

**Charter Transition Team Meeting
May 20, 2008
5:00 PM
Chambers, 6th Floor, COB**

Attendance

Members: Legislator Gary Bischoff, Chairman
 Legislator Jon Decker
 Legislator Phil Terpening
 Legislator Wayne Harris
 Dr. Gerald Benjamin, SUNY New Paltz
 Marianne Collins, SUNY Ulster
 Louis Klein, Attorney

Staff: Arthur Smith – County Administrator’s Office
 Bea Havranek, Eric Stock – County Attorney’s Office
 Lewis Kirschner, Paul Hewitt – County Treasurer’s Office
 Robert Wenzel – County Auditor’s Office
 Meg Dellay – Assistant to Charter Transition Team

Public: Cindy Bell, Lee Cane, Emily Johnson, Tom Kadgen,
 Renee Sachs, Margaret Sellers – League of Women Voters
 Krista Barringer – Youth Bureau

Agenda

1. Sign Off on Minutes
2. Financial Organization
 - Subcommittee Report
 - Margaret Sellers
3. Administrative Code
4. Upcoming Calendar
 - Next CTT Meeting
 - #3 Informational Meeting
5. Letter to Governor Paterson
6. Other

Gary Bischoff opened the meeting at 5:07pm.

1. **Sign Off on Minutes** – April minutes were circulated to be signed by everyone.
2. **Financial Organization** – three presentations followed:
 - A. **Auditor Bob Wenzel** distributed a packet of information regarding the Comptroller’s office which included: **see attached**
 - Chart of old organization of Auditing Department w/ six positions w/ salaries.

- Chart of new organization of Comptroller's Office w/ recommendation for 11 positions w/ salaries.
- Comparison of salary costs, with a net increase of \$178, 621.
- Memo from Brenda Bartholomew, Personnel Officer, w/ worksheet recommendations of Deputy Comptroller and Auditing positions.
- Internal Audit Process – a description of purpose and procedure for an internal audit to familiarize CTT members with process. Description speaks to private business but can be applied to county's needs for generally accepted auditing practices. For practical purposes, the county is doing no internal audits now.

Jerry Benjamin raised the issue that the auditing process must address Program/ Performance Audits. These audits will be able to determine efficiency by measuring performance, a function the county currently does not conduct. He stressed the importance of hiring watchdogs and not more accountants.

Art Smith pointed out the job description of Auditor (included in Brenda's memo) stipulates the candidate must be qualified to perform financial AND performance audits of County departments, contract agencies and programs involving County funds.

Discussion ensued with the following points:

- Jerry voiced concern that qualifications specific to accounting may not get the county the best candidate, i.e., candidate may not be able to conduct performance audits, only financial audits.
- Important to hire professionals with degrees and/or experience in Business Administration, Public Administration, or Public Finance.
- The question of auditor and senior auditor being non-competitive is problematic due to civil service requirements.
- Art pointed out the titles of Auditor and Senior Auditor chosen as broad titles and other qualifications can be considered. The fee for service/outside consultants suggested at last month's meeting (\$75K – 100K) would help cover first year auditing need. That money could be transferred to a position afterwards dedicated to performance audits, if necessary.

B. Margaret Sellers was invited to address the Charter members regarding the April 20th letter she wrote to County Legislators and Charter Transition Team members (emailed May 5th to CTT members). **see attached**

Margaret stated that her legislative experience in finance motivated her to write about the following concerns:

- Charter does not provide for a fiscal officer for the Legislature.
- Recommends statutory fiscal position, especially in light of events in Dutchess.
- Legal staff is already in place; recommends fiscal oversight is just as crucial.
- Need staff to assist both the Majority and Minority members.
- Recommends appraisal of whole Legislative staffing - what we expect Legislature to do and what staff is needed to get the job done.

Remarks from members included:

- Address fiscal officer when we look at Legislative staff.
- Clerk and Attorney are covered in the Charter; may consider a Budget Officer.
- Majority and Minority members each have resources.
- Budget officer is supposed to be neutral; Executive could command loyalty.
- Smart proposal; cost unclear; be modest initially.
- Fiscal function of the Legislature is decisive.

C. Lewis Kirschner, County Treasurer, distributed packet on analysis of newly created Commissioner of Finance with the following comments: ****see attached****

- Function of Treasurer's office remains intact.
- Duties of Payroll, Real Property Taxes, Assigned Counsel, Accounting, Finance & Reporting remain the same.
- Possibly additional duties will be assigned by County Executive.
- Organizational chart reflects present structure of 26 staff which closely resembles other counties with similar populations.
- Memo from Brenda Bartholomew, Personnel Officer, regarding recommended salary of \$77,000 for title of Deputy Commissioner of Finance.

Discussion followed with remarks:

- Some counties have some functions performed in separate Real Property Office.
- Cash flow analysis would be very valuable.
- Statewide discussions occurring on state level to pool/ facilitate this analysis.

3. Administrative Code –

Bea responded to QUESTIONS FROM PREVIOUS MEETINGS:

- Opinion dated 4/8/08 Bea sent to Charter members re filling vacancies of elected officers. This is covered in Section 400 of County Law and cannot be superceded by a local law or charter. Therefore, authority to appoint rests with governor.
- Lou Klein's question about Assistant District Attorneys being covered by county insurance. Yes, insurance company responded that ADA's are covered since they are recognized by the court and waiting to be admitted.

Bea reviewed a RECENT CHANGE:

- Community Service Board (p.40, §A6-3) – charter says *no member shall serve more than eight years*. Bea included language from Mental Hygiene Law Section 41.11(d) and LL #2 of 2003 which states “unless he or she may have filled any unexpired term immediately prior thereto.”

Bea continued with NEW ARTICLES:

- Consumer Fraud Bureau / Article 24 (p.81, §A24-1) – (This article was on hold from last month's meeting.) Bea has spoken to Holley Carnright and Alice Haberski about long standing arrangement of Consumer Fraud located in DA's office. Bea added “DA may provide enforcement assistance to the Consumer Fraud Bureau.” Also, Weights and Measures included as a division of Consumer

- Fraud since charter states Director of CFB serving ex officio as Director of W&M. Also clarify appointments to Consumer Fraud be “in compliance with all civil service laws” to cover current classification of personnel. Inclusion of reports and deputy directors follow other departments. Question remains whether someone can hold two competitive titles – Bea researching this further.
- Weights and Measures / in Article 24 (p.82, §A24-4) – Bea stated the Director of Consumer Fraud, in order to serve ex officio as Director of W & M, must “meet all of the qualifications and be duly certified to act in that capacity” pursuant to §180 of Agriculture & Markets Law. Language added to allow for a separate Director of W & M if Director of Consumer Fraud does not qualify. Inclusion of reports and deputies follows other departments.
 - Probation / Article 26 (p.84, §A26-1(A) – Bea pointed out appointment of Director must be in compliance with all civil service laws per job classification and Section 257 of Executive Law. Marianne Collins asked if there is a change in Executives, could new Executive make changes? Bea said yes, Executive Law allows this. Also added a line from job description, plus reports and deputies.
 - Board of Elections / Article 27 (p.85, §A27-2 (B) – Bea noted that Section 3-212 of Election Law states report must be submitted by January 31st (which is different from departments deadline of March 31st); and cites law in the body of Reports for clarification. Deputies follow other departments.
 - County Jury Board: Commissioner of Jurors / Article 28 (p.86) – No additions.
 - Residential Health Care Facilities / Article 29 (p.87, §A29-1) – Bea added per Art Smith’s suggestion “within the limits of appropriations” since the Legislature votes on nursing home expenditures. Wayne Harris commented it’s possible for the county to have the department without a nursing facility. Reports & deputies follow other departments.
 - Commission of Human Rights / Article 30 (p.88, §A30-1) – Bea added per Art Smith’s suggestion “within limits of appropriations.” Powers and duties of Commissioner missing from charter, so added brief job description from Personnel. Reports follow other departments. Commission members must be residents of county per state law which states if a public officer, then must be a resident. Minutes added to commission duties. Gerry Benjamin asked about minutes of meetings being available on the web – needs further research.
 - County Historian / Article 31 (p.89) – No additions.
 - Ulster County Community College / Article 32 (p.90) – No additions.
 - Board of Ethics / Article 33 (p.91) – No additions. However, Bea reported that the Ethics Law is soon to be voted on by the Legislature. If it passes, then it will be included in the Administrative Code.
 - Periodic Compensation Review Committee / Article 34 (p.93) – No additions.
 - Environmental Management Council / Article 35 (p. 94, §A35-2) – Bea added “in consultation with the Department of Environment” under various powers and duties of EMC. Although DOE was created by local law and doesn’t have to be part of the charter, Bea felt reference to DOE was necessary to clarify relationship and responsibilities. Minutes added to Council powers and duties.
 - Emergency Communications & Emergency Management / Article 36 (p.96, §A36-2) – Bea added clause under powers and duties of County Director of Civil

Defense to read “or any other local, state or federal law, rule or act” to cover any changes since 9/11 or in the future. Reports follow others departments. Deputy or Assistant Directors – language added to follow other departments.

- Intermunicipal Relations / Article 37 (p.98) – No additions.

4. Upcoming Calendar –

- **Next CTT Meeting Tuesday, June 10 at 4pm.** Last eight articles to be reviewed.
- **Third Informational Meeting to be held July 2, 2008**, immediately following a public hearing at 6PM.
- Gary will be out of town June 15 – July 2; will try to attend Info Meeting.
- Bea mentioned the need to publish the Administrative code in two newspapers, for two consecutive weeks. The charter cost was about \$12,000. Bea estimated it may run \$25,000 – \$30,000 to publish admin code.

5. Letters to/from State Representatives distributed:

see attached

- To Governor David Paterson dated April 24, 2008 from CTT
- Executive Response dated April 28, 2008
- Assemblyman Kevin Cahill sent CTT a copy of a response from Division of Budget dated February 18, 2008.
- Assemblyman Clifford Crouch sent CTT a copy of a response from Division of Budget dated February 18, 2008.
- Assembly Clifford Crouch’s letter to Governor Spitzer dated January 28, 2008.

6. Other –

A. Jerry Benjamin mentioned Lloyd Constantine, his contact in former Governor Spitzer’s office, is gone. Jerry is pursuing the office of the Secretary of State for charter reimbursement from unused grant money.

B. Lou Klein offered a motion to reconsider the salary of County Executive. In light of the current salary of \$95,533 for the elected offices of County Clerk, Sheriff and Treasurer, this amount may increase in 2009 and bring it closer to the salary recommended for County Executive of \$115,000. Lou recommended an increase to \$125,000. Jon Decker seconded the motion. Discussion followed:

- Jon Decker said position, with its responsibilities, is deserving of higher salary.
- Gary has been approached, with more people saying it was too low.
- Marianne is for a higher salary, especially since the comptroller’s salary was more in line with the medium of other county comptrollers while the salary of county executive was much lower than the medium of other counties.
- Wayne is still comfortable with salary of \$115,000.
- Phil is still a no vote.
- Jerry repeated his support for a higher salary.

Gary called the vote. **Motion passed 4-3:** Yes – Jerry Benjamin, Marianne Collins, Jon Decker, Lou Klein; No – Gary Bischoff, Wayne Harris, Phil Terpening.

The salary recommendation for Comptroller – to match the elected offices of County Clerk, Sheriff and Treasurer – remains unchanged.

Meeting adjourned at 6:30pm.

Respectfully submitted,
Meg E. Dellay
Assistant to Charter Transition Team