

CHARTER REVIEW COMMITTEE MEETING

The third meeting of the Charter Review Committee held on Wednesday, April 15, 2015 at 6 p. m., in the Legislative Hearing Room, Sullivan County Government Center, 100 North Street, Monticello, New York.

Meeting called to order by Co-Chair Nadia Rajsz.

Pledge of allegiance.

Roll call is substituted with sign in sheet.

Members present: Steve Altman, Paul Burckard, Bruce Ferguson, David Forshay, Isaac Green Diebboll, Peg Harrison, Sandra Johnson Fields, Bill Liblick, Ray Nargizian, Nadia Rajsz, Larry Richardson, Kenneth Walter.

Members absent: JJ Hanson.

Others present: Gene Benson, Legislator, Alan Sorenson, Legislator, Sam Yasgur, County Attorney, Nancy Buck, County Treasurer .

Nadia Rajsz is the Co-Chairperson for this meeting.

Co-Chair Nadia said approval of minutes of the March 25th minutes. Paul Burckard suggested approving the minutes from the March 25, 2015 meeting at the May 20th meeting to give everyone ample time to read the minutes. Motion moved to table the approval of the minutes until the next meeting. Motion moved by Paul Burckard, seconded by Bill Liblick, motion carried unanimously, all ayes, no nays.

Introduction of speakers.

Lorne Green, Director of Management Information Services informed members that it is possible for members to be Skyped into meetings whenever they are unable to attend. Lorne said he has a County based Skype account but he would need to have staff here to monitor and make sure things are up and running and it is possible only in this room (the Committee Room) right now. We could make it possible elsewhere if necessary. This will not be a significant impact my budget, not enough for me to be concerned. I am assuming it will not be every single month. Co-Chair said no, not every single month. Lorne said I would request at least one week's notice and I would like an opportunity to test it prior to the May 20, 2015. Terri will contact Lorne and Nadia regarding a test of Skype prior to May 20th. Regarding the allowed amount of time for members to be absent, Peg Harrison stated I noticed in the prior minutes from the previous committee, it was three consecutive meetings not necessarily three meetings so you might not need to Skype in. Nadia

said I don't necessarily have to Skype in, I can listen to the tape as long as everyone speaks clearly. Discussion ensued on whether an absent member will be allowed to vote if they Skype into a meeting. Co-Chair Rajszt said according to Robert Freeman (Open Meetings Law) yes but we need to create a policy. Bill Liblick said if it is this room we can do conference call and we can do either/or. Lorne informed members that conference calls could be in the big room as well, as long as it is in this building. Legislator Benson said I would advise caution with a conference call because you don't know who is seating there, just caution. Paul Burckard asked if the agenda and minutes could be posted on the website? Lorne said they are already there, meeting schedule, agendas, and minutes. Co-Chair Rajszt thanked Lorne Green.

Co-Chair Rajszt informed members that Larry Richardson prepared a resolution to authorize long distance electronic participation.

Resolution # 4-2015

Sullivan County Charter Review Commission Resolution dated April 15, 2015

Resolution to Authorize Long Distance Electronic Participation at Sullivan County Charter Revisions Commission Meetings.

Whereas, the duly appointed members of the Sullivan County Charter Review Commission has voted to operate under the provisions of Roberts Rules, and

Whereas, Roberts Rules does not provide for long distance electronic participation at scheduled meetings, and

Whereas, from time to time a duly appointed commission member may be out of the area at the time of the scheduled meeting but wishes to participate and has the electronic capability available to do so, and

Whereas, it is very important that members progress through the review procedure background presentation available to all.

Now, Therefore, Be It Resolved, that long distance participation by a duly appointed commission member via electronic means when verified, shall count as being in attendance and such participation shall have all the privileges of an attending member.

Motion moved by Sandra Johnson Fields, seconded by Steve Altman, discussion to have the wording sent to each member, motion carried unanimously, all eyes, no nays.

Co-Chair Rajszt introduced Sam Yasgur, County Attorney.

Sam Yasgur, County Attorney said I would like to start off by asking the members a couple of questions. This is my second period of services as a County Attorney. I served as County Attorney in Westchester County for ten years. It is much different then serving here. It has an elected County Executive, very different. I told Nadia today, Westchester County is the only

County in the State of New York that doesn't tax. Most of you will find that a little bit odd. In the other counties, in the state, the Counties make towns whole and in Westchester County the towns make the County whole. That Charter is probably the oldest Charter in the State. It is the only County Charter that was enacted by the State Legislature rather than a County board, Board of Supervisors or a Board of Legislators and not amended very often. What is a Charter? Anyone? Someone said a local law and another said a constitution. Sam Yasgur goes on to say constitution is the correct word. It is our equivalent of the federal constitution. You go back, the federal constitution when it was adopted, representations were made that the Bill of Rights would be enacted so that anybody who voted for it knew that they were going for a constitution and a Bill of Rights. How many amendments that was going to be was not clear. The original proposal was twelve but it became ten. If you subtract those ten, which were really part of the original Constitution and you subtract two amendments, which cancel one another out, Prohibition and Repeal Prohibition, you have fifteen amendments that are viable. Fifteen amendments to the Constitution that has lasted over 200 years. This Charter has many more amendments than that and the structure document is only 25 years old, so we get amendment happy, I guess. My second question is what is County government? What does the County do? Why does the County exist? Should it exist? What is its purpose? Why do we have a County government? Someone stated it is an extension of the State. Sam said yes, it is an extension of the State. If you go across the border into Connecticut, you will not find a County government. They don't have a County government. What we call our Division of Social Services here in Liberty, it doesn't exist in Connecticut. It is a regional office of state government, somewhat similar in Pennsylvania. There is nothing that mandates County government. If you think about it, we have a lot of layers of government. Whether you call them government or taxing entities or regulatory entities, think about all of the governmental type entities that exist. Name a few. Paul Burckard said County, Town, Village, Special District, Fire. Sam said why do you say Special District? Why do you say Special District? You have Fire Districts, Library Districts, Water Districts, Sewer Districts, Lighting Districts, you have all sorts of things that we come up with, as a way of imposing taxes, over the years. It has always been suggested that we do mergers. Should some of the towns be merged into the County? Should some of the towns be merged with one another? Should the towns and villages be merged? Because we have an awful lot of governmental entities. It is slightly beyond the scope of this Commission. But if we look at it you will understand that we can't revise the Charter until you first understand why the County exist and what its purpose is and what it is supposed to do. For example, in this building, we have a Department of Public Works that takes care of roads, bridges, County facilities, County buildings. I said bridges very quickly because some of you will be surprised to know that when the former Board of Supervisors ran the County, they took most of the bridges and culverts, anything 22ft in length or longer and turned them over to the County. Well, it makes a great deal of sense if you are running for Town Supervisor. Because Town Supervisors run on Town Budgets. They don't really run on the County budget, which they also oversee. One of the more expensive things in a Town is a bridge. They are very expensive things to maintain. So, if you take the bridge and you get the State to pass a Local Law to take over anything 20ft and over it becomes a County responsibility. Town Supervisors no longer have the burden and the responsibility, the cost and expense of maintaining all of those bridges and culverts on Town roads. You drive on a Town road now, and you get to a bridge and you think because you are on a Town road and you are on a Town bridge. You are not, you are on a County bridge. Now there is an automobile accident which happens on, before, or just after that bridge, the County gets sued because it was a County bridge. Did the County

properly maintain the bridge and did the maintenance of that bridge cause that accident? That adds a great deal to the County's budget and the budget of Public Works. Because all of those bridges are expensive.

Paul Burckard said I want to make the point that I haven't made the presentation yet but what Sam is telling you, I also would have addressed and that is one of the reasons why we changed from the Board of Supervisors to a County Legislature.

Co-Chair Rajsz asked Paul to clarify what he said. Paul said what the Supervisors did transferring all of these bridges from their budget to the County budget for maintenance. Someone said but it is still coming out of the taxpayer's wallet. Legislator Gene Benson said it goes back to the previous point that Sam made about Westchester County. It is the only County where Towns make the County whole. In our County, the County has to make the Towns whole. Sam said so come January, if you don't collect all of the Town taxes, the County of Sullivan has to write out a check, to make you (the town) whole. Bill Liblick said except the villages, the County does not make whole. Sam said right, I said the Town. So, here we are, with added burdens in terms of bridges and culverts, that are not ours and the responsibility to make a level of government whole, it should be making itself whole, if you will. Most people don't understand that.

Nancy Buck, County Treasurer said and we are in the hole for 30 million dollars for 2015 taxes by the way.

Sam said and we make school districts whole as well. So here you sit in meeting room of government, which makes other levels of government whole, they don't have to worry about collecting their taxes because we collect it for them. If we can't collect it, we have to have tax foreclosures and everything that goes along with it. Steve Altman asked didn't it make for some efficiencies that the County would chase after the non-taxpayers rather than the individual towns that would have to have their own personnel to do it. Didn't it make for any kind of efficiency. Sam said you can argue that.

Nancy Buck said I can tell you, for foreclosure, you can't have 15 towns doing foreclosure.

Steve Altman said and I don't think the snow plow that was plowing the town roads, stopped at the bridge and waited for the County plow to do the bridge. Sam said he waited for the town plow, the town plows a lot of the County roads through contract. I will go back in those years that I was County Attorney in Westchester County, every Town Supervisor used to campaign against that provision of the Westchester County Charter, it made no sense. But privately, they loved it and I will tell you why they loved it. Two reasons, first is that there was a County Attorney back then who wrote an opinion that said they can collect the taxes all year long but they have to turn it over to the County at two points in time. One in the Spring and one in the Fall and they can keep it in an interest bearing savings account until they turn it over to the County. If they wind up with more money in that savings account than the bill, they can keep the difference. I did sign my name on that opinion and they were all very happy about that. Most of them in recent economic years make out. The other reason they made out is that Westchester, unlike any other County, in the State, has a triple A tax rate and those towns all buy their major pieces of equipment on the County's credit. So they do very well. They always argue that it makes no sense. They shouldn't

be doing it but in reality they loved it. It doesn't mean it is the right way to do it. You can do it a whole bunch of different ways. But I come back to you and say why do we have a County Government? What functions does the County Government provide? Name a couple of the functions that we have? Bruce Ferguson said when Dr. Benjamin spoke at our last meeting, he suggested for a considerable extent that the County serves as an agent for the State. Sam said it really doesn't.

Bill Liblick said I have to ask you a question before we go on. Bill asked when you are talking about Westchester you are talking about one of the Counties in the State of New York that has the highest tax revenue and they have high employment rate, the least poverty, except for Yonkers and you are talking about all that they contribute economically with all of the corporations that are in Westchester. So you look at Sullivan County and you look at the towns that we have here and you are comparing apples and oranges. We have no corporations. We have poverty. We have an IDA that is giving away abatements for low paying jobs. Sam said I wasn't advocating. I was merely pointing out that there are differences among the Counties within the State. Bill Liblick said the five villages in Sullivan County are not made whole and if you look at Liberty, they are complaining about that. If you look at Monticello, when Ray was there, he worked out at the Auction. You look at Jeffersonville, Wurtsboro, you go through Woodbridge, you have all of these villages, why not make them whole as well. Sam said you could. Change State law and you could do it. I am not trying to start arguments. I just want to point out that they are a lot of differences among the Counties in the State. And to say that we serve as the State's agent is kind of factious because if we did serve as the State's agent, I would expect a check at the end of the year. Bruce Ferguson said I may have misquoted him (Gerald Benjamin). He said County government was created for the convenience of the State to deliver services. The County is both a State agent and atomist unit. That was his description. Sam said it is not really an atomist unit. It is a municipal corporation. It exist by virtue of being a branch of the State. It is a governmental entity. This government has a budget of approximately 200 million dollars per year. And for that 200 million dollars what services do we provide? Anybody? Various members gave various answers. Sam Yasgur goes on to say ok, somebody said Social Services. I pointed out in Connecticut that is a State function, it is not a County function. Here it really isn't a County function because all the rules and regulations as to how the Department of Social Services runs is dictated by the State and Federal government. So there is no real independence of how you run that department. There are all sorts of rules and regulations from the State and if we get it wrong the State comes down on us. Yes, we get either 2/3's or 3/4's or some other percentage reimbursement, if we do it right, but we save the State from doing it and we save the State the expense between the 2/3's or 3/4's and 100%. We are one of only two States in which the County picks up Medicaid. Nancy Buck informed members that we pay \$369,000 per week, which she wires to the State for Medicaid. Co-Chair Rajsz asked what is the final for the year. Nancy said \$22 million. Sam goes on to say one of only two States in the nation. Bill Liblick asked are they changing that. Nancy said they are capping that. It used to be that you never knew what you were going to be paying every year and then they capped it at 3% or 2%. It went down a little bit with two payments this year and then it went back. Legislator Benson said it is a \$20 million dollar bill. Bill Liblick asked what percentage of the budget is that? Nancy said you see that pie that they do now and they break it off and let you see what part of your tax bill. I don't have the percentage.

Sam goes on to ask what other services do we provide? Someone said Public Safety. Sam said Sheriff's Department, Jail, District Attorney, Probation, that is all of Public Safety. The Sheriff Department, the Sheriff is the Chief Elected Law Enforcement Officer of the County. He is the Constitutional Officer, the only person who can remove the Sheriff is the Governor. Westchester is unique. When I was there, we abolished the Sheriff. Someone asked how many Counties don't have a Sheriff? Sam said only Westchester. Actually, New York City doesn't have a Sheriff. The five boroughs that make up the City of New York, really don't have County government with the exception of the District Attorney and the County Clerk. In those five Counties, only two elected officials in New York City. What other services? Sam Yasgur said we used to provide a Landfill. We presently provide a remote transfer dumping site, which we have a transfer station here in Monticello, which provides haulers or municipal haulers to bring solid waste. We don't provide garbage removal, some Counties do, nor are we mandated to . Some Counties provide sewer and water services. If you go down along the Hudson River and look at, if you are on the Jersey side of the Hudson River, just above Yonkers, you will see a massive sewerage treatment plant. It is the second or third largest sewerage treatment plant in the State of New York. It is a County owned plant. Sullivan County doesn't have any County owned solid waste plant, sewer plant or water plant.

Sam goes on to say we have a Planning Department. What is a Planning Department? Sam said it does 239 Review, which is mandated review of certain development projects. It is mandated by State law to do that review. Beyond that, the Planning Department is pretty much on its own as to what it is going to do. It gets involved in grantsmanship, assisting local municipalities to the extent that the Planning Department and the Legislature and local municipalities want it to. Most people don't know what a Planning Department does, if you think about it. Public Works as I said before somebody said snow removal. The irony about snow removal is a lot of Towns ' snowplows, plow County roads by contract. Back and forth, we do this every Fall, we get into contract with the Towns , which Towns are going to plow which portions of County roads. There is a payment schedule that goes back and forth.

Sam said if you go to Liberty, there are a lot of Departments that provide services to the general public, the Adult Care Facility, a nursing home, a Community Mental Health Program, Public Health Program, Social Services Program. There are a lot of those facilities up in Liberty. In this County, we do something I never understood. I just don't understand it. We have what we call a Division of Health and Family Services. In most jurisdictions, a department is larger than the division, a division is a smaller unit within a department. In Sullivan County, the department is the smaller unit within a division, which makes no sense. We have the Division of Health and Family Services, which includes Public Health, Community Mental Health, Nursing Home, Social Services, do we need all of them? That is going to be up to you. If you look at this County Charter, you will see something very interesting. Actually, it is quite small. There is not much in it. The only entities, or agencies or departments, call it what you will, that it refers to is the Board of Legislators, County Manager, County Clerk, County Attorney and County Treasurer. It doesn't refer to any of those other departments that I just referenced. All of those other departments you will find in the County Administrative Code, you won't find in the Charter. Does that make sense? I don't know. That is going to be up to you to decide. Is it logical to put them in the Code as opposed to the Charter? I don't know. It is something you are going to have to figure out and

decide, which then gives you a totally different reference of being a member of this Commission then what you may have had forty minutes ago.

Paul Burckard said one very important thing in the Charter is the Legislature, the reference to one man, one vote and the set up for each one of the nine Legislative Districts, it is spelled out. Sam said that was a way of getting away from what was going on in the Board of Supervisors. Remember, when we had a Board of Supervisors, the Supervisor from Thompson carried more weight than anybody else. He had more people in his town. So to get away from weighted voting, they went to this Board of Legislators form of government. I am going to suggest to you, there are a couple of questions you should now ask. Question number one - does it make any sense to have a Legislature to all arrive at the same time? Co-Chair Nadia Rajsiz said you are talking about the staggered terms. Sam said I am talking about the staggered terms. Co-Chair Rajsiz said the difficulty of the implementation of that. Sam goes on to say, question number two, would be if you agree that there should be staggered terms, how do you get there? Question number one is easy. Bruce Ferguson, said there is no discussion. There is only one way to do it. Put the districts in a hat and draw them out. Sam said there is a hundred ways to do it. You can sit and do it but no matter how you do it, at least those two gentlemen over there (Legislators Alan Sorenson and Gene Benson) are either going to come out on the good side or the bad side of that. Legislator Benson said regardless. It is not by person. It is by district. My idea would be, you take the nine districts, throw the nine numbers into a hat and pull the numbers. The first three serve a two year term. The next three serve a three year term and the last three serve a four year team. Once you do that, it runs itself. My number comes up, it is the luck of the draw. Sam said or you come up with that once they get into sequence, everybody is serving a three year term. So election is once every three years. You could do it a bunch of different ways. Steve Altman asked Sam, do you question the number of Legislators. Are there too many? Are there too few? Sam said every County that I have ever seen, every few years they say there are too many or there are too few. Legislator Benson said we are actually one of the smallest Legislatures in the State. Sam said I would think so. Legislator Benson said we are. Sam said there are three questions you should ask. Question number one, should you have staggered terms? Question number two, if so how do you get there? You are not going to get agreement. You certainly are not going to get agreement on the Board of Legislators depending upon who winds up with.....Co-Chair Nadia said the short end of the stick. Legislator Benson said it is the luck of the draw. Everything is a gamble in life. Question number three, should this County have a County Executive form of government as opposed to a County Legislature with a hired County Manager form of government? Those two forms of government are very different. I mean extremely different. When I served in Westchester, the first County Executive I served under was a man by the name of Alfred B. DelBello. He later became the Lieutenant Governor. He loved running the government and it showed, very good at it. He did not like campaigning. He did not like all of the follow up. He loved running the government and he loved something else, it was very unique. About every two years, he would take all of his Commissioners away for two or three days, usually to the Hotel Fare and when we came back, we knew where Westchester government was going to be in five years. We knew what we were going to do. We knew what was going to happen if we ran into obstacles. We knew what the hurdles were and how we were going to solve them. That is very unusual. Al Delbello always said that a Legislative body will never make a difficult decision if there is any other alternative, period. So he viewed his job as creating the crisis, which forced the Legislative body to make difficult decisions. Look at it on a State level and look at it on a federal level, it is true. The Legislative body tends to

study, and re-study. Legislator Benson said don't look at me when you say that. Sam said I can't see Alan or I would, but it is true, you can over study. He (Al DelBello) knew that. Sam said I will give you one example and it is my favorite example. If you come into my office you will see three very large volumes . They are the volumes that were used to bring out the bonds for the Westchester Garbage Plan, about \$200 million dollars. We got there in a very unusual way. He(Al DelBello) came to office believing the County takes care of the garbage. In Westchester, we did not do anything with garbage but that was his own personal view. He had a plan for building a Solid Waste Treatment Plant that would turn garbage into gold, garbage into electricity. When we started that, people in the Towns didn't like it because the Towns had their own little incinerators and didn't want the County to take it over. After about a year and a half, it became clear we were not going to be able to do that. We were especially not going to be able to do it because the piece of land that he picked out, very foolishly, it was the only foolish thing I saw him do, it was in the Majority Leader's district. You don't try to put a garbage plant in the Majority Leader's district. The Majority Leader was a Republican and Al was a Democrat. So he backed away from it. You would think if you looked back into the history of Westchester, in those years, that he abandoned it. Remember, I told you we knew what we were going to do five years from now. We didn't abandon it. We just came up with a totally different way of going about it. So we acquired a piece of property on the Hudson River that had been owned by Fleishmann's Yeast, one point north of Indian Point. That was an interesting negotiations to buy it. That was not in the Majority Leader's district, made it very acceptable. That plant became a very unique plant. It has three boilers, it was suppose to generate (somebody is going to have to correct if I am wrong) about 2200 degrees Fahrenheit of heat over the grates, putting the garbage, into the incinerators. Because we were dealing with some very inventive people from New Hampshire it wound up generating 2700 degrees of heat, an extra 500 degrees of heat is a lot of heat. So instead of producing 45 mega watts, which was the designed capacity of the plant, they ordered the next largest generator that General Electric could manufacture, which was a 70 mega watt generator. The plant produces 74 mega watts, it actually produces over the rate of the generator and has been doing that non-stop since 1984. Remember, I told you he had ideas on how to get things done. We go into the City of Peekskill, just north of Indian Point, you will see that plant and that all came together eight years after people told us you can't do this. One of the reasons, we could do it is if you are a resident of the City of Peekskill, when you get your electric bill, you get a rebate. You get a rebate for the existence of the Westchester Garbage Plant being in your city. Now, you look at your electric bill and say hey, that is great. I am getting money back because that garbage plant is in my town. People are happy, or a bribe, I don't know what you want to call. It works well. The people are happy and it generates enough electricity to pay for more than half of the electricity in the County. Because somebody had the forethought when the people were objecting , somebody had the forethought of saying is there another way of getting this done. Instead of sitting at committee meetings and getting involved in short term debates and nobody is thinking five years down the road. What I am suggesting to you is, there is a way of running a government that is very efficient, very effective, if you know what you want to do and how you want to get there. I will suggest to you that most governmental entities do not run that way. They just don't. They all have budgets but budgets are annual. Most of them are not five year. Most people don't think out five years. If you did, it would make things work a lot better. If you go down and look at that plant, it runs perfectly. Will there be another one? No. Why? Dioxin comes out of that stack, you know, nobody wants dioxin.

Bill Liblick said I want to ask you a question. Getting back to our Charter. The County Attorney works for the Legislature, I am I correct? And the Legislature hires the County Manager as it stands now. Sam said yes. Bill Liblick said over the last many years, few years, it seems like the County Legislature has given up a lot of its power of the intent of why they were elected with all of these amendments and Codes and everything else. Co-Chair Rajszyk said you are saying with all of the resolutions that were enacted. Bill said yes, that were enacted, after, the resolutions. Sam said I would suggest that they did just the reverse. Bill said well, I am asking you. I hear criticism from others saying that the Legislature gave up its power. Sam said I think this Legislature has arrogated to itself more power. Do you agree with me Alan (Legislator Sorenson)? Legislator Sorenson said I am not sure I agree with that. Legislator Benson said we have tried to. Legislator Sorenson said we have tried. He said there were a series of amendments to the Charter that were adopted in 2008. In 2008, I think I was the only Legislator that voted against them. My interpretation of those amendments was it was taking power away from the Legislature. That was one of the reasons I voted against them. The problem when something like that occurs, it is not a clear vision of responsibility. I think that is something that this Charter Review needs to be looking at. Legislator Benson said it is more of a question or answer of responsibilities as oppose to power. Power is a very bad word. It is a division of responsibilities. Who is responsible for what and I think that is the way it should be looked at. Because in the long run, we are all responsible to citizens of the County and that is the end all, which is to be responsible to them and to do the right thing by them.

Co-Chair Rajszyk asked both Legislators which specific amendment are you referring to? Legislator Sorenson said the one adopted in 2008. Sam Yasgur said is that the super majority for getting rid of the County Manager? Legislator Sorenson said including that and many lines within that, that added the words, something to the effect with the authorization of the County Manager. There is a number of those. Co-Chair Rajszyk said so this is that one resolution within that resolution the Legislative body was sort of giving up some of its responsibilities to the County Manager, who is still under the purview of the Legislature. Bill Liblick said but however there is this super majority that you had back then, when there was a lawsuit, last year that was brought into court and there is a lot of other things. There are items that they are pointing out that have been changed. There is a question right now with the Charter and the way the amendments came in whose responsibility is it? Legislator Sorenson said on the issue of whether there needed to be a super majority to remove the County Manager, Gene and I are on the same side of the issue. From my perspective, the reason we had to bring it back to the original provision in the Charter was you had a circumstance where we felt we had a County Manager who was only reporting to four Legislators. And as long as there wasn't a fifth Legislator that is all that they needed. They could run the government according to the four Legislators, which is a minority of the Legislative body. And the Legislature sets the policy, not an appointed person.

Sam Yasgur said Alan just used a very important word, policy. Does the Legislature establish policy? Or does the Legislature run the government. Legislator Benson said the Legislature establishes policy as the Manager runs the government for them. If we do not like the way that they are carrying out our policy then we step in. Sam said I would agree with you but there is a lot of debate about that on this board. Peg Harrison asked how did they change the Charter? Bill Liblick said through the nine Legislators. Peg Harrison said without doing it by law, without going to a vote. Sam Yasgur said certain local laws have to be subject to referendum. Certain

local laws do not have to be subject to referendum. Legislator Benson said there was an error in the way the local law was adopted in 2008 and time had expired when they found out. We tried to amend it to bring it back to the original intention of the original Charter. Paul Burckard said there is also mandatory referendums and permissive referendums. They do things by permissive referendum, some things are required and some things are by permissive.

Co-Chair Rajs said I am going to go out of order here. We do have a member of the public that would like to ask a question of the committee.

Elton Harris said twenty-five years ago, I was the Chairman of the Optional Forms of the Government on the Board of Supervisors. That was the no nothing committee that the minority would be appointed to . So low and behold, with the whole world upset, as they are now in Sullivan County, we took on this task, the original Charter. I went out and beat drums for it. I thought it was the best thing that could happen to us in this County. To take away the unfairness of the big Towns . Any three of the big Towns at the time could run this County. All that they had to do was get together. That is why for so many years the big hotel tourism stuff was run the way it was. It is how the County was run. They would get their people together and beat on the Supervisors and the three of them came in here and that is how things were done. We met, for God knows how many months, to try to come up with a solution. We talked about numbers of members on the Board of Legislature, we talked about elected or appointed County Manager. We also put in the original Charter the divisions. The divisions of how the government would be. A couple of days ago, I was invited to come here and speak and share some thoughts. Here is what our original plot was at the time. We thought nine was a good number in that we felt we could divide the County up to a point where we wouldn't leave any area in no man's land. Where they wouldn't be able to elect someone from their common area. I would tell you from what I have seen and the whole thing, I truly believe nine might be a whisk or two many because we tend to create these little groups that can't seem to hop over the fence once in a while, regardless of party. It is a personality issue and it isn't the old Board of Supervisors that was wrong because the system works. It is the people we had there. What I see here with the Legislators, I am not picking on any of them, I am just saying as a general term. We get a little group of three or four that are so adamant with one thing, there just not going to give into the other thing. I think to myself there is a couple of ways I could be sure. One is, we could stagger the terms, that we brought up earlier, which I think is a super idea. I think the fair way is to draw the numbers out of a hat or whatever you have to do. I think that is the fairest way. That is life. The other thing is, to consider, maybe we can operate with five or seven and make the districts bigger with the population. The only problem that I see with that is if the pie, if you will, because you have to do it with population and then they wiggle off different election districts, the reality, if that pie came to a point, you could have three or four people from the Town of Thompson. They could really start controlling the County. I think nine is a good number. I think the cure of this little personality conflict is to stagger them. Politically speaking who cares. This is Sullivan County. You are not taking millions of people. You are talking 70,000 people. The other thing is we truly spent a lot of time on who do we have at the helm. We felt that the County Manager working at the pleasure of the board, not with a contract, and the argument is, but we won't get anybody good. Well, guess what? I truly believe for what we are paying, if someone has the qualifications and they are credible, they are going to come in here and do the job. Or they are going to get canned. We truly felt that was the best way to go. I haven't pulled out the old Charter that we originally started with and then I

was on that first Charter Revision, I think it was three years later. We had to review it. We kind of felt if you go out and hire someone with some business acuity with the business education, we felt that would be the best for the County. We feel an elected official in this County, your popular enough, you can get elected here. Go out and work hard, get the voters out, you will get elected here. You may not have a clue and the next thing you are going to do is start hiring somebody to do your job. Build more government. We need less government. So that is that point on the County Manager.

Steve Altman said wouldn't you think that if you wanted to attract a really qualified person, without a contract that you would have to offer a higher pay package? So that person wouldn't have the security of a contract but they would take the job because it offers more. Steve Altman goes onto say I also noticed that neither one of you gentlemen mentioned a word on term limits. Sam Yasgur said I have gotten there yet. Elton Harris said the argument over term limits, I truly believe that. I truly think there should be term limits because we get people that have such war chest that you can't possibly run against them and win an election. You find that is like the guys in Albany. You get so well entrenched, you are almost invincible. You have millions and millions of dollars behind you so somebody coming out fresh, they don't have a fighting chance. I truly believe that is a good thing to address or look at.

Co-Chair Rajsz said you were on the Board of Supervisors when this whole thing started, you, Andy (Boyar) and others. I still cannot understand why was it that all the Legislators that were elected started at ground zero. There weren't staggered term limits. Elton Harris said no, I don't know that we had a mechanism or even thought about a mechanism, whereby we would start with a staggered term. I don't know if we had a way to approach it. Co-Chair Rajsz asked everybody that got elected had a four year term or a two year term? Elton Harris said a four year term. Co-Chair Rajsz at that point it would have been easier to do it. Paul Burckard said it would have been but there is a reason why we didn't do it. Specifically, one of the major reasons we didn't was because you were going into an entirely new government with brand new people. And as Gerry Benjamin pointed out the other day, they needed time to understand how the government worked and how the system worked. We felt that by giving them a four year term to start they would have the time to do that. Also, secondarily, that generally speaking incumbents get re-elected. We were not concerned that you were going to turn them all over and the original Charter Commission was correct. That has never happened. So the idea was use the four years because that would give these nine people the ability to learn the government. Co-Chair Rajsz asked how do you learn government? How do you learn how to govern, from where? If you are starting from ground zero, where was it that they would acquire this knowledge. Elton Harris said some of them were prior Board of Supervisors. Co-Chair Rajsz said but this last election, almost everybody on the Legislative body has never been elected before or am I wrong? Legislator Benson said I was an elected union official for over 30 years. Co-Chair Rajsz said but not in government. Legislator Benson said but I work in government. I work with the Town of Fallsburg. I still work for the Town of Fallsburg. So I understood how government worked from both sides. I started out as a Clerk, doing billing, garbage, water and sewer. Then I went out on the road and I saw how DPW worked. I worked on the roads, water and sewer so I understood how government worked and I understood the finances of government.

Paul Burckard said two things to add on to what Elton said. By nine districts, number one, we addressed more the one man, one vote, so that you did not have just a couple of the Legislators that would go back to the old system similar to the Board of Supervisors, exactly like he said. And secondarily, with nine, with the population of the County that gave a constituency which we felt was manageable.

Sam Yasgur said one of the words that you hear all of the time and I would suggest has no business in a discussion about government. People would come with a business background. Good government is not a business. Government is very different. Legislator Benson said I agree with you. You can't run it like a private business. There is different rules and regulations. Sam goes on to say when the recession hit, the average business person will cut cost, cut inventory, cut employees. When the recession hit, the average government now has to provide more service than it provided before. It has to do it with less revenue. I don't think most people understand that. It is not business. Very different than business.

Legislator Benson said to go back to what Nadia asked, how do you learn government. If you are interested in running for office, you should do your own research. Co-Chair Rajszyk said I agree with you. I went to many seminars to educate myself and bring myself up to par and speed. However, in my opinion, I don't see that happening with many others on this body. Legislator Benson said not to speak ill of any of my colleagues, I tend to agree with that.

Bill Liblick said I think if someone wants to run for political office they have to have a desire to run a government, get involved in issues. There is an issue if someone wants to get motivated to run. I don't think you have to sit there and go to school. I have a political science degree so I could say I went to school learned Political Science, know Journalism, know Sociology, and Psychology and all of that. I think when we run for office you do it because you want to change government or to get involved to make government better. That is why we are seating here now. Co-Chair Rajszyk said however, you have to work within the parameters of government and not go outside those parameters. Sam Yasgur said having said that, what should the parameters be? That is what you are all here for. David Forshays said that is true because I look at it this way if you have a person running for a particular job, a politician, maybe not a politician, and that person gets elected, now he or she is in there for a year or two. If he or she finds out they can't do the job, the Legislature is stuck with them. That is not the way it should be.

Paul Burckard said to answer your question specifically, the County government existed before the Legislature came in on January 1st. So the Commissioners, Department Heads and mechanism that ran it worked with the newly elected Legislators especially in committee forms, etc., where they were responsible to try to give them a crash course of what this is really all about. The NYSAC training, going out on their own, it was a learning curve, a steep one for them in order to really begin to understand how all of this worked. If you use the mechanism that was here in order to train these new people.

Elton Harris said I have not really looked at the current Charter but I know from what I have heard, originally that was supposed to be the people's document. There wasn't supposed to be any changes until it went up for a vote. That was the people's document of this County. In fact, the original Charter had the salaries of the Legislators in there. Then all of a sudden the Legislature

gets in here and whoever lead them where they were going decided we are going to amend it. We have more amendments for that original Charter than the Charter itself. The old story, there are some things that maybe aren't broken that have just been done for a certain reason. It works for us, let's make this thing happen. Legislator Benson said that is a good point. Elton Harris goes on to say we were knee deep and very thorough. I mean we had a lot of people come in here and explain to us different Charters and I have read over I don't know how many different municipalities that we read over their documents. We really were thorough in thinking on it but we didn't just think this doesn't sound good, we are going to amend it. It isn't that old a document, twenty-five years or so. We didn't screw it up that bad to begin with. Legislator Benson said you are making a very valid point and maybe this commission should look back at that original Charter and tweak it.

Bruce Ferguson said I want to ask Alan a question because I think you were around at the time. The last Charter (Revision) Commission met, made recommendations including one for County Executive and as I am understanding the Legislature ignored the recommendation. So on behalf of all of us who are prepared to devote many evenings working on this issue, what can we expect from the Legislature assuming you guys are around. Legislator Sorenson said if I am still here and have the opportunity to continue to serve, my expectation, I would be taking into consideration of the Charter Review Commission and giving it careful thought. I think the last Charter Revision Commission, I believe finished in 2007. I was elected in the Fall of 2007 and came in 2008 and then in October there was only selective revisions that were made. Some of which did not come to the Charter Revision Commission that is the batch of amendments that I voted against. I know there was a lot of pressure to get some of those revisions on the Executive Committee Agenda and for whatever reason the then Chairman just never seem to get it on Executive Committee. So I value your time. Everyone that is around this table and I am only one person. Co-Chair Rajsz said as a Supervisor if someone wants to bring a resolution to a meeting, I can't kibosh it. I am not understanding where this is coming from because that resolution can come to all of the board members and it is up to the board members either to say yah or nay. But it comes to the board, so how is it that any chair would just absolutely be the gate keeper of resolutions. Steve Altman said at the end of the day, we are going to have to decide how to handle our recommendations. If they are going to kill all of our recommendations, we might have to go to the public. Co-Chair Rajsz said I will go to the public. Bill Liblick said I will too.

Steve Altman said while you are here, Sam lives in this building but you don't anymore. The United States Congress, two year term, they get elected and the next day they are running again. I believe the Senate, six year term, is probably a little long and the Congressional term might be short. What do you think the term should be? Then my next question is going to be term limits.

Elton Harris said I believe if you come up with staggered terms, there is nothing wrong with a four year term. I would say that if you have two consecutive years, you get out before and if you want to run again and you get elected, good for you, for two more years and then you are done. The reason, we get stagnant and I think that there is good fresh minds out there and good fresh ideas and if you don't get a chance to really harvest that, you are.... like we are now in this County. Like they say, chicken little the sky is falling. We are in a fog in this County. We have to get this square, round pretty dam quick. Or guess what we are going to have more problems than sitting around talking about a Charter. Steve asked do you worry about the Legislators being too influential with the Departments? Elton Harris said that should not be happening and I will tell

you why. If you have a Chairman of a Committee that is going to really go into battle with these committees and then they come up here and they have a committee meeting, they should be selling it to their committee before it gets out here on the floor. I don't know if we really had that. I think we counted on each other or their (Department Head) in depth knowledge to make our decision. I can tell you with DPW, there were a lot of things with the Landfill that I keep saying no, no, no. That was me. That was the position that I took with it. I don't know what is going on now. I really don't get into looking at who is doing what. It is there. It is being done. I didn't sense that when I was here that the one person that was the Chairman of a Committee was really going to make this happen for a Department Head. We would rely on him if we had serious questions like you want to bond this. We would expect him to be truthful and we counted on that. I wouldn't think they were trying to pull something over.

Ken Walters said one of the things that I hear is that some people think that doing something with the Charter would improve the quality of person that would get elected to office. I think where the system has fallen down is that people get experience in their community be it through a fire district, fire company, through some not for profit organization that they belong to, how to govern, they move up into the Town or they get this experience some place. It is out there. What we have seen happen lately is being a politician instead of being here for governance, has become a bad name. So when you look for candidates you don't have candidates who want to step up. Who are qualified to step up because they don't want to take the public abuse or whatever it is and then we wind- up digging and finding somebody to fill a slot and we wind-up with people who come up with agendas or don't have good perspective on stuff. Just don't have that governance philosophy in them and a Charter is not going to correct that. The only way we are going to correct that is we can get our governance working, which goes back to the two major parties and the committee system and finding decent candidates and really trying to get people back into looking at governing and being part of that governance is part of your community and making it better.

Bill Liblick said I just want to add one of the problems that we have is that the Legislature meets on Thursdays, Tuesdays. They have the committee meetings during the days. The people who often run for the Legislature are people that can afford to take off certain periods of time away from their job or they are retired or they are wealthy. So you are not attracting a pool of people. We had this discussion last night in Liberty. We had a discussion of someone that would be an ideal candidate besides another person who would be ideal candidate as well but I don't want to mention that person's name. They may be sitting in this room. In any regard, we had a candidate that would be perfect. Problem is the person has to make a living. It is a young person who was energetic who has a family here and wants to grow Sullivan County. Now this person is prohibited from running for office because it is not a full-time job and it is a job where you have to leave your other job to come to this job on certain days of the week. Co-Chair Rajs said but that is a procedural thing. Bill Liblick said seven Legislators ran on a slate last time that they wanted night meetings and suddenly, they had one night meeting and then there were no longer night meetings because you have to hire someone downstairs. You have to have the office open, the building open and it couldn't be done. Co-Chair Rajs said for someone who used to do scheduling with many people, there are creative ways of scheduling this. Legislator Benson said I will give you a perfect example of creative scheduling. When I decide to run for office, I went to my boss and I said this is what I want to do. The meetings are on Tuesdays and Thursdays. Can I change my

days off to Tuesday and Thursday if I get elected? I will work Wednesday, Friday, Saturday, Sunday and Monday to do my forty hours. They said if you get elected we are fine with that.

Co-Chair Rajsz said I have one question. Sam, Alan and Gene in the Charter, under Powers and Duties of the Legislature (page 7 of 16 letter O), shall create and appoint a Council of Government that shall serve in an advisory capacity to the County Legislature. Co-Chair Rajsz continues to read Section O on page 7 of the Charter. Sam Yasgur said the committee was supposed to be set up to meet with the Legislature, made up of Towns and some other people and as far as interaction, from what I heard it fell by the way side because people lost interest. Co-Chair Rajsz said the people that were appointed lost interest? So did anybody focus on this? That this would be a line of communication because, I as a Supervisor, and I have said this before, we are here, here at the County and there is nothing in between, the void. We are doing our own thing and there is nothing connecting us. A lot of times in our meetings we feel like the step child. We are abandoned. Elton Harris said we haven't seen our Legislator at our Town Board meetings. That wasn't the intent when we talked about this. Maybe it is time to ask the voters if they want to go back to a Board of Supervisor? Co-Chair Rajsz said we have done that on the Supervisors level and that kind of went..... Elton Harris said the thing is that you are talking about making a living and we were getting two salaries. One from the County and one from the Town, it wasn't a lot of money but it was enough to stock groceries. Steve Altman said the two salaries when it diminished to one, did it equal the two salaries? Elton Harris said no. I went back to my Town. I stayed at my Town for another four years, as Town Supervisor and got away from it. I don't remember what the salaries were. It was that long ago. Between the two it was a nice sum. They say the reason that we really brought this all about was the fact the three big Towns were doing whatever they wanted. It was like Danny Lamberti was the thirteenth weighted vote that moved everything the way they wanted it. Steve Altman said that is why I look at the map and I say maybe there should be 18 (districts) so each Legislator has less, that bad word (power). Some people say we should have less. I am just telling of the picture of having 18 so there is less people in each district but each of those 18 has less clout. Elton Harris said we had discussion on whether we had our Supervisors with their weighted votes and being influential. We were looking at running the two together at one time. Where we had, ok you have your weighted votes and if there is a big issue that comes up let's hear what the Supervisors have to say and here is the Legislators. We look at it as having more numbers and having more voices and more thoughts and more opinions. Then we thought this isn't going to work. Steve Altman said I am talking about how to not make a click of the three big Towns running things. Peg Harrison said you can't because it comes down to one vote, one person. If you are going to get anything down to that level..... Steve Altman said I am from the Town of Fallsburg. Instead of one and a half Legislator representing that district maybe there was four. You know no matter where they live, those four are not going to agree on the same issues. So it couldn't be a click. Elton Harris said it gets to be a financial deal, you are starting to pay. Steve Altman said yes, that is a downside.

Ken Walter said history lesson first. Before Elton and his history lesson and weighted voting, it was controlled basically by one party most of the time. It was Republicans and Democrats, fifteen Towns, and it was not too often that the Democrats had a majority. The Democrats were Fallsburg, Liberty, Thompson, Mamakating. Sometimes Neversink could get in there or some other one. Most of the times it was always the Republicans that were in charge. So most of the discussion drifted to the Western end of the County and decision making went toward the Western

end of the County. Then we had the one man, one vote and it shifted to the big Towns because that is where they had the most votes. First we had one problem and then we corrected that problem with one man, one vote. Then the power shifted to very select Townships and then we come up with this here situation.

Bruce Ferguson said a couple of things. I guess we have sort of thrown the agenda away because I see Gene is listed. Co-Chair Rajsz said that is ok because this is good discussion. I also note that it is 7:30 and we have not talked about stop times. But I think in the future we should, so people know when meetings end so they can make their plans. Legislator Benson said I will come back at another time. Sam has had a chance to share a lot of information with us. Sam, you served the same position in two Counties. Am I wrong in thinking that you think it is more effective to have the (Elected) Executive. That you felt that there was a strategic plan and it could not go on. Sam Yasgur said no, you are wrong. I don't often get to say that. It is not structure, it is people. I don't care how you organize, it is structure. Right structure, wrong people, doesn't work. Right structure, right people it will work. Let me give you an example. I served under two different County Executives. One who really enjoyed running the government. The second one really didn't. He enjoyed campaigning and other things. He is gone now, Andy O'Rourke. He was a totally different kind of County Executive. Two different kinds of County Executives and the government became different. I will give you a contrast. The first one had Commissioners, and politicians totally apart. Politicians were not allowed to communicate with Commissioners. Just didn't allow it. You had major issues, you showed up at his house usually at 10 o'clock at night. I knew where I sat. I sat on the hearth, the fireplace and the political leaders were not allowed to communicate directly with the Department Heads or the Commissioners. A great way to run the government, if you think about it. Most people wouldn't think about doing it that way but it really was. Andy was a politically run government so politicians ran it. It was a totally different government because of that.

Legislator Benson said you bring up a good point but if you are a Legislator, in my opinion. I am an elected official. I am not a politician. I am a politician once every four years when I need to get a line on a ballot. Once the election is over, I serve everybody regardless of party.

Sam said I know that you think that way but not all of your colleagues do and some of Gene's colleagues will say they are here to run the government. Personally, that is not my view. Personally, my view is that when you have a Legislative form of government, the Legislature should be setting policies and you have professional staff. This County happens to have superb professional staff. Legislator Benson said I agree with you. Sam goes on to say if you go out into those corridors and you look at the County Auditor, the Budget Director, Public Works Commissioner you have some really good professional people. If you have an elected Legislator whose view is that they run the government and I am getting close to the edge of. Legislator Benson said they will run it into the ground is what you are trying to say and you are right. Because that is not how you run a government. Sam said Gene, I am getting close to putting my foot in my mouth. If you get people who don't understand the government, thinking they are running the government you have a problem. We have a County Auditor whose office is next to mine, who could be an Auditor at a Fortune 50 company. I think you would agree. She is that good, Angela Chevalier. Somebody should not be looking over her shoulder and micro managing that County Auditor. You have Public Works Commissioner, who really knows his stuff. He is a

qualified Engineer. He knows what he is doing. Somebody shouldn't be looking over his shoulder and micro managing. I have said, it doesn't sit well but I say it, I will say it. Alan and Gene are not there because of competence or ability or qualifications. They are there because they induced more people to vote for them than voted for their opponent. That is the fact from the President of the United States all the way on down. That is the fact with every elected official. Steve Altman said that is what I alluded to before that I was afraid that some of the Legislators start to think that they run the departments. Sam said they do. Alan, am I correct?

Legislator Sorenson said being that I served as Planning Commissioner for six and a half years at the pleasure of. I wouldn't say that there shouldn't be absolutely no communication from Legislators because I would have people like Rodney(Gaebel) or Chris Cunningham, Bob Kunis, (former Legislators) they would come in periodically and ask for something. They were not there micro managing but I had a great deal of latitude. I chair the Planning/Real Property Committee but I don't micro manage the staff. I am not down in Nancy's office every day asking her a bunch of questions and I don't even do that with the Planning Commissioner and I have ten years more experience. So I certainly could run the Division because I did for several years but I don't. I am very hands off. So I see my role as working with my colleagues setting policy and then it is up to Department Heads to carry on. If they don't carry out what we ask them to do then I will get together with Sam said but Alan has left out one person, the County Manager. If you are going to have this form of government, the Department Heads should not report to the Legislature. He should keep them informed. They should communicate with them. Legislator Benson said if I have a question, I should be able to ask for the answer to that question but not in a public meeting to make us all look like idiots. Sam said the Department Heads should be reporting to the County Manager. We have had some situations and I am not going to get into detail, where Department Heads have not been reporting to the County Manager. Do we agree Gene? Legislator Benson said absolutely. Legislator Sorenson said I worked under two County Managers.

Larry Richardson said I would just make a comment. I have been in politics for a very long time and I tend to agree with what Alan is saying. I think the one thing that I would not want to do is create more of an insulation between the elected Legislators and who they represent and the County government. I, a little bit disagree with Mr. Yasgur. I am just wondering if he works at will, but I don't think the Legislature should be prevented from meeting with a Department Head for discussion. I understand. I have run a business for a long time and you have to have managers and they do their business and they take direction from the County Manager or the Executive. But don't tell me that I have a constituent who has a concern about something in the department that I can't go and ask for an explanation or talk to them.

Sam Yasgur said let me suggest something to you because I don't disagree with you. I would suggest that as long as you are going to have a County Manager and some of the Legislators have a very good rapport with individual Department Heads. They have known those Department Heads for many, many, years, they can pick up the phone without thinking about it. But as long as you are going to have a County Manager, I am going to suggest to you, if the Legislators have a question, the place to start really is the County Manager. It makes more sense to run the government that way.

Legislator Benson said the difference between running the government and just going to a Department Head or a Manager and asking them a question, just for clarification to you and you are not directing that Manager on how to run his department, you are just asking a question.

Sam said I am not disagreeing with Gene at all but what we have got to some degree and I don't think we disagree on this but we are not going to get details about it. If Department Heads think that their primary reporting place is an individual Legislator, rather than the County Manager, then we have a problem. Because then you don't have the County Manager in the loop.

Legislator Sorenson said I would also add on the other extreme of that, if you have Department Heads that feel that they have no obligation to the Legislature that also is a problem. Sam said that is a problem too.

Bill Liblick said that is what I wanted to bring up. The people of Sullivan County elect people and they make the determination of someone's qualifications and their ability to form an office. So they make the determination, if these two gentlemen, at the time were the best qualified and were offering something to the voters. Then you are saying the voters of Sullivan County and the United States Government cannot make smart decisions. That is fine. But the problem that we are discussing right here and you are saying Department Heads, when someone is an elected official they have a right to question or to talk to their management, unless you are electing a County Executive. Now, if you are electing a County Executive, that person is accountable to those Department Heads. So that is the difference in government that we have to discuss here. Sam said that is reverse. Bill said I mean reverse. So the government that you have now, is people are saying that, you have a Chairman, whether you like the person or not, they are saying there is a lack of leadership. By having the lack of leadership, that can frustrate some of the other Legislators and there, also, is a politically charged Legislature, which we have right now. Where it seems like a minority of four, sometimes, is running over the majority of five.

Sam said I have to step out of this part of it.

Bill goes on to say the fact is when it came to the electing of, or hiring a County Manager, or firing a County Manager, or it came to other issues, we discussed before, that at the end of the Legislative session, every December, any Legislator could come and give resolutions that circumvent committees. Cora Edwards (Legislator) came to this Legislature in December, gave seven excellent resolutions that should have been discussed. They have been tabled. They have been stonewalled and they are going absolutely nowhere. They are thrown back into committees. Now, when you say that the Legislature, why do they have Committees and Committee Chairs? Because those are elected officials that have the Chairs of the Department Heads that come before those Committees to discuss everything. So we are talking double standards here. If you have a Chairperson from Public Safety and the Sheriff comes in, the District Attorney comes in, the head of Probation comes there and all of the Departments that are in law enforcement comes before them, you have Dick Martinkovic, the Commissioner of Public Safety that comes there. Then you have the Health and Family Services Committee. You have the Commissioner, whoever is in that Department comes there. So you are supposed to have the input of five Legislators and all of the Legislators to come to those Committee meetings plus the County Manager, plus everyone is there.

So that is an opportunity. You are talking and asking questions and so we can't have a government, which we have now, which is frustrating the public, double standards.

Sam said actually, the way the board's Rules read, any Legislator can put a resolution on before a full board meeting. You don't have to go through a..... Bill said you were there Sam. Sam said what I am saying is..... Co-Chair Rajsz said but Sam we just had a point in case where Alan is saying that some resolutions never made it through because the Chair wasn't..... Sam said what I am saying to you, let me finish. A Legislator can insist that a resolution that they present be presented to the full board. It does not have to go in front of Committee under the current rules of the board. You have the Charter, the Code, and then you have the Rules of the Board.

Bruce Ferguson said a lot of what we are talking about here maybe a problem inherent in the County Manager, who is not elected and does not by design, is not really responsible to people. If we had a County Executive, everyone would understand the clear line of authority. I think there is confusion here about how much power the County Manager has. Who is running the show? Is he in charge? I know you say very nicely, well he is supposed to supervise the departments and the Legislature sets policy but I don't think it is working that way in this County from what I can see.

Sam said well, look at Orange County. Look at the difference between the previous County Executive and the current County Executive. Totally different, correct? Bruce said right. Sam said you might as well have had two totally different Counties. Bruce said I agree and we cannot sit here and decide who the people are going to be to fill these positions. A final thought on that, I think it is easier if you fund one highly qualified person, then nine highly qualified people and maybe if we have one Executive, we are going to get the best of the County rather than the best of nine districts and have them try and figure it out without real leadership.

Peg Harrison said when you go to an election and you are electing a Supervisor, it is the two people that put their hands in the pot, not who's really qualified. You are not judging whether either one is the best qualified. You are judging, which one is more qualified than the other. You don't want to put that as your Executive to the County. Because you could get a bus driver.

Elton Harris said I just want to share one quick thing with that. If or before you go to referendum or the Legislature makes that decision or if you give the Legislature or they try to come up with something, we spent a lot of time on that originally. In our gut, we just didn't see that the good people that you would want to be here, they aren't going to run. Just like the good people that you want to get to run for Legislature, they are not going to do it. I will tell you that this County is so limited. I would like to say some things but I will shut up right now. I will tell you that we beat that up and beat that up and our best thought at the end of the day was, we are going to hire a County Manager to work at the pleasure of the board. If they did their job, we gave them the marching orders, they did the marching, that would have worked. The problem is you get into these personality conflicts with these Legislators where they are just not going to work together. And again, it is not the system that we have here, it is the people and I don't know if you are ever going to cure that. The County Manager working at the pleasure of the board is certainly going to be sucking it up and doing the very best job that he can for the majority of that board or he is going down the road. I would tell you that we have had some good people here that have tried to do the

right thing but the people on the outside are the ones that gave them the attitude. It wasn't the Department Heads, it wasn't the public, it was the handful sitting in the room. Don't think by changing what we have is going to cure the problem. We thought that, boy what a mistake.

Sam Yasgur said one example, who do I serve at the pleasure of? Legislator Benson said the Legislators. Sam said nope. Paul Burckard said the County Manager. Sam said nope. When I worked for a County Executive, I served at the pleasure of the County Executive. Here I can only be terminated by being brought up on charges and being given an opportunity to be heard. Well, that is a weird system if you think about it.

Paul Burckard said as I sit here and listen to you, you are all over the place with regards to philosophies of government. If you adhere to what you are talking about having the Legislators having the ability to be able to go and talk to the Department Heads and not go through the County Manager first, you are advocating for a weaker form of County Manager government. That is exactly what you did when you took out the Super Majority. Because by doing that, you weakened the County Manager. So you put the County Manager in a position where they don't have the ability to come in and disagree with the Legislature, as they should have the ability to, because now they are in a weakened position than what they were before. Because if you alienate only the simple majority, you are out. So you have to decide which way you are going to go. If you want the Legislature to keep its power and influence then you weaken the County Manager, which you did and you sure as hell are going to go to a County Executive. A County Executive, that is powerful will not put up with that stuff. If you go to a County Executive form of government, everything changes. You as a Legislature are weakened. Your influence is going to be diminished. Your agenda, you will be lucky if you get it, it is going to be the Exec's. And if they are a powerful Executive and they know how to run the government and they have the ability to manage, they are a good speaker and they know how to use the bully pull pit of the position with the press, they are going to run it. You as a Legislature are not, I have seen it. I have worked at a State level for such a long period of time. Can't go both ways at the same time. If you want the Legislature to be able to relate than you are going to diminish the others. If you go the other way that is not going to happen.

Co-Chair Rajsz said I think we had a really good discussion. Sam, I really do appreciate you coming out . It is 8 o'clock. Gene and Alan, thank you for giving us your input. Do you want to add anything else? Do any of the members have any other questions?

Legislator Benson said if you ever want us to come back just ask. Co-Chair Rajsz said come back anytime and all the time. Elton, thank you for your insight as well.

Paul Burckard said I have one other point that I thought was very important and this Charter Review needs to understand it. I think it will help their prospective as to what happen at the last one. You have to give credit to the Board of Supervisors because they understood what they were doing with, not only the bridges but with a host of other things. Putting themselves first and not putting the County government first. Give them credit, they understood it and they voted to change the system and eliminate themselves, diminish their power and create the County Legislative form. When the last Charter Commission recommended the County Executive form, the Legislature did not put that out for a referendum. The Charter Commission had a choice. It

could have then gone out on its own and petitioned in order to go over the top of the Legislature and have it go out to a referendum, which the people have the power to do that. That could happen again Bill, this Commission could very well go out and do that. So they determined not to put that form up. So now we are getting some insight as to why. Because you went back and weaken the County Manager. So you are looking philosophically. That is where you really are to keep the Legislature more powerful. Many members said no, no, no that is not what they did. Legislator Benson said our intention wasn't to weaken the County Manager.

Sam said I don't work at the pleasure of the board. The County Manager does. He has a contract. The contract allows five members of the board to terminate him without cause. A certain amount of money has to be paid. He can be terminated on less grounds than I can. Legislator Benson said it is a bad simplification of why we did what we did. We wanted to go back to the original intent, of the original Charter. That was our only intent at that point. It is not that we wanted to fire anybody without any cause. We thought we had cause. Sam said I know. I am pointing out an honest statement right now. Legislator Sorenson said you had, basically, a County Manager who was only concerned with four Legislators. The rest of Legislator Sorenson's statement could not be heard because everyone started speaking at the same time.

Co Chair Rajsz asked do we have a copy of the original Charter? If we could get a copy of the original Charter so that could get emailed out to everybody.

Legislator Sorenson said I was going to make a suggestion. You would have to get a County staff member to assist but it might be very useful if the original County Charter and the draft changes version.

Legislator Benson said it was rather short and sweet and to the point. I think you guys should look at the original Charter. Co-Chair Rajsz said that is what I am requesting. That we look at the original Charter. We have the amendments that were made to it. So Alan, I don't know if you could look into it and help Terri get it. Somewhere if we could get the original Charter, I would appreciate it.

Sam said most of those amendments, Alan correct me if I am wrong, were personality driven by one person. That was 2007 if I am not mistaken. To get the County Manager more authority in both the Charter and the Code. There are a host of amendments back in 2007. They were written frankly by the County Manager at the time. The rest of Sam's comments could not be heard because of someone speaking over him.

Co-Chair Rajsz said there is also a request for an organizational chart. Terri will provide a copy of the organizational chart. Sam, you can come the next time too? Sam said unless my medical condition gets worse, I will be here for every meeting of the commission. Co-Chair Rajsz said you are certainly welcome, so is your insight. I just wanted to say that JJ did email everybody his review and research. I want to remind everybody the next meeting is Wednesday, May 20th at 6 p.m., in the Legislative Committee Room. JJ will be Co-Chairing that one. Bruce did bring up a good point. We need to have some type of time limits. If we are starting at 6 p.m. could we end by 8 p.m., I would hate to cap a good discussion. That is something for you to ponder for the next meeting. JJ did research budget he is requesting, if we so chose to go with the Gerry Benjamin

group to help us out. A budget of \$30,000 to \$40,000, from his email. I am not even entertaining discussing this here. The email came out today. Read it and that is for discussion for the next meeting.

Larry Richardson said I also want to remind all of the idea of rotating this location. I have mentioned that in the Town and the people think that is a good idea.

Sam Yasgur said any consultants that tell you what you are supposed to do, never made sense to me. Legislator Benson said I second that. You then wind- up being lead by somebody who you are paying a lot of money to, to justify their extension. I think the reason why this is a citizen's commission and not an outside consultant's commission is because the original Charter creator wanted it that way. They wanted it to be every ten years, to be a citizen's commission. Legislator Benson said Elton hit it right on the head. It was suppose to be the Charter of the people. Frankly, for whatever it is worth, you know what a consultant is? Somebody that comes from more than a hundred miles.

Paul Burckard said one other technical thing. I called Sam on some questions, specific questions with language. What I want to point out, for example, there is duplication of language on page 7 and 11. There are things in this Charter that don't belong here. They belong in the Rules. They belong in the Code and there are other things that Sam pointed out to you, this Certificate of Availability of Funds, that has already been replace by a process that the County has already put in. We need to do clean up. Sam said I will give you a copy of it. Paul said what I would do, if I can, if it is ok with the Commission, maybe we could ask Sam. There may be other things in here that you know are exactly the same as this, that do not belong in here and belong in the Code or someplace else, that is burdening this. If you could let us know what they are so we could take a look at it.

Co-Chair Rajsza said at the next meeting you will be discussing the Code, is that correct. Paul said yes. Co-Chair Rajsza said and that will be with JJ on the 20th.

Motion to adjourn, motion moved by Ken Walters, seconded by David Forshay, motion carried unanimously, all ayes, no nays. The meeting adjourned at 8 p.m.

Respectfully submitted,

Terri Waverla
Secretary to the Charter Review Committee

