

**WESTCHESTER COUNTY CHARTER REVISION COMMISSION
MINUTES**

SEPTEMBER 24, 2013

Members in Attendance: Richard Wishnie, Jeff Binder, Alfred Gatta, Julie Killian, Derrickson Lawrence, John Mattis, Steve Mayo, Anne McAndrews, Florence McCue, Paul Meissner, David Menken, Jane Morgenstern, Guy Parisi, Vincenza Restiano, Matthew Thomas, Paul Windels, Gary Zuckerman

Absent Members: Raymond Belair, Dr. Ronald Volino, Bertrand Sellier, Herman Geist

County Staff in Attendance: Justin Adin, Chris Crane, Stacey Dolgin-Kmetz, Anand Singh, Robert Persaud

Commission Counsel: Lester Steinman

Commission Consultant Dr. Gerald Benjamin

Guests Betsy Weiner & Janet Zagoria – League of Women Voters

MINUTES

The meeting of the Charter Revision Commission was called to order at 6:11 PM. Chairman Wishnie thanked the commission members for coming and briefly went over the agenda for the evening.

The Commission went over the minutes from the June 20, 2013 meeting and Mr. Windels asked to amend the minutes to reflect that he inquired of Mr. Davies to see if he was qualified to address the issue of preventing corruption through an ethics code, which Mr. Davies did not feel comfortable addressing at that time. With a motion by Mr. Meissner, seconded by Mr. Mayo the minutes were unanimously adopted as amended.

The first resolution discussed that evening was regarding the adoption of a Council Manager System. Mr. Gatta stated that after the decades operating under the current system, this issue will finally get some much needed attention. This major change would alter the administration of County Government, noting that in his experience he couldn't manage his responsibilities while engaging in politics at the same time. The most effective administration occurs when there is a clear separation of politics and the community, by trusting the elected officials to do the right things with the manager following suit, in a business-like fashion resulting in the most cost effective practices for

real accountability. This leaves time for officials to concentrate on policy while the administration concentrates to deliver efficient services in a professional manner.

Mr. Zuckerman stated that the other part of the resolution deals with the eliminations of the position of the County Executive. While it would be unique to this level of government, it is the predominant form practiced not only in Westchester cities, but all across the country. Primarily, it eliminates the partisan gridlock that has plagued our government. Instead of the Commission's report being buried, there will be a headline addressing what they have done, noting that it was their job to figure out what's best for the County. Mr. Menken stated that it's currently engendered by political gridlock to which Mr. Zuckerman stated that it wouldn't have to be. If there was good faith in the proposed system, then even the present differences wouldn't affect it. This was the best system that they came up with from their discussions. Mr. Mayo gave his experience under both the manager and mayoral forms of city government. He stated that in New Rochelle, they hadn't encountered all of the issues that were raised in the proposal. He went on to state that it was general knowledge of some of their problems, such as a lack of bipartisanship as well as economic issues. Notably there was a lack of dynamism. If the manager was competent he would like to keep this non-partisan, however there will always be a certain gridlock in place, which might simply be from the nature of the party system. With one party in power in the legislative branch there remains a lack of dynamism

Mr. Thomas stated that there has been a lot of thought put into this and that he struggled since Westchester County is different. In a demographic report, one hundred forty-seven of the most populated counties account for 50% of the US population. Westchester is one of the one-hundred forty seven [counties], and thus, is unique unto itself. He believed that there is the value between the executive and legislative branch. Mr. Windels voiced his concern that the race for County Executive was the one place where the public at large could participate in steering the direction of the government and taking this away from the voters would significantly reduce their voice in government. He noted that the Steering Committee had declined to offer his resolution for reform in the Board of Legislators for consideration by the full Commission. For the Commission only to vote on reducing or eliminating the powers of the County Executive would therefore expose the Commission's work to two risks: potentially creating greater government dysfunction through the abuse of the powers of leadership in the Board of Legislators and that of creating the appearance, if not the actuality, that it had acted based on partisan political motives. Ms. Killian agreed with Mr. Windels and couldn't see how changing the form of government would eliminate political gridlock, stating that personalities might change but the government would remain. Ms. Morgenstern agreed with Mr. Windels and Mr. Thomas and asked if the Chairman of the Board would be elected on a County-Wide

basis, to which Mr. Gatta responded in the affirmative. The Chairman would have veto power of legislation and noted that it was a fairly complex form of government. That was a drawback to this form of government as people generally don't understand it, noting that there are over six thousand entities that operate under the council-manager system. Ms. Morgenstern gave her experience as an elected official serving in such a system but noted it may not be comparable. Dr. Benjamin then discussed the various ways of electing an officer in the proposed system. Mr. Binder stated that the issue boils down to whether you believe that politics have infected the delivery of services. He cited the number of services that the County currently delivered stating that the County may have reached a point where they can contemplate politics with the delivery of services. They wanted services delivery without the prism of politics. Mr. Menken stated that he would rather see a trained manager in place. Chairman Wishnie then discussed the benefits of the system in place, that still manage to deliver services efficiently and at this point in time he was not prepared to approve this resolution.

He then suggested they move onto the alternative proposal of utilizing a Chief Operating Officer. Dr. Benjamin explained the proposal and Mr. Menken asked what the County Executive would do. Mr. Binder raised his concern that they needed more discussion on such an important issue. He asked that if such a system worked for the towns then why it couldn't work for the County. Mr. Steinman stated that most town governments in Westchester County operate under a supervisor and do not employ full-time managers or administrators. Mr. Binder asked if there was an improvement in the delivery of services. Mr. Gatta stated that the adoption of performance objectives should be looked at if they're concerned about finances. If things weren't budgeted well then it would raise concerns. The manager would stay removed from politics and handle things in a business-like fashion. Dr. Benjamin discussed questions that were likely to arise with such a system. Chairman Wishnie asked for him to speak about New York State, with Dr. Benjamin noting that manager systems were much more prevalent in cities. Ms. Morgenstern noted that while mayors served as part of the legislative bodies of villages, this was not true regarding the County Executive here in Westchester. She was unsure about towns that used the manager system. Dr. Benjamin stated that all these boards are legislatures and the responsibility of policy making lies with them.

Mr. Lawrence stated that looking at this objectively, if Mr. Gatta believed that it could improve performance and delivery of services, then it's an opportunity that's worth their consideration. Mr. Zuckerman stated that they need to concentrate first on whether or not there should be a manager, regardless of whether or not they change the form of government. Mr. Mayo agreed with this and gave an example where there is not management by objectives, with the majority backing the manager leaving the minority powerless. A discussion ensued on the functions and operations of the manager, with the

consensus being reached that it was good for generating ideas, although it might not work with partisan gridlock that was present. Chairman Wishnie asked for a motion on the adoption of a Council-Manager System, which was made by Mr. Gatta and seconded by Mr. Zuckerman. With a vote of seven in favor and seven against, the motion was defeated. Chairman Wishnie stated that there would be an opportunity for a minority report. The Commission then took a brief recess at 7:21 PM.

The Commission reconvened at 7:31 PM, with Chairman Wishnie raising the next item of creating a position to serve as the Chief Operating Officer for Westchester County. Mr. Meissner asked how this related to the proposal regarding the intergovernmental liaison and Mr. Windels asked what the difference between this and having a Deputy County Executive. Chairman Wishnie stated that the Deputy County Executive receives his or her responsibilities from the County Executive, and that in this case the County Executive would appoint someone, but their duties would stem from the Charter. Mr. Gatta believed that they need to sort out policy where the Board of Legislators (Board) tells the administrator what to do. Mr. Windels stated that the County Executive wasn't going to appoint someone to be a factotum of the Board and they are in essence creating an adversarial position. Chairman Wishnie noted that it wouldn't be different for what exists today but would enhance the position. A discussion ensued on the merits of having such a position as well as what their specific responsibilities would be. Mr. Gatta pointed out that the main difference with the system today is that the position would be appointed, with the qualifications vetted by and approval resting with the Board. Chairman Wishnie asked for a motion to adopt the resolution. With a motion by Mr. Mayo, seconded by Mr. Zuckerman, the motion was defeated seven to seven.

Dr. Benjamin then moved onto the next slide regarding Initiative and Referendum, which would provide for a local law that allowed citizens to initiate and adopt legislation or charter amendments through referendum. Ms. Killian asked for more details about the initiative process which was provided. Mr. Gatta stated that he was against this resolution as they already had elected officials, and didn't see the need for this, a notion with which Ms. McAndrews agreed. Dr. Benjamin discussed the pros and cons of the proposals. Mr. Steinman noted that a simple majority could repeal local laws adopted through the initiative and referendum process. Mr. Windels, playing devil's advocate, spoke from the opposing point of view in favor of this, but in the end said there were too many potential problems that would prevent him from supporting the proposals. Mr. Binder stated that he believed this resolution was not something to be afraid of and that he had no problem leaving the issues up to the people and Mr. Mayo stated that it was important to meet the concerns of everyone. Dr. Benjamin stated that the issue arose when the numerous special interests that were present in the County emerged and could possibly abuse the system. After some discussion Chairman Wishnie asked for a motion on the item. With a

motion by Ms. McCue, seconded by Mr. Mayo, the resolution was defeated with eleven voting in the negative and three (Mr. Mayo, Mr. Meissner, & Mr. Binder) in the affirmative.

The next item, creation of the position of, Intergovernmental Liaison, discussed at the previous meeting, was briefly further discussed... Chairman Wishnie asked for a motion on the resolution. With a motion by Mr. Meissner, seconded by Mr. Thomas the resolution was unanimously defeated.

The final proposal discussed was regarding the Playland Commission, which was tabled from the September 12 meeting. Ms. McCue stated that after some consideration the Focus Group has decided to withdraw this proposal and made a motion to accept the withdrawal recommendation of the focus group. With a second by Mr. Thomas, the commission unanimously adopted the recommendation to withdraw the proposal.

That concluded the evening's discussion on proposals. Mr. Windels suggested that drafts be distributed electronically for the next meeting. Chairman Wishnie stated that if people want to do a minority report it should be done between now and the next meeting. Dr. Benjamin thanked the Commission members for their comments on the Action Items. With a motion by Mr. Windels, seconded by Mr. Zuckerman, the meeting of the Charter Revision Commission was adjourned at 8:07 PM.