

MINUTES OF MEETING

Committee on Administration and Legislature

January 20, 2006

The Charter Revision Commission's Committee on Administration and Legislature met at 8:00 a.m. on January 20, 2006 in a meeting room of the County Legislature. Present were Committee members John Maggiore, Vice-Chair, Dave Comerford, Chris Duquin, and James L. Magavern, Chair. Also present by invitation were Brian White, Assistant County Attorney, Jon Lines, political science instructor, Buffalo State College, John Davis, legislative clerk, Hank Bromley, Commission research analyst, and Ray Walter, law student.

The minutes of the Committee's meeting on January 13 were approved.

Mr. Magavern reported that the law students had presented their findings pursuant to their initial assignments (as identified in the minutes of our meeting on January 13) at a meeting of the seminar led by Professor Greiner on January 19. They will now follow up with written reports at next week's seminar meeting, as follows:

1. Ray Walter

- (a) Consult with Mr. Rath and prepare a list of duties of:
 - (1) county executive under the current Erie County Charter;
 - (2) county manager in a classic county manager form of government;
 - (3) county executive and county manager in a hybrid form
- (b) Prepare a list of choices to be made in establishing the office of county manager, for example:
 - (1) power to appoint or merely to recommend department heads?
 - (2) appointments subject to confirmation by legislature?
 - (3) term of office, at will of the legislature, or at will but with severance pay under employment contract?

2. Leonardo Sette-Camara

From the Frederickson book, give examples of each of the three forms (executive, manager and hybrid) and summarize how and why communities have changed from one form to another, with positive and negative examples.

3. Sean Cooney

From a literature search:

- (a) Prepare a list of what appear to be the most relevant articles and books, with a one paragraph summary of each.
- (b) Describe each of the three forms and the pros and cons of each.

4. Jennifer Hyatt

From a survey of other counties in New York with a county manager, describe the form of government and to the extent feasible the actual experience under that form of Genesee, Niagara and Schenectady County. She will interview Genesee County Manager Goetzelle, Niagara County Manager Lewis and, if she can, get his telephone number, former Schenectady County Manager Pat Owen.

See also the reference below to Sam Iraci, former City Manager of Elmira.

5. Tim Minter

From materials he has identified by an internet search, describe the form of government and experience of each of three urban counties with a county manager:

- (a) Allegheny County (Pittsburg): hybrid form; good experience.
- (b) Alameda County (Oakland): county administrator serving at will of legislature; bad experience.
- (c) Maricopa County (Phoenix): county manager; good experience under David Smith, bad experience under predecessor.

Mr. Comerford suggested that we invite Sam Iraci, recently-retired Elmira City Manager and former Buffalo Deputy Mayor, to speak to the Committee or to the full Commission. Jennifer Hyatt has gathered some materials on the City of Elmira. Mr. Comerford will call Mr. Iraci to invite him to speak to us and to alert him that Ms. Hyatt will call to interview him as to the pros and cons of elected executive and appointed manager forms based on his experience with both.

Mr. Magavern distributed a draft report in summary form, "Should Erie County have a County Manager," January 18, 2006. This is to help organize the work of our committee and the Committee on Form and Scope and the law students as we move toward completion of final report to the Commission and a public hearing on the county executive - county manager issue. Everyone is encouraged to add to and revise the draft as we generate more information and understanding. Mr. Lines will join the law school seminar next week. He will then draft an expanded report incorporating the results of their work as presented and discussed at the seminar. Concurrently, Prof. Greiner will be editing and expanding the draft report.

We then took up the Commission's charge to the Committee to study and report on a complex of issues affecting the County Legislature, including term limits, length of term, staggered terms, part time v. full time, at-large chairman or members, proportional representation and non-partisan elections. There was a strong consensus that constituent service and access to government were important functions of County Legislators in the social context and political culture of Erie County. Mr. Maggiore will prepare a report on legislature reform, addressing those issues. In that regard, Mr. Magavern will give him a copy of a New York City Charter Revision Commission Report on non-partisan elections. Mr. Duquin will prepare a report on citizen access and constituent service. Mr. Lines will give him citations to two political science books on that subject. We will ask Sean Cooney for his work.

Our next meeting, Friday, January 27, at 8:00 a.m., will be a joint meeting with the Committee on Form and Scope. We will discuss the draft joint report on county executive - county manager issues. This will provide guidance to the drafters of the report.

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