

**Charter Transition Team Meeting**  
**July 22, 2008**  
**4:30 PM**  
**Chambers, 6<sup>th</sup> 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  
Robert Wenzel, County Auditor's Office  
Paul Hewitt, Andrew Slater – County Treasurer's Office  
Kathy Mihm – County Legislature's Office  
Meg Dellay, Assistant to Charter Transition Team

**Public:** Cindy Bell, Lee Cane – League of Women Voters  
Allan Wikman

**Agenda**

1. **Administrative Code Update**
2. **Suggestions from Legislators & Departments**
3. **Financial Impact of Executive & Comptroller Offices**
4. **Other**

**Chair Gary Bischoff opened the meeting at 4:37 PM.**

**1. Administrative Code Update –**

**A. Kathy Mihm**, Clerk of the Legislature, reported on a change order letter from General Code outlining the inclusion of an Editorial Analysis of the Admin Code in the contract. Document expected back to us by October 1<sup>st</sup>.

Gary said he hoped for a public hearing in September but preferred the professional review be completed first. Meg pointed out that Bea (who is absent) said any changes must be made before the public hearing. Since General Code does all our local laws, they're most familiar with our county government. Kathy said money is already budgeted for the cost.

**B. Legislator Jon Decker** reported on MINIMAL CHANGES to Admin Code from 7/14 subcommittee meeting:

- Public Transportation / Article 13 (p.54, §A13-1) – added a clause to B(1) that is similar to B(15) to clarify Executive authority. Sentence now reads: The Director of Public Transportation shall *have the charge and duty of performing the*

*following functions concerning the transit system and other modes of transportation as the County Executive may direct.” (Change in italics.)*

- Director of Information Services / Article 15 (p.58, §A15-1) – added clause to B(2) to clarify Executive authority. Sentence now reads: The Director of Information Services also shall *have the charge and duty of performing the following functions concerning the information system as the County Executive may direct.” (Change in italics.)*
- Office of the Aging / Article 23 (p.73, §A23-1) – added two words to (B) clarifying Executive authority. Sentence now reads: The Director of the Office for the Aging shall have all the powers...as may be directed *by County Executive* and or appropriated by the County Legislature. *(Change in italics.)*
- Periodic Compensation Review Committee / Article 34 (p.89, §A34-3) – added minutes under Duties to follow other boards, commissions and committees.
- Youth Board / Article 41 (p.102, A41-3) – added to membership: “*All members of the Youth Board shall be residents of Ulster County.*” Charter only states members must represent the community to which it serves. We already added this clarification to Human Rights Commission which has similar language regarding representation.

## 2. **Suggestions/ Questions from Legislators and Departments** - Gary reviewed the handout prepared by Bea and Meg regarding the following issues in Admin Code:\*\*see attached\*\*

### ➤ **Why is the phrase “within the limits of appropriations” only in a few departments? (Legislator Jeanette Provenzano)**

The phrase “within the limits of appropriations” was first considered by the subcommittee when working on Residential Health Care Facilities, which appears later in the Charter. Phrase was added to subsequent departments. No intentional singling out of a department was involved. Handout lists other departments to be considered.

Gary said Bea advises not to add to mandated departments or elected offices, but she’s not opposed to doing so. Gary recommends adding phrase to all departments. He points out that even mandated and elected offices have programs that are dependent upon appropriations (e.g., Sheriff-Road Patrol; Social Services-Coordinated Children Services Program).

Motion by Phil Terpening to add to all departments. Seconded by Marianne Collins. After brief discussion, vote called and passed unanimously.

### ➤ **Why is county residency not required of all department heads? (Legislator Glen Noonan)**

Gary explained that if residency is required by law, then language was inserted in department. If a department is mandated by law, the head is considered a public officer and therefore needs to be a county resident. However, if residency is not required then it was not added to allow a greater pool of candidates and to accommodate current job holders. Comments from members:

- Wayne Harris wondered about the reasoning behind state requirement – no one seemed to know.
- Marianne Collins pointed out residency was put in Charter for newly elected positions of Comptroller and Executive.
- Lou Klein suggested this is a policy consideration for Legislature.

Hearing no motion to change language, Gary moved on to next item.

➤ **Nancy Schaeff requested specific language be added to Workforce Investment Board.**

Marianne Collins addressed request from Nancy Schaeff, Director of Employment and Training. Marianne had conferred with Nancy and passed along suggestions to Bea who opted not to include specific language. Marianne pointed out there are pretty specific duties for Department for the Aging and Youth Bureau. Gary responded that specific duties are listed under departments not covered by state law or regulations (i.e., Aging, Youth Bureau and Information Services). Gary said we can address issue again with Bea. Marianne asked members to reread phrases in aforementioned departments.

➤ **Legislator Joe Roberti suggested changes to the Rules of the Legislature.**

Gary reviewed, and suggestions are already contained in the Rules of Order.

(Note: the Rules of Order are no longer part of Administrative Code. At the July 2<sup>nd</sup> Informational Meeting, Bea explained that the Rules were taken out of the Admin Code and will be treated as a separate vote by the Legislature. Any reference to legislative procedures in the code is Charter language. Rules were separated out to prevent Executive - who will have the power to veto resolutions and local laws - from influencing activities of the Legislature.)

**3. Financial Impact of Executive and Comptroller Offices –**

Gary asked what's required of the budget office to set it up? There is now a staff of eight in the Administrator's Office – with an increase of three, plus two for grants. He added that committee already stated grants could be a separate issue.

Discussion generated the following points:

- Grants missing now, not necessary to include; maybe add later.
- Minimum three additions to Comptroller; three to Executive.
- Rough estimate of \$100,000 per position w/ benefits.
- Recommend budget neutral & position neutral the first year.
- New transfer of duties reduces Legislators by 10 – in 2011 election.
- Reduction equals six positions in FTE's (full time equivalent).
- Savings recaptured in an analysis.

- Recommendations must be prudent / attentive to balancing budget even with unknowable amounts.
- Possible to make statement further down in budget process.
- Cost to county is beyond just two offices.
- Important to ensure new government is designed to succeed.
- Need to be fiscally prudent and minimize attempts to repeal Charter.

Gary requested a motion to be considered. Jerry Benjamin proposed: “The cost of newly formed government, as the result of Charter mandates and as much as practicable, be budget-neutral for the 2008 Budget as amended. In addition, the proposed staffing of the new offices of County Executive and Comptroller appears reasonable. Cost may increase based on contractual obligations for 2009.” Lou Klein seconded the motion.

Further discussion followed w/ highlights:

- Moment of opportunity and change.
- Fiscal time of stress w/ 2% reduction in state aid, reduced sales tax revenues and rising fuel costs.
- Maintain efficiency of government message.
- Be sensitive to this “First Step”.
- Recommend staffing with budget-neutral impact - not dictate details.
- Efficiencies to be gained in other departments.
- Executive can advance change later, based on experience.
- Have to recognize reality of raised salaries and numbers.
- Is committee avoiding responsibility by not specifying numbers?

Marianne proposed a friendly amendment to Jerry’s motion: 1) that the motion be made to the County Administrator in the form of a “recommendation” to be included in a letter; and 2) that the language of the motion be changed to read, “The Transition Team recommends to the Administrator that he strive to achieve a budget neutral outcome when addressing the increases in staffing and increased costs incurred through the implementation of the Charter.” Jerry accepted the first part of friendly amendment (letter to be sent to Administrator), but not the second part (changing language).

Gary called for a vote on the motion. Passed, with one NO vote (Marianne Collins).

Gary said staffing for the Legislative office still needs to be addressed.

#### **4. Other –**

Marianne Collins asked for clarification about creating two titles within a department. Art said the issue was in Consumer Fraud Bureau where the Charter says the Director of Consumer Affairs shall serve ex officio as the Director of Weights and Measures. However, Bea added “*so long as he or she meets all of the qualifications and is duly certified to act in that capacity.*” Also, Brenda Bartholomew had researched and found it is not allowed under civil service rules.

Wayne Harris reported that the Space Utilization Committee is meeting tomorrow at the Law Enforcement Center to discuss space needs of Executive and Legislature.

Marianne Collins asked if CTT could draft an affirmative message – perhaps in more than one press release - to clarify what the Charter Team is doing or not doing. She heard on a radio call-in show someone stating misinformation about the charter’s financial impact on the county. Gary said it was an excellent idea. Marianne will work on writing first draft with Meg.

Gary suggested another message might come from Rich Parete, Chair of Space Utilization Committee, in a joint statement with Wayne Harris re space recommendations.

**Meeting adjourned at 6:10 PM.**

**Next meeting is Tuesday, August 26, 2008 at 4:30 in the Chambers.**

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