

MINUTES OF JOINT MEETING

Committee on Form and Scope of County Government
Committee on Administration and Legislature

March 10, 2006

A joint meeting of the Charter Revision Commission's Committees on Administration and Legislature ("A&L") and on Form and Scope of County Government ("F&S") met at 8:00 a.m. on March 10, 2006 in a meeting room of the County Legislature. Present were Committee members Ed Rath, Chair (F&S), John Maggiore, Vice-Chair (A&L), Chris Duquin and James L. Magavern, Chair (A&L). Also present by invitation were Peter Reese, Commissioner member, Ray Walter, law student, Hank Bromley, Commission research analyst, and Samuel Iraci, recently retired City Manager of the City of Elmira and former Deputy Mayor of the City of Buffalo.

The purpose of the meeting was to review progress on outstanding research and writing assignments and to review Mr. Minter's most recent draft of Charter provisions to implement the county manager proposal, together with suggested revisions already received from Commission members and friends.

Messrs. Maggiore and Walter reported on their research in respect to standards and procedures for legislative redistricting, including the experience of Arizona and New Jersey. They will have a final report in two weeks.

Mr. Duquin said that he will have a report on the constituent service role of County Legislators for review next week.

Mr. Magavern reported that law student Meredith Conner has produced an initial report on alternative budgeting systems. Mr. Magavern will transmit it by e-mail to Mr. Duquin as Chair of the Fiscal Affairs Committee and to all A&L and F&S committee members. It was noted that this is of primary concern to the Fiscal Affairs Committee but that the budgeting procedure must be tied into the strategic and management planning and reporting system to be proposed by the A&L Committee. Ms. Conner will proceed with a research report on that subject, for consideration at Professor Greiner's seminar on March 23 and at the A&L Committee meeting on March 24.

Mr. Magavern reported that Mr. Cooney will have a report on term limits, and Ms. Hyatt on standards and procedures for the setting of salaries of elected officers, for consideration at Professor Greiner's seminar on March 23 and at the A&L Committee meeting on March 24.

The committees proceeded to a section-by-section review of Mr. Minter's draft Charter provisions, together with suggestions he had received in that regard from members and friends of the Commission. A copy of his draft, dated March 9, is annexed to these minutes. Among the points covered:

1. Mr. Magavern will check the Public Officers Law and propose Charter language providing that in the event of a vacancy in the position of County Executive, the position will be filled by the County Manager until the next general election.

2. By a 3-1 vote, Mr. Maggiore in the negative, the committees resolved to propose that the county manager search committee should be made up of the County Executive and the Chair, Majority Leader, and Minority Leaders of the County Legislature.

3. The committees resolved by consensus to propose that the County Legislature be required to hold a public hearing on the three finalists for county manager.

4. The committees resolved by consensus that the Charter should expressly require the County Manager to provide relevant information, reports and staff assistance to the County Legislature, as well as the County Executive, in the development of policy and program initiatives. [Mr. Magavern will send Mr. Minter a clause he drafted to that effect.]

5. Mr. Reese will transmit a provision he found in the Mesa charter to mandate political neutrality on the part of the county manager.

6. The committees resolved by consensus that in the event of a vacancy in the position of County Manager, the County Executive should be empowered to appoint an interim County Manager from within the executive branch.

We then discussed the manner in which the proposed Charter provisions should be presented to the full Commission. It was agreed that these will be presented in both black-line form, showing changes from current Charter language, and clean form, showing only the proposed Charter language as amended. These will be clocked in and transmitted to Commission members by e-mail by the close of business Tuesday, March 14.

Mr. Rath reported that at the meeting of the F&S Committee on March 6 it had been decided to recommend that the Commission hold a public hearing on the county manager proposal on March 22, but suggested reconsideration of this recommendation. It was noted that Chair Marinelli and other Legislators had requested that the Commission not make piece-meal recommendations, but submit all of its proposed charter revisions in a single final report, and that the Commission had relatively little time to complete its work. It was resolved therefore not to recommend a separate public hearing on the county manager proposal, but instead to recommend a single public hearing on all charter revisions proposed by the Commission.

The next meeting of the A&L Committee will be held at 8:00 a.m. on Friday, March 17, to review the above-mentioned reports of Mr. Duquin, and Messrs. Maggiore and Walter.