

WESTCHESTER COUNTY CHARTER REVISION COMMISSION
CHARTER AND CODE FOCUS GROUP MINUTES

March 21, 2012

Members in Attendance: Guy Parisi, Florence McCue, Herman Geist,
Richard Wishnie

County Staff in Attendance: Chris Crane, Melanie Montalto

Special Counsel in Attendance: Lester Steinman

Guest: Robert Meehan, Westchester County Attorney

MINUTES

Focus Group Chairman Parisi called the meeting to order at 12:15 pm

Mr. Meehan explained that the role of the county attorney is to research the law and interpret the charter and code and applicable laws.

If there are policy disputes, he does not get involved unless he is asked what laws must be followed in order to effect a policy change. His office will advise both the County Executive and the Board of Legislators how to accomplish their goals. If and when one branch of government wants to commence an action against the other, he declares a conflict and then each side would have to retain separate counsel.

When asked if he thought the Board of legislators should have their own attorneys he said no. **His real client is the county** and the county includes the County Executive and the Board of Legislators. He clarified that Stacy and Chris are not in the county attorney's office. Rather, they are hired as staff for the Board of Legislators. Although, it might be possible to assign the Board of legislators an attorney from the county attorney's office depending on the circumstances. Work for the Board has already been done by the county attorney's office.

We discussed the issue of getting to agreements in a way that will not cost the taxpayer for court actions of one branch of government against the other.

It was suggested that **mediation** might be a way to resolve differences between the County Executive and the Board of Legislators. We would have to recommend whether it would be advisory or binding.

One present issue facing the county is: When does a **commission appointment** by the County Executive become effective in the absence of an affirmative action by the Board of Legislators? Does the person serve while waiting for confirmation? Does confirmation become automatic after a certain number of days if the board does not act? This has to be made clearer in the Charter.

Also, the Charter calls for a **Playland Commission** when there has not been a commission in many years. The Charter states that one “shall take effect by action of the county Board”. Is this language outdated? Should it be removed from the Charter?

Mr. Meehan does not see any sections of the Charter as causing a problem for his office. Yes, he does not see the assessment legislation working at this time.

There is a penalty for late tax payments by municipalities. A 10% late fee is charged. The county sets the rate and the towns must collect late fees when appropriate.

Mr. Meehan also would like to see the Charter reflect the new tax levy.

Chairman Parisi stated that the next meeting of the Focus Group will be on April 4, 2012 at Noon in the library on the 8th floor of the county office building.

Focus Group meeting adjourned at 1:15 pm.

Respectfully submitted,

Florence McCue