

MINUTES

Charter Revision Commission

November 3, 2005

The meeting was called to order by Chairman Arthur at 8:00 am. The Clerk called the roll and announced that a quorum was present.

Chairman Arthur requested a motion for approval of the minutes from the meeting of October 20, 2005. Commissioner Rice made a motion to approve which was seconded by Commissioner Duquin. The motion was approved by all Commissioners present.

Chairman Arthur reminded the Commissioners to submit their financial disclosure forms as soon as possible. In addition, the Chairman requested that Commissioners return their committee survey forms to the Clerk as soon as possible. The Chairman anticipates making specific committee assignments on November 17, 2005. A revised list of the committees was distributed by the Chairman.

Chairman Arthur outlined the tentative list of the speakers for the remainder of the month of November including the County Executive on November 10th. In addition, the Chairman inquired of the Commissioners whether they wanted to re-schedule the CRC meeting scheduled for Thanksgiving Day. After a short discussion, a motion was made by Commissioner Hannah and seconded by Commissioner Rice that CRC not meet during the week of November 21-26, 2005. The motion was approved by all Commissioners present.

Chairman Arthur suggested a discussion of Commissioner Hamilton's request to invite town and village officials to appear before the CRC. After discussion among the Commissioners, it was agreed that these local government officials and other interested parties will be given an opportunity to appear before the Commission on December 1, 2005. The meeting will be held in the evening at a site to be determined.

Commissioner Hamilton agreed to prepare the press release for this meeting once the details are finalized.

Commissioner Reese expressed interest in hearing from authorities like the NFTA, the Water Authority and the Sewer Authority. Commissioner Lillis mentioned the need to perhaps hear from ECMCC and the community college (ECC). Commissioner Kruly urged caution and suggested the CRC might lose its focus if it wandered too far a field by hearing from entities which have little or no mention in the charter.

Chairman Arthur introduced Comptroller James M. Hartman. Mr. Hartman proposed three major changes to the Erie County charter for consideration by the CRC. First, he recommended retaining the elected County Executive but requiring that a professional County Manager be appointed by the County Executive to be responsible for the day to day operation of county government. Second that an independent budget office be established in the Legislature to advise and alert the Legislature regarding fiscal issues. Third the Comptroller recommended that the elected office of Comptroller be eliminated and the functions currently assigned to this office be given to the executive branch and the legislative branch.

Commissioner Rath inquired about how the County Manager would be selected under Mr. Hartman's suggested model. Mr. Hartman explained that after a national search, the County executive would appoint an individual who would then have to be confirmed by the Legislature. County Attorney Rubin reminded Commissioners that the changes recommended by Mr. Hartman would have to appear on the ballot and be approved by the voters of Erie County. Commissioner sought clarification regarding who would be responsible for audit functions currently conducted by the Office of the Comptroller. Mr. Hartman responded that management audits would be done by the independent budget office established in the Legislature and the financial audits would continue to be provided by an independent auditor for the county.

Chairman Arthur introduced Mr. John DeFranks, Deputy district Attorney who made a brief presentation regarding the concerns of the District Attorney with the charter. Generally, he supports direct access to the Legislature for budgetary purposes and an increase in the number of lawyers to assist the District Attorney in properly carrying out his mandated responsibilities. Mr. DeFranks explained the manner in which his office can

use forfeiture funds and advised that even those uses of funds must be approved by the Legislature. Mr. DeFranks agreed to prove CRC with a written statement for inclusion in CRC's records.

Chairman Arthur requested that Commissioner Magavern update the CRC on the issue of restructuring the Legislature as part of the charter revision process. Commissioner Magavern reported that the Municipal Home Rule law requires local governmental bodies to reapportion themselves every ten years in the year immediately following the census. Accordingly, Commissioner Magavern opined that no restructuring of the Legislature could take place until after the next census. There was general agreement that the CRC could recommend update and revise the sections of the charter relating to the Legislature to reflect the actual state of the Legislature.

Chairman Arthur advised that Senator Volker would not be present but referred Commissioners to a letter from the Senator which recommended a return to a County Board of Supervisors form of government for Erie County. Commissioner Kruly shared a spreadsheet which showed the population of county's towns and cities and their respective weighted percentages if a return to this form of government was recommended CRC and approved by voters.

Chairman Arthur introduced Legislator Charles M. Swanick, who represents the Tenth District. Legislator Swanick thanked the CRC for providing him an opportunity to share his twenty-five years of experience as a Legislator dealing with Erie County government and its charter. Legislator Swanick cautioned the CRC about the pitfalls of returning to the old Board of Supervisors form of government. He encouraged the commissioners to be aware of the County's mandated versus non-mandated services and their respective impact on the county's budget. Finally, Legislator Swanick agreed to return to assist the CRC as the revision process moved forward.

Chairman Arthur recognized the presence of Minority Leader Michael H. Ranzenhofer and Majority Leader Lynn M. Marinelli.

There being no further business, Chairman Arthur requested a motion to adjourn. The motion was made by Commissioner Duquin and seconded by Commissioner Kruly. The motion was approved by all Commissioners present.

All Commissioners were present except Commissioners Newman, Risman, and Zabel.