

**WESTCHESTER COUNTY CHARTER REVISION COMMISSION  
FOCUS GROUP: EXECUTIVE/LEGISLATIVE RELATIONSHIP  
MINUTES**

**February 28, 2012**

Members in Attendance: Jeffrey Binder, Alfred Gatta, Florence McCue, Matt Thomas, Vincenza Restiano, Bertrand Sellier, Richard Wishnie, Gary Zuckerman

County Staff in Attendance: Stacey Dolgin-Kmetz, Melanie Montalto

Guests: Marty Rogowski, George Latimer

**MINUTES**

The meeting of the Executive/Legislative Relationship Group of the Westchester County Charter Revision Commission was called to order at 11:00 A.M. Former Board of Legislators Chairman George Latimer addressed the group. He discussed several problems with the group relating to the relationship between the current executive and legislative branches of the County Government.

The Group asked Mr. Latimer to comment on the present relationship and what it was like when he was in office. He discussed the two branches and how the party affiliation played a role in determining the relationship between them, discussing both same-party & opposing-party executive and legislative branches and the effect on the County Government. He discussed how he handled the aforementioned problem and reiterated the need for the two branches to improve and maintain a better relationship, in order to do what was best for the County as a whole.

He discussed how party and personal interests could create problems and stated the need for them to find common ground on the issues, in order to do what was best for the County. He went on to discuss each branch's desire for power in the County Government, but noted that every government needed a strong executive branch. Additionally, the idea behind having a strong legislative branch is to remove some of the pressure from the executive branch and in so doing spread the power in County Government.

Another problem discussed was the overlap of different departments such as budget department and the finance department, especially during the budget process. He noted that although the County Attorney and Budget Department are supposed to remain indifferent in theory, they primarily report to the County Executive.

He further noted the power that the press had, and that it tended to focus on the executive branch, more so than the legislative branch. He noted that the person with the most political power inherently had the greatest financial capability to put forth their agenda. The County Executive was elected by the entire County whereas each legislator was only elected by their respective district. The power to slow down legislation and the veto override are really the only leverage a legislature has to check the power of the executive branch and therefore negotiate a compromise.

Mr. Latimer recommended that the County change their fiscal year to the same as New York State's fiscal year, July 1 – June 30, with an adoption date of June 15 in order for the County to construct a more accurate budget, provide greater transparency, and increased input from the public. The budget should be locked in by July in order to limit its influence on campaigns.

A big issue was that most people don't know or care about the structure or issues in government unless it directly affects them, i.e. the candidate who will do the most for that person with the shortest, most direct explanation to an issue. Mr. Latimer addressed the Groups questions about the need of each branch to recognize the other branch's prerogative power and work together, regardless of operational differences. Mr. Latimer discussed with the group the Board of Acquisitions & Contracts and each member's role. He suggested that the Commission strongly look at the appointments process and clarify each branches' functions and duties.

The Group asked how they could implement significant change and Mr. Latimer stated that popular support from the public was vital and that the Commission needed to understand its market. Additionally, he suggested in simplifying the County Charter so it would be clearer and easier for the public to utilize. He also suggested reducing the number of legislators in order to increase efficiency to a more appropriate number of around 11. He also suggested a fixed term for the County Attorney and Budget Director.

Former Legislator Marty Rogowski addressed the group and his experience dealing with prior Charter Revision Commissions. He discussed with the Group how to turn the Commission's recommendations into actual results and noted that it could take several years. He noted that despite public opinion our County Legislature was relatively efficient. He gave the Group several recommendations, the first addressing the tradeoffs between public hearings and efficiency.

He went on to discuss one success of the Board of Acquisitions & Contracts in providing greater transparency and public input. He noted that in his opinion the Board of Acquisitions & Contracts was more of an administrative function to expedite the process and, once something reached the board, policy and politics were done, and it should be passed. He cited the recent budgetary conflict about Title XX childcare. It was an issue of the power of authorization versus the power of allocation.

He addressed the larger conflict between the two branches, comparing the County Government to a corporation and discussed the respective roles the executive and legislative branches should have according to the charter. He reiterated that the underlying issue was a fight over the balance of powers and went into depth over the current problem over appointments process. Overall he suggested the Commission clarify the powers for each branch in the County Charter. He also discussed the positions of the County Attorney and Budget Director, and mentioned the need for the County to have a single voice when dealing with higher levels of government, with reference to the recent affordable housing lawsuit.

Mr. Rogowski believed that the dysfunction was more rooted because of a structural issue instead of an operational issue, as the Board of Legislators did in fact come into conflict with the Spano administration at times. He gave several examples of counties where the Chairman of the Board of Legislators ran county-wide, which would eliminate the need for a separate executive branch. He claimed it would create a more homogenous government, with fewer legislators (down from 17 legislators to 11-13) which would equate to greater efficiency. He noted at the most recent meeting of the Board of Legislators, the Board's actions of turning down all of the County Executive's appointments could be construed as playing politics to the public.

The Group asked if there was enough communication between the local municipalities and the County Government. Mr. Rogowski discussed the unofficial candidacy of the Chairman of the Board of Legislators for the upcoming race for County Executive, and noted that these two people essentially run the County Government and this was a real problem. They discussed the evolution of the County Government and its beginnings as a Board of Town Supervisors. His point was that the County does more for the municipalities than they do in return for the County. He further stated that people had to buy into the idea of County Government improving the quality of life, but at the same time they had to pay for that improved quality.

Mr. Rogowski's final recommendations reiterated the Group's earlier comments about the need to look at the appointments process, specifically mentioning the County Clerk. He also encouraged the group to look at the findings of the 1986 Charter Revision Commission as some of those recommendations could still be valid today. He suggested a possible revision of the relationship between the County Planning Board and the local municipalities, along with a possible increase in the County's sales tax. He ended on a brief discussion about the relationship between the executive and legislative branch, and suggested possible reasoning for each ones policy making and how that factored into their relationship.

The Group praised and thanked the speakers for their time. They gave closing remarks noting that the speakers both focused on four or five similar topics. It was noted that the next meeting for the Executive/Legislative Relationship Focus Group would be March 27 at 12:30 P.M. Mr. Zuckerman made a motion to adjourn, which was seconded by Mr. Thomas and the meeting was adjourned at 12:55 P.M.