr. Zuckerman has a presentation scheduled. His focus group has open forums that have previously discussed affordable housing and mandate relief of unfunded state mandates. Panelists for the next forum include County Executive Robert Astorino, the mayor of Rye Brook, Assemblywoman Sandra Galef, the Executive Director of the New York State Association of Counties, the Rye Neck School Superintendent, and will be moderated by the Legislative Director of the State League of Women Voters, along with Larry Schwartz, possibly.

The Commission asked about possibly changing the date of the Charter Revision Commission Meeting, in order for members to attend the forum. The Commission decided that Monday, April 23, 2012 would be the best time for the meeting and an RSVP would be sent out to find out who would be attending.

The Commission recognized Ms. Restiano, who stated that their intern would be giving a presentation on a comparison of services between municipalities and school districts at their next meeting and wanted to figure out how their focus group would utilize this information and proceed. It was noted that George Oros was her advisor for the project and it might be useful to bring him in to speak.

The Executive/ Legislative Relationship Focus Group discussed their meeting, with former Legislators John Nonna and Bill Burton, speaking. They discussed the current Board of Acquisition & Contracts controversy along with possible budget changes. Next, they discussed possible issues, such as contradictions, in the Charter. Finally, they discussed in great depth the current discord over the Capital Budget specifically the Capital Projects Planning Process.

The Commission noted that the Board of Legislators extended the lifespan of the Charter Revision Commission to December 2013. The Commission asked about once the recommendations is submitted, what the role of the County Executive was. The Chairman noted that at some point during 2013 the findings of the Commission would be made present.

A motion was made by Al Gatta to adjourn and seconded by Gary Zuckerman at 9:15 PM. The Chairman reminded the Commission in the change of date for the next meeting, which would be on Monday, April 23, 2012.