

Executive/Legislative Relationship Focus Group

Minutes

May 15, 2012

The Executive/Legislative Focus Group met on May 15, 2012 at the Scarsdale Village Hall. The members of the Focus Group are Alfred A. Gatta, Chair, Gary Zuckerman, Vice Chair, and members Matthew Thomas, Vinni Restiano and Jeff Binder. Present at the May 15th meeting were Gatta, Zuckerman and Thomas.

Guests at the meeting were former County Legislator and present State Assemblyman Thomas Abinanti and Present County Legislator James Maisano.

Chair Gatta set the framework for the presentation from Mr. Abinanti and Maisano. Mr. Gatta indicated that the Executive/Legislative Focus Group was looking at two courses (approaches for possible changes) that would improve the relationship, interaction and the efficiency of governing by the Executive and Legislative branches of the County government. The two approaches are (1) identification of key issues based on the research and the in depth interviews that have been conducted with various government experts, past and current County officials and changes that could create a better environment between the Executive and Legislature. The changes could be either procedural, or require charter amendments; (2) the second approach would be to seek the full range of changes to the structure of the County government, or a change in the form of government.

Presenters that have shared experience and insights with the focus group at various meetings included Dr. Gerald Benjamin, former Director of the Center for the New York State and Local Government Studies at the Rockefeller Institute of Government and currently the Associate Vice President for Regional Engagement and Director of the Center for Research at SUNY New Paltz. Also George Latimer, Marty Rogowsky, John Nonna, Tom Abinanti and James Maisano. In addition Al DelBello, Andy Spano and Tim Idoni appeared before the Full Commission.

In regard to the first approach, recurring key issues and subjects were almost unanimously raised and discussed. The issues were identified independently by the presenters that had no previous interaction with each other. The key issues were: (a) appointment authority and reporting relationship for the County Attorney and the County Budget Director; (b) the capital budget and planning process; (c) the general budget process, calendar and fiscal year; (d) the need to clarify the executive veto involving items that are mandated by charter, e.g. execution of the adopted budget and specific line items; (e) BOL's (Board of Legislators) ability to increase/decrease the Executive's recommended budget in the context of an executive veto and BOL override; (f) role, purpose and authority of the Board of Acquisition and Contracts; (g) clarification on how to change the charter, currently there is confusion on whether some changes need a "mandatory" or "permissive" referendum; (h) need to update and simplify the Code of Ethics as it is currently too lengthy and sections are not relevant; (i) the need for a clear distinction between a resolution of the Board and an adopted County Law in regard to what constitutes a "policy position" of the "County" and what is the "Law of the Land," until overturned by a Court of Law.

The second approach would deal with the full range of the County Charter and would require a change in the organizational structure, or “change in the form” of government. The change in the form of government may in itself foster a better relationship between the Executive and Legislative branches and improve the interaction and overall performance of the government. There are various models for the organizational structure of a government. The form of government that currently exists can be simply described as a Legislative/Executive form, where there is separation of an Elected Executive from an Elected Board of Legislators, but no separation between an Elected Executive and the professional administration. Alternative models and permutations are bountiful and many are generally structured with an elected Board of Legislators together with an Executive or Board Chair that may or may not be a voting member. In such an arrangement the day to day administration of the county is performed with a paid Administrator or Manager. Again there are various permutations dealing with the election process, voting, appointments, etc. all of which can be tailored to the local needs.

At the Focus Group meeting on May 15th Thomas Abinanti and James Maisano presented issues that were remarkably the same as those that were previously presented. Mr. Abinanti presented a detailed outline and, although Mr. Maisano had different thrusts and emphases, he identified many of the same issues.

The issues raised by Abinanti and Maisano which were, again, similar to those presented by others were: (1) the indemnification of the BOL needs to be

clarified, or defined as part of the overall indemnification provided for in the charter for the “County Government;” (2) clarification of the subpoena powers of the BOL; (3) the position of County Executive should be evaluated in the context of other models for a County government structure; (4) the role of County Attorney should be clarified in regard to whom it serves, i.e. “County Executive”, “Board of Legislators” and/or the “County of Westchester;” (5) the Acquisitions and Contract process needs to be restructured by placing the Budget Director on it and removing the Commissioner of Public Works. Also it must be clarified as to whether it serves a “ministerial” function, or whether it can “amend” or “veto” an action taken by the BOL. Further, its role in real estate interests needs to be clarified, e.g. sale of property, approval of License Agreements; (6) relative to the budget process, the “Executive veto” and the “BOL override,” and which prevails in the end needs to be clarified. Finally, consider changing the County Fiscal Year because as it is reported there is not enough time for budget deliberations; (7) explore the appointment of the District Attorney and County Clerk rather than electing those positions at-large; (8) clarify the preparation and finalization of the BOL agenda, i.e. deadlines, adding items after the “published” agenda; clarify how items get referred to committee. Currently the leadership determines referrals and the full body does not vote on them; (9) consider creating an in-house audit team; (10) define precisely in the charter the meaning and the weight given to a charter requirement, code provision, local law, an act and a resolution.