



## **Sullivan County Charter Review Commission Meeting**

**March 16, 2016 at 6:00 PM**

**Present:** Steve Altman, Paul Burckard, Sandra Johnson Fields, Bruce Ferguson, Sandra Johnson Fields, Peg Harrison, Michael Levinson, Bill Liblick, Brian McPhillips, Larry Richardson, Ken Walter

**Absent:** Fred Harding, Norman Sutherland

**Others Present:** Paul Rouis, Dan Hust

The Sullivan County Charter Review Commission Meeting was called to order by Co-Chairperson Peg Harrison at 6:00 pm.

### **APPROVAL OF MINUTES:**

Mr. Richardson made a motion to approve the February 17, 2016 minutes, seconded by Mr. Walter, put to a vote and unanimously carried 9-0, with Mr. McPhillips, Mr. Harding and Mr. Sutherland absent.

### **NEW BUSINESS:**

#### **Former Sullivan County Administrator, Paul Rouis –**

Co-Chairperson Peg Harrison introduced Mr. Paul Rouis, former Sullivan County Administrator and thanked him for attending the meeting.

Mr. McPhillips entered the meeting at this time.

Mr. Rouis stated that he served over the years as a County Administrator; the Charter came into being a few months after he left when his term expired. The Charter was approved by the voters and then the following January there was a Manager form of government. The 25 years that he had the pleasure of living in this government he was the County Administrator. He first started as the Administrative Assistant to the Board of Supervisors for two years and then they changed the title to County Administrator. He stated that he never really had the opportunity to be a County Manager. He had, for lack of a better word, perceived powers. He did not have the powers that a County Manager has. Everything that he was able to do or not do had to be approved by the Board, he could not sign a contract, issue a purchase order, adopt a budget without going through the Board. They provided the administrative staff process to the county government and tried to build a central administration to the county government. He had the opportunity over the time that he was here to work for a number of boards, Democratic boards, Republican boards and Coalition boards and every two years that was always somewhat interesting when a new Board came to be. He lived through, the time that he was here,

the weighted voting system, which he feels was one of the driving forces for the change in the government to try to get to a Legislative government. There were 15 equal Supervisors, but 3 that pretty much controlled the deal with 1 other person. That was the one man one vote and that was the one thing that the Charter Revision wanted to work to get rid of the weighted voting system to go to the Legislature where everyone would have an equal vote. He thinks that originally there was a Charter Commission a number of years before he came to work for the County, they had hired a consulting firm to develop the Charter and that was part of what they did in that one, they recommended that they go to a Legislative form of government with districts. They also recommended the County Administrator form of government. Over a number of years, what they did in county government with the support of the Board was they adopted a series of Local Laws. This put into place most of the things that was in the Charter Review Commission, establishing the government and organizing in a way that was recommended at that time. They did not go to a Manager form at that point and they could not go to a Legislative form at that time because that required a vote of the people and at that point the Board did not want to go that route. When the Charter Commission sat for setting up the County Manager form of government, they really focused on a couple of issues. The Charter can be an all encompassing document on operation of county government and too often they get hung up on a County Executive or County Manager form of government they do not look at some of these other issues that can be dealt in below it. If you look at the Manager form of government, it most states when you get out of New York and you go south, like Virginia, those states that were formed after the colonial period of time, you will find a Manager form of government, there is not a County Executive in most of the counties around the country. He stated that he thinks one of the reasons for that were always that they hired a professional staff person to run the county government on a contract basis and how they wanted to run the policy section came from the Board. It was easier to change that and they could hire these professional people to run the day-to-day government. That was the theory he believes they went under. One of the things that some counties in New York looked at when they went to Charter Commission was county-wide assessing instead of doing it at the town level and centralized tax collection, which they adopted in several of the counties. They also looked at whether there should be Public Safety, to split the job between the Sheriff and the Correction Commissioner overseeing the jail. Generally, they also took a look at the County Treasurer's position. In most Charters in New York, it is an appointed position, it is appointed by the County Executive in those counties. If you look at County Executive form of government, you need a certain size. A small county really has difficulty paying for the cost of an Executive form of government because you need a heavy staff component underneath it to run the government. Most counties downstate from us, Orange, Dutchess and Long Island, they can afford to have that kind of a government. If you look at the upstate counties, one has a manager and most of them are still operating under a Board of Supervisors. There are a lot of options and one of the things that always struck him as little odd and two Charter Commissions that have come since the Charter is there has been no staff component or anyone to walk them through these processes. It looks to him like they are doing it on their own without someone saying, we want you to look at these issues, study them and what do they think about them. He never understood why they did not provide the Commission with staff or a consultant to help them flush out these issues and do what they think is best for the county.

Co-Chairperson Harrison inquired when Mr. Rouis was the Administrator, where the vision was for the county, and where was that coming from. She inquired if he was working for the Board of Supervisors to have a vision for the county.

Mr. Rouis stated that he thinks that it was a cooperative venture with what they did. They had 15 members of the Board, they always had a Chairman that had some ideas or some things that they might want to do or flush out and they would go to him and say, how they can do this. They would help them try to develop some kind of a plan for that and/or it was incumbent upon him to find out what was going on around the state because there were always the mandates from the state that they were throwing on them. The state was always very visionary but they did not want to pay the costs for it but you still always had to be in compliance with that issue. It was a joint venture and that is one of the things that you get from a Manager or Administrator form of government. Your boss is really your Board so you have to stay in concert with them, you cannot get to far ahead of them or behind them.

Mr. Liblick stated with all the projections for Sullivan County with the casino coming and the population change, obviously Sullivan County has changed dramatically since the years that Mr. Rouis has been here, it is one of the unhealthiest and poorest counties in the State of New York. He stated that they are looking to consolidate expenses in government and looking at different changes and different recommendations of structuring the government in a more efficient way. He inquired what Mr. Rouis thinks that the problem has been to see Sullivan County from the time he was there to where it is today and always in crisis mode. They have Bethel Woods which they did not have then, they did have the hotels which we do not have now but he inquired what Mr. Rouis thought the single point of what happened here, and they have not stopped it.

Mr. Rouis stated that he thinks what they have always looked at in Sullivan County was the pink pill that was going to come over the chunk of mountains that was going to cure everything. They did not necessarily look at an economy, the economy is a like a bathroom that has all these little tiles that makes the floor up and that is the way an economy is made. It is not made up of one piece of linoleum, that does not work, what works and makes an economy is a series of people working together to get there. He remembers when people thought that Bethel Woods was going to be that pink pill to cure all, and now people think that the casino is going to be that pink pill to cure all. These are all good things that can work in concert with one another to build an economy. He thinks that the outside world took a click on Sullivan County in our resort recreational area. They had a very big economy of dealing with hotels, his father who was the alcohol beverage control inspector for Sullivan County in the 1950's and 1960's and they had 400 summer licenses from Declaration day to Labor day. He thinks that one of the things, the economy, air travel, and air conditioner, people did not come here for the summers anymore and they did not have the facilities to compete in that world. They did not have an ocean, big ski hills or a climate that could do that. They were trying to build an economy around that as things started to go downhill. He thinks that they are now at a place, they have a positive buzz because of the casino and they can build off of that. In his perspective, they are going to get positive things that have relatively nothing to do with the casino. People now will take a serious look at Sullivan County and say may be they will do something up here, they have other things going on. The casino is not going to pave the streets in gold.

Mr. Liblick stated that obviously when they were talking about casinos for Sullivan County there were two casinos, they had Atlantic City, you did not have Connecticut, they had Las Vegas, they had Mohegan Sun and Foxwoods that spurted up, Pennsylvania with 7 casinos and Atlantic City with 7 casinos there and Aqueduct, Tioga Downs an hour and half from here is going to get a casino. If there is an oversaturation of the market and they are in a poor economy where are the tourist going to come from to go to the casino.

Mr. Rouis stated that if he understands what this development is, this developer wants to develop more of a recreational site and a vacation site. He is looking to use the casino to be the spring board in which to generate

some dollars. He is not just building a casino, he is building a billion-dollar operation and he is trying to reinvent Sullivan County as a resort destination area.

Mr. Liblick inquired how Sullivan County, the government and the people of Sullivan County benefit by all of this.

Mr. Rouis stated that they are going to get some fairly large tax revenue, real estate tax and sales tax. It is going to bring people and money. The other thing that will happen is they will see other things happen around it. They are beginning to see that there is more of an interest in real estate, there are other people looking at other investments to run some businesses in Sullivan County. He sees in his private practice more people taking a serious look at Sullivan County where as a couple of years ago they were not doing that. He continued by stating that he thinks that they need to turn the world around a little. You cannot keep saying how bad Sullivan County is, it is a self-fulfilling prophecy if you keep saying how bad it is. You have to turn it around and say that Sullivan County is a great place, a great place to live and a great place to work. That become infectious.

Mr. Burckard stated that they have been asking the same question to everyone that has spoken to them. He inquired looking at Sullivan County today does Mr. Rouis feel now or maybe in the very near future that the present form of the government, County Legislature and County Manager, is the correct form of government for this point in time. He then stated that if Mr. Rouis says yes to that question, the second part he inquired if the relationship between the Legislature and County Manager is correct for this point. He stated that they could make a recommendation to amend the Charter and the Code to strengthen the County Manager and weaken the Legislature or visa versa, and in doing that they would make the CEO a stronger entity. Depending on how the Charter is crafted with regards to what it takes to remove them and how much power the Manager has in appointing people, etc., they could shift that significantly.

Mr. Rouis stated that sometimes he thinks that they need to be careful that they do not throw the baby out with the bathwater. Sometimes they are better off twerking what they have a little. He is not sure that a 9-member Legislature is the right number, he is not sure that number should not be 11 or 15. Nine tends to concentrate the numbers in a strange way and leave some other people out. That is why he would look to enlarge the number on the board. What he sees too often when they go to an elected County Executive and you have a really good two party healthy system working, they are then trying to support their own party kind of thing. He thinks they see that on a national level today, if you are one party you cannot talk to another party to make things happen. All the years that he was here in Sullivan County, they always tried to work together to make things happen. In the 25 years that he had the pleasure of doing that, he never made a proposal to the Board of Supervisors that did not get adopted with some adjustments. He stated that the adjustments were well founded as time went on, they saw things from a different set of eyes then he did. The reason he states that is that because of the form they are forced to work together, they write the paychecks, so if you do not get along with them you are out the door. That is important when you are trying to run a government. It is really a business to a major degree, and it is a complicated business, you have all these unions and services that you are trying to provide and you have the professional elected officials. It takes a lot of twerking to keep it going and moving forward.

Mr. Burckard inquired if Mr. Rouis thought a more powerful CEO would be beneficial to us at this point in time. If they were to make the County Manger more powerful.

Mr. Rouis stated that he doesn't see that, he does not see where there is any difficulty or trouble in the way it is operating in those respects. He thinks what has creped in a little bit here is what you see in the nation, where people are not working together at the board levels. That is politics in today's world. He was mortified when he first came to work for Sullivan County because the Board of Supervisors used to meet upstairs in the courthouse and have night meetings, they would get into these discussions and a couple of board members who you would have thought were going to kill one another but after the meeting they all went out to the diner to have a cup of coffee. It was a different world, today that does not happen.

Mr. Ferguson stated that Mr. Rouis touched on something, he often thought that party identification really does not help at the municipal or the county level, he does not know if it is possible to have elections that are non-partisan elections, just to have the name of the individual on the ballet. He inquired if Mr. Rouis had given that any thought. Wouldn't we be better off with individuals which would avoid the block forming the way they do?

Mr. Rouis stated that he is not sure that it would happen, he thinks at some level you have to play the game. He thinks that is what the Manager has to be able to do, when you move up to the state level, it is a political game and if you do not have the keys to the kingdom, it is pretty tough to get the door open.

Mr. Richardson stated that one of the things that they have heard over and over again, when they hear the discussion about County Manager versus County Executive, a concern that he is hearing more frequently is perhaps we are not getting the notice or respect in Albany by not having a County Executive. He inquired if Mr. Rouis has any feeling on that.

Mr. Rouis stated that he does not know that, all he can say is during the time that he was here, he could get into see the Governor if need be. You had political figures that you could work with, if you needed something from them, you would work through your Assemblyperson and State Senator to get where you have to go. Generally speaking, you would have to keep it in the same place. A number of years ago when he was here and they had a republican Assemblyman, a minority in the Assembly that was actively out always after the incumbent Governor's father, but when you went to get a little something for Sullivan County they would constantly tell you that, so you had to go in at it a different way to make it happen. He thinks that they respect what they have if there is some continuity, if they are outside of the box. It is a question of whether the Manager has a persona that gets outside of the Government Center, he thinks in many cases they do.

Mr. Altman inquired how Mr. Rouis thinks that the present salary of the Legislature effects who would want the job or would be attracted to the job.

Mr. Rouis stated that he does not know whether people are attracted to these jobs by the dollar and cents.

Mr. Altman stated that it is so low now, some of the Legislators put in a tremendous amount of hours but the salary is so low that someone who may want to do something for their community would say to themselves that they cannot live on that. It is really not what they call a part-time job.

Mr. Rouis stated that he does not know that to be true. He thinks that it could be a part-time job. To get to what Mr. Altman's point, it is a question of what they are really doing in those jobs. If the Legislators are setting policy and not getting into the mucking of the government and dealing with the staff, that is not their job. They should be setting policy. In Sullivan County most of our businesses are entrepreneurial, the owner operates the business, it is not a corporate environment where the board sets policy and the administration carries it out.

Quite frequently in many organizations in Sullivan County we start to get into that where the board starts to get into day to day operation, they should be setting policy. If they do not have faith in the Manager that is running the government, that is not the right person. The Manager is the one that they should be working through to do that. They have made public service a bad business, people do not want to do it.

Mr. Altman stated that is why he says that about the salary, they cannot live on that, so they have to make another income.

Mr. Rouis stated that is probably pretty healthy because if you have it set up that you are only going to have people on the Legislature that are full-time with no outside income, what kind of person are you left with that can run for those offices. You cannot have a local business man or a local professional or is it going to be a group of people that do not have any other outside income or retired, is that what they want. He thinks that they need people to come into these positions from all walks of life so that you get the representation from all walks of life to set the policy for operations of the government.

Mr. Liblick inquired what Mr. Rouis' opinion is on staggered terms; they have seen this with two cycles of the Legislature. They kick everyone out and new people come in and then they kick them out again. He inquired if Mr. Rouis agrees with the proposal that they are making to have staggered terms.

Mr. Rouis stated no because he thinks that what they are doing with people leaving like that, and they are going through incumbent fever right now, even throughout the country. If they go to a staggered term, there is almost going to be an election cycle every year. If the general public is unhappy, that is the way that they change the government.

Mr. Liblick stated that the issue that they have is the learning curve, if they are getting new people, 6 people, 9 people, the learning curve of the Legislators that are first coming in here and learning about the government. The Commission has been meeting for over a year now, they are well versed about the government, and the people that are just elected are not well versed on the government as many people in this room are. For Sullivan County's purposes of looking at it from that spectrum, doesn't Mr. Rouis see a vision where you staggered it 5, 4 and do it that way.

Mr. Rouis stated no he does not. He stated that he thinks that there would be an election cycle every two years and then if things needed to be radically changed, you are depriving the public of letting them do it. He lived through many different boards that were elected every two years and came in different groups all the time, they organize fairly rapidly and most people are pretty fast students. That is why he says that if you have the right administrative staff that is running the government on a day to day basis they can be fast students.

Mr. Liblick stated, one more question, Board of Supervisors versus a Legislature.

Mr. Rouis stated that what the Legislature got away from was the power voting where you had weighted voting, which was a problem, they saw that in a number of cases where that did not work. The bad feature of it was that it did make a disconnect, it did work pretty well to have the two governments connected, except where you were having a proposal that did affect them, the difference between a county and a town. Just a simple matter of where the county pays for snow and ice control on some county roads and towns, when he would go to negotiate a contract with the town highway superintendent, the board did not necessarily want to go along with that because they were buttering their own bread. He thinks that the Legislature was an inevitable thing, he

does not think that they could ever go back to a Board of Supervisors. That is why he thinks that they need to look at if they need to move from 9 to 11 so that they get more representation in some of other less populated areas that have someone represent them from the same criteria of socio-economic basis.

Mr. Liblick stated that Mr. Rouis would want to have that instead of a County Executive.

Mr. Rouis stated no, the Legislature, he does not see the County Executive form of government at this juncture, at some point if you have 250,000 in Sullivan County, you better be starting to look at it but in a county that is maybe 80,000 he is not sure that is the right form.

Mr. McPhillips stated that Mr. Rouis mentioned county-wide assessments and the county setting the assessed values for the towns, he inquired if it was the Board of Supervisors that squashed that.

Mr. Rouis stated no, the Charter Commission never looked at it. One of the advantages of why he particularly likes it is it is difficult from anyone looking at a tax rate, it moves in 15 towns, where if you use the same basis of assessment the county tax rate is the same in Lumberland, Mamakating as it is in Liberty. He thinks that is one of the advantages that you get away from with county-wide assessing. It is very controversial.

Mr. McPhillips stated that he would be in favor of it just because there is no incentive to remove buildings because they are using that to pay the budget that is going to be made whole by the county anyway. To him they are allowing the town to assess its' own value to create a budget.

Mr. Rouis stated that how that gets affected a little is the state equalization rate, the state comes in and looks at how they are assessing property and that is how the state sets that. It is these fractional assessments that get to be difficult, the easier one to take a look at is the tax collecting. What is happening now is that each town has a tax collector, the roll goes out to get collected in January, it gets collected for about 3 months and for anyone who has not paid, they bring the rolls in and the county makes them good. Why can't they do that at the county level, why do they need 15 tax collectors, the county makes the town whole anyway. It just consolidates the issue.

Mr. Burckard stated that up to this point it has been unanimous and people have told them that they need to go to staggered terms, but Mr. Rouis' perception that it actually enables the incumbency to have a greater ability to continue is probably right on the money and it is nothing that they have ever looked at or discussed before. His perception on that is exactly correct. If you think about how it works, they did not do 3-3-3 because that would be constant mayhem, so they are looking at the 4-5 to stabilize it as much as possible but Mr. Rouis' perception of that he thinks is right on the money.

Co-Chairperson Harrison stated that if they went up to 11 or 15, they almost have to have some staggered terms.

Mr. Liblick stated sure.

Mr. Rouis stated he does not think so, they do not do it any place else, everyone goes. Where else do you see that other than in a state legislature, you do not see that at a county level.

Mr. Burckard stated when he first started here Mr. Rouis was a tremendous advocate for department heads and commissioners and members of the Board of Supervisors to be very active on the Albany level. They were active in their associations and they were very active in NYSAC, they lobbied for positions, and he thinks that

did get carried over into the Legislature for some years but today it is almost non-existent. From what they see, he does not think that Sullivan County is benefiting by that at all because they are not doing anything like what they used to do. Their ability to influence years ago was far greater and their activity on the Albany level was far greater.

Mr. Rouis stated that he does not think that they need to change the system, they just have to get some people to do it. That is part of what you have to do when you are in some of these positions. The Chairman of the Legislature is a tough job in Sullivan County because once the popularity contest is over, you have to drive the horse, if you don't have a road map to get to Albany it is difficult.

Mr. Walter stated what he is gathering from what Mr. Burckard is saying is that at one-time people were encouraged on department head levels to interact more on state organization levels.

Mr. Burckard stated absolutely.

Mr. Walters inquired if there was a way to put that into a Charter so that does not get stopped by a County Manager.

Mr. Rouis stated that he does not think that they could legislate that. He continued by stating that they also have to take a look at what is going on around even with other governments in regards to the tax cap, everyone is taking a look at trying to stay within the 2% tax levy, it is pretty hard to do when your biggest cost is labor, and part of your labor costs are pensions and health insurance. Health Insurance is going up 8-12% every year and all of a sudden the stock market goes in the tank and you have a couple of percent that you have to pay on your pensions. When he was here for a number of years, they were in a healthy environment and made no pension contributions, the state was making all the money on what they had. It is difficult to do and what you are seeing is a retrenchment over the last 3 or 4 years to live within the 2% cap. They did the easy things first that were easy to get rid of, they did an early retirement plan, they pushed some people out the door and they could not replace them and you get back to that. Getting to the point on salaries, he thinks that some of the problem is if they look at some of the salaries that they pay some of the people that they employ, they are lucky they have people that work for them. He was fortunate when he first came, that was one of the biggest problems was the salaries that they paid and he took a position with the Board that if they allowed him to move the salaries forward he would work the number of staff down, and they did that for a number of years. They got some good benefit and had some good people that they energized and some of the staff that they could not energize they requested that they seek employment elsewhere and it worked.

Mr. Altman stated that between the windfall that the state got \$5 billion from punishing Wall street and the economy going up and a surplus in Albany, and the cycles of earmarks. He inquired if Mr. Rouis thinks the way to go is to lobby and deal with our Assemblyman and Senate.

Mr. Rouis stated that they also have to look at some of these things in concert; you cannot be the lone wolf in Albany looking for something that is unique unless it is unique to you. What he thinks they have to do is to work in concert and he thinks they do it today, is to try to work on these unfunded mandates, because everyone has it. Now you have pressure in numbers and that is how you do it. If you have a unique project that is when you have to go up to work your deals and get what you can get.

Co-Chairperson Harrison thanked Mr. Rouis for coming.



Mr. Rouis thanked the Commission for inviting him and he stated that this was the first time that he was invited to attend a Charter meeting since leaving County government.

### **PRIOR ELECTION VOTES:**

Co-Chairperson Harrison handed out a sheet of paper "Sullivan County Vote Analysis," please see attached. She stated that what she wanted to do was when they talk about weighted votes, it was best that the Commission see the numbers so it became more real. She was not able to get a chart printed off of the new districts. Co-Chairperson Harrison then went over the figures on the hand-out.

Mr. Walters stated about 30-35% of registered voters vote.

Co-Chairperson Harrison stated that there are approximately 16,000 registered Democrats and 12,000 registered Republicans and she could not get clean numbers on the Independence and Conservative parties.

Mr. Walter stated that about 16% of our voting population runs the government.

Mr. Burckard stated that what this also points out is what they faced at the first Charter Commission with going to the Legislature because of the one man one vote if you were to look at that today from a Board of Supervisors perspective, the problem that they had then is exactly the same now. It would probably be mathematically worse than what it was then. This shows that they have not diversified in the County and the population base has spread out more if anything it is more concentrated and getting more concentrated.

Co-Chairperson Harrison stated that the party voting is still weighted. She continued by stating that the case that they may want to consider going up because each district represents 9,300 people so his suggestion is to expand the number of districts.

Mr. Altman stated that he brought that up months ago and no one agreed with him.

Mr. Walter stated that they have gathered more information since then.

Mr. Burckard stated that if you read the 2007 minutes, you will find that they were all in favor of going from 9 to 7, in fact Mr. Gaebel had suggested going to 5 and there was a theory for that. The theory was why they picked going to 9 from the very beginning and going higher to 11 or 13 then begins to get you into the other side of the issue with regards to the knowledge that the Legislator has individually to be able to make the decisions that are necessary to run the government. The smaller the number of Legislators that you have the more committees they are required to be on to have quorums to run, so the more active they are forced to be the more knowledge they get. The larger the Legislature, and he has seen this through NYSAC, you go into counties that have larger Legislatures, they are trying to get it smaller because now you have so many that they only sit on one committee. They are not as active as they need to be to be fully cognizant of the issues to make the decisions to run the government. So, 11 may have justification on one side but there is always cause and effect. If you grow the Legislature, it makes it more difficult to pay them more money because now you have more people to pay higher salaries too and you diminish their ability to function.

Mr. Altman stated that if you have 11, each one of the 11 has a little less to do because you had 9, so they are a little more part-time, so he doesn't see a reason to triple the salary, just double it.

Mr. Walter inquired how many people did each Legislator represent at the time it was created.

Mr. Burckard stated 76 to 8, something like that, he does not remember exactly what the population was. They had to divide it as equally as possible. It would have been the 1990 census.

Mr. Altman stated that the casino is going to bring more people, so each Legislator will have more people to represent.

Mr. Burckard stated that each Legislator will have the same amount of people but the area that they represent will get smaller. He stated that Mrs. LaBuda always complained because she had this huge area to represent. If they recall one of the arguments that they heard in the past was a Legislator that only has a part of a town only has one town board meeting to worry about, one fire department. He remembers Mrs. LaBuda was talking about how you can handle 5 different board meetings, everything is multiplied, and how you even begin to deal with it all. So that is one of the problems of having less because of the geographic size on the peripheral part of the county. If we grew like other counties have grown and the population base is more spread out, like Delaware, which is still a Board of Supervisors form of government, they went with a Chair of the Board, which is the CEO, they run that county with the members of the Board of Supervisors. They do not have a CEO like we think of a CEO. Why have they survived and not been challenged by the one-man one vote like we were, because of the population base is more diversified. If you look at Delaware, it is more spread out, so you do not have the lopsided problem that we had in Sullivan. There were 3 people that ran the show and if they had one more person, they could fund anything.

Co-Chairperson Harrison stated that it shows that they are headed in the same situation.

Mr. Burckard stated that it shows that they need to bring up the other side of the argument. The last Legislature wanted to go down and now it is a different perspective that maybe what they really need is to add a couple more because of the peripheral.

Mr. Liblick stated that it depends what the growth is and where it is.

Co-Chairperson Harrison stated that the growth is going to be on the Orange County boarder. Think about it from a perspective of, if you are moving for a job aren't you going to move somewhere where in the event that it does not work out, you do not have to uproot your family to get further employment.

Mr. Liblick stated that they are looking at the casino but the fact of the matter is it is going to be entrance on and entrance off, they do not have the facilities to bring them housing, shopping, etc. here. The trickledown effect is they are going to commute to work. They are going to come from Orange, Ulster, Rockland and Pike counties and all the other areas, and Sullivan will not get that boom that we think we are going to get.

Co-Chairperson Harrison stated that the three largest employers are the Government, Harris and the Center for Discovery.

Mr. Liblick stated that the people who work at the Center for Discovery come from diverse areas in Sullivan County, the people that work in the hospital they come from also outside of Sullivan County. So, the question is when you look at the maps you are always going to have the structuring of a map, are we concerned here that we are going to give more to Liberty's needs or Monticello's needs, or Callicoon's needs or Highland's needs. He thinks when the Legislature body meets, he does not see the Legislators saying, it is for our town.

Mr. Burckard stated that they better not be.

Mr. Liblick stated that is what he sees when he is at a meeting, they are talking about the county. What has happened with the voting block is, Democrats now do not just vote for Democrats, Republicans do not just vote for Republicans and you can see that in the election that happened yesterday. You go to the Village of Monticello and you have someone who ran on the Republican line and he is not even registered in a political party, he is a blank and he came in number 1 in the Board of Trustees. So when you analyze it, people are not just looking at the political party, they are looking at diversification.

Mr. Altman stated that it is like the Trump phenomenon, that most people do not trust the parties anymore.

Mr. Burckard stated that he just came off the BOCES Board, which he was on for 6 years and one of the difficulties that they ran into was if you want to attract top management. They look at Sullivan County, one of the things that they heard was about the shopping, medical care, etc., and it was harder to bring top people, well educated in because they did not have within a relatively close distance, some of the things that they would get in high population based areas. The reality is they want to keep the higher salaried people that are going to be working for the casino complex because it is better for our county. Those people have some of the same needs that you run into for every other time that you go out and try to get people to come and work here.

Mr. Walter stated that he calls that social infrastructure, they lost that with the loss of our resort industry. They had some of the best schools around here. One of the things that he talks about is they need to put pressure on our school boards to have our schools shoot higher and forget the Board of Regents. Teach our kids, educate our kids and do things better than what they used to. Just for everyone's information, he went back and looked it up, the population in 1990 was 69,545 and in 2010 it was 77,442. So, if they went to 11 they would be reducing the number of people over what it was when we were 9 in 1990.

Mr. Levinson stated that is pretty bad growth.

Mr. Walter stated that if you listen to the business people today, people are just dropping their keys at the bank and walking away. People are just walking away because of the taxes and the income levels. Every problem that they have in this county is really based upon our poor income levels that people are working for. We have the best employees working for them in government because there is no private sector looking for that talent.

Mr. Burckard stated that is correct because he faced that the whole time he was here as well. He continued by inquiring now that they have analyzed all of this what form of government helps them to deal with that the best.

Mr. Walter stated that it would take an active populous to get out there and rattle the cages, he does not care who you put in charge, if it does not come from the ground they are not going to react. They are so stuck into keeping our government going just because of the way the monster is. They do not have staff, so they have to do it all on their own. If you want to know what is going on in the school system, make friends with the secretary, do not worry about the principal, the secretary knows what has been going on.

Ms. Johnson Fields stated that Mr. Walters keeps bringing up the schools and that is her field, and some of these things she is not in agreement with. Mr. Walters talks about making sure that kids learn what they are supposed to learn no matter what. When they tried to do that with the Common Core the State of New York as well as the Nation was in an uproar and they do not even understand what Common Core is. They do not ask what Common Core is and they do not go to meetings to find out about the Common Core. So, how do you change things and make things positive for the kids if the parents really are not as involved as they say they are, except

opting their kids out of tests that they do not even really understand. So, she has a lot of comments about what Mr. Walter is saying here that is not relevant to government but he keeps bringing up education which is her field.

Mr. Walter stated that he grew up in education.

Ms. Johnson Fields stated she did too, she is a product of all New York City public schools and she got an excellent education but they did not have parents opting their kids out of testing.

Mr. Richardson stated that Ms. Johnson Fields has an excellent point, this is not what they are talking about here tonight. To get back to the issue of County Executive versus County Manager, he flip-flops on this issue all the time. He listened to Mr. Rouis and comments and it seems to him that if you have a legislative form of government and a strong Chair who wants to go out and advocate that might be a very good thing. If you have a Chair that is not that type of person or personality, they are going to be lost in the shuffle. He sees it every time he reads about one of these regional programs set up and they always want to push Sullivan in with these big counties they are a little bad on the totem pole. Then he thinks that maybe there is a really good reason why they need a strong County Executive.

Mr. Levinson stated that you hire a professional to do that.

Mr. Liblick stated that he does not think that you can hire a professional to do that.

Mr. Altman stated that we are looking for charisma and drive and they had a few people that worked here in Sullivan County that had that but it is not easy to find those kind of people and they may not want to work for government.

Mr. Richardson stated that in the election process that type of person is going to rise to the top. It may not be the most qualified person for running the government but the guy who has charisma is going to rise to the top. Is that how you get a good County Executive, he does not know.

Mr. Liblick stated that the public will listen and the public will be electing a leader. At the end of the day, if they do not like that leader they will elect someone else but you will have a balance here of a Legislature and a County Executive to try and put another eye onto Sullivan County. They are changing government every 4 years and changing leadership every 4 years and why not have a two tier government. One of the alternatives instead of having staggered terms is you have a County Executive run in one year and the Legislature run in another year. The fact of the matter is that we have no leadership, you go up to Albany and they are announcing the County Executive of Rochester, Orange County, Ulster County and you get to Sullivan County and there is not even someone in the chair. We keep getting sidelined and like Mr. Rouis just said you go to your Assembly person and your State Senator and there is just so much. We happen to have Senator Bonacic who is powerful in the State Senate, so he delivers for Sullivan County, Assemblywoman Gunther is on certain committees so she is beginning to deliver for Sullivan County. When you look at the spectrum, all of the State Senators that are there and all the Assembly members who are there and you look at Sullivan County and they say, well why what is the gain for them to help Sullivan County. That is a real issue that they have to look at. They go into New York City, we are not even piggybacking with other areas, to say let us all work together and try to compete against New York City. They are not even doing that.

Ms. Johnson Fields stated that Mr. Rouis made a good point earlier, when he said that a certain size government has a County Executive. What she heard him say, and she is going to research it herself, but he has not seen it anywhere else because they have a heavy staff.

Mr. Liblick stated that they have though.

Mr. Burckard stated that Mr. Rouis made a point though and he wants to make sure that everyone understands why he said because it was important back then. As the Charter Commission was looking at changing the County, they also brought a lot of speakers and they were looking at a County Executive. What was going on at that point in time in Orange County was they had Mary McPhillips who was elected a County Executive, who was a Democrat and Ed Diana was in the Republican Dominated Legislature and he was the Majority Leader and for 4 years they kept the lights on and plowed the snow. He remembers walking into the room here and saying to people, "did you see the paper today," that was the example for a County Executive. That was one of the things that was happening right here where they went with a County Manager system because there you could pick someone from anywhere in the world to run the show with very high qualifications. The issue is, how do you empower the CEO and is it better to do it with an Elected Executive or really empower the County Manager which gets you much closer. That would change the dynamic and you could change the dynamic instantly here by making changes to the Charter and the Code.

Mr. Liblick stated that again the problem is who is your County Manager and who does he answer to it becomes the politics. He just feels that the people of Sullivan County should have the opportunity once and for all to decide if they want to change the form of government. Obviously, they are not doing it, obviously, the Legislature is not doing it and, everything is falling down on the public. At the end of the day, it should be up to the public to say should we do this or should we not do it. Let the people of Sullivan County finally have the say.

Mr. Ferguson stated that other than the external thing, he agrees that we would have a better profile outside of the County if we had a County Executive. We heard from a lot of people early on including Sam Yasgur and some of the Legislators about the problems with the County Manager and the Legislature in recent years. The tendency was to blame the quality of some of the Legislators which we cannot control that. It seems very difficult to really clarify the correct balance between the Legislators that are voted by the people and the County Manager who is appointed by 9 people. Who really should have the authority. They heard a whole lot about micromanaging and who is allowed to talk to who and it sounds to him like something that they cannot address but what they can address is the form of government if it clarifies who is in charge. Who is in charge of a County Executive, it is a much clearer line of authority without all the squabbling. The 4 of them that are not in the room are constantly being referred to as the 4 who do not understand county government and no solution was ever offered.

Mr. Richardson stated that he thinks that whether they do a County Executive or a County Manager that position has to have strength. If you look at any large, successful corporation the Board of Directors do not run the companies, they make policy. They meet on occasion and they make policy and to him if you are going to have a successful government it has to be that. The Legislature meets occasionally, they are part-time, they set policy and you have to have either a strong County Manager who is going to carry it out or you have to have a strong County Executive.

Mr. Burckard stated that he is going to ask a question and it is for every single person here and he wants to everyone to answer it instantly, who is in charge in Sullivan County.

Some members stated Legislators and some members stated no one is in charge.

Mr. Burckard stated that is the complaint that they get all the time from everyone, no one is in charge, and it gets worse by the day and it cannot go on like this.

Mr. Ferguson stated go to a County Executive.

Mr. Walters stated that Mr. Rouis mentioned it when he said that he had to bring all the contracts, he sat through a meeting last week and they had a whole bunch of contracts they went down all of them, they have to look at them and ok them for the County Manager to ok them. He does not know if a policy can be put in place to rectify this problem because they do not know what they are voting on. These contracts have to be in place, in case they need the service.

Mr. Altman stated that it was the same thing when the District Attorney could not replace anyone.

Mr. Walter stated that he finds it ludicrous that a department head that has a budget for x number of employees and they have to go to the Legislature, hat in hand, to play this game, may I.

Mr. Burckard stated can you change it, yes you can through the Code and the Charter. There is no question if you want to do that yes you can.

Co-Chairperson Harrison stated that the Legislature could have changed it, if they deemed it unnecessary.

Mr. Walter stated that this is a Board policy that they made a long time ago.

Co-Chairperson Harrison stated that any sitting Legislator could say that this is not necessary, they can change the Charter.

Mr. Walter stated that anything that any elected group does basically will maintain status quo unless there is a push from an outside force.

Co-Chairperson Harrison stated that she does not necessarily agree with that, she thinks that if there is new blood and a different perspective.

Mr. Walter stated that is the outside force taking over, someone else getting elected.

Co-Chairperson Harrison stated that they had two terms of a majority change.

Mr. Ferguson stated that both new and old Legislators complained that they are asked to make decisions and they have no idea what they are voting on. Things are sort of shoved at them on day one, he thinks that would go away with a County Executive because they will steer the show.

Mr. Walter stated if the County Manager was given more authority to do this stuff, he would not have to bring it before the Legislature. A lot of this stuff is time sensitive and there is so much of it that, yes they are walking into it because the contracts are for a year. It is a repetitive situation and it happened in January and it will

happen in January of next year, except every 4<sup>th</sup> January there is a new group. It stills goes back to how much authority you are going to give to who to do the job.

Mr. Burckard stated that there have been some comments that the County Manager is beholdng to the Legislature to an extent and can be removed. That is true however, you could recraft it so that the County Manager would be significantly more powerful and you are getting a lot closer to an Executive. You will never get to an Executive because that is a whole different ball of wax. The two things that you could do is: change the Charter and the Code so that the County Manager appoints all department heads, Commissioners and positions in this county with the exception of those couple they cannot do because state law controls and the Legislature has no say in who the County Manager appoints unless a super majority votes to remove them; you make a super super majority requirement to remove the County Manager. If you do those two things, you will turn this county around overnight.

Mr. Liblick stated that he would rather a County Executive than to do something like that to say that they are going to find someone who will do it and who will still be beholdng to those 9 Legislators.

Mr. Levinson stated that what happens if he runs for the job and he says wow, he is not qualified to do this. At least with an appointed position, they can go out to California and look at a resume, this guy is educated, what do they know about me.

Mr. Altman stated that it is a popularity contest he may be very popular but he is not qualified.

Mr. Liblick stated do you know how difficult it was with the last County Manager and this County Manager's contract is up next year. They get so entrenched with everything and if you do not like the County Manager it becomes very political. It becomes political because you are accountable to the Legislative body.

Mr. Walter stated that if we go back and look at a short history, when Mr. Fanslau was here there were 6 to hire and 6 to fire until the Legislature changed the rule to make it 5. That is not how you make a strong manager by having him walk around on eggshells. Even with 6, he was told that could be a moving target. It is a lot easier to get 5 votes than 6 maybe but that is where your weakness is going to happen.

Mr. Ferguson stated if you have an election for County Executive people with leadership DNA will be the ones competing for that position.

Co-Chairperson Harrison stated no absolutely not.

Mr. Levinson stated no, you could not even set a qualification for them to run.

Mr. Walter stated that the first thing that they are going to require is the blessing of their party and the party is going to try to pick someone who is going to walk the walk.

Co-Chairperson Harrison stated that there was an article in the Democrat a couple of months ago that there are 75,000 permanent residents and of that 5,000 have higher than a high school education and of that 3% have a Bachelors or higher, take that number and subtract out all the educators because every teacher needs to be certified and have a Masters and take out the doctors, and that is the only pool that you have.

Mr. Burckard inquired of the Commission Members if they feel that this county would be better run by a more powerful Chief Executive Officer. We are not talking about the form.

All the Board Members answered yes, Mr. Ferguson stated a County Executive.

Co-Chairperson Harrison stated that there is another thing that everyone needs to consider, the time frame to implement a County Executive form of government verses what we have now, we may be looking at doing both at the same time only so they do not lose the opportunities that they see before them. So, strengthening the County Manager's position and authority, on the same token moving to County Executive. By the time they could implement a County Executive you would lose 2-3 years.

Mr. Liblick stated that bringing the County Executive would be a referendum, if we are telling the Legislature and make a recommendation to make the County Manager more powerful, we are going to recommend that to the Legislature. This Legislature may not be receptive to such an argument. We are going to write a proposal and tell 9 people we want to make the County Manager more powerful than in essence they are and taking away some of their powers even though the people of Sullivan County elected them. So, what is a better sell to those 9 people to tell them that they would like to have a referendum to vote for a County Executive or take away some of your powers so you can have free time making the person you hired have more power.

Mr. Walter stated that as a point of order, they have an agenda here and if they want to discuss #3, he thinks they should change their discussion now.

Mr. Burckard stated, just one more comment, unless they are totally unknowledgeable in anything they will realize that if they go to a County Executive they will be even less powerful than they would be under a powerful County Manager.

Mr. Liblick stated maybe not, maybe one of them in the room will want to run.

### **RESOLUTION:**

**Resolution to Change the Terms of Office of Elected County Legislators.** Moved by Mr. Burckard, seconded by Mr. Walter, put to a vote and carried 10-0, with Mr. Harding and Mr. Sutherland absent.

Mr. Ferguson stated that since they are now talking about more than 9 Legislators is this resolution going to send the wrong signal that they have settled on 9.

Mr. Burckard stated that he does not think so, this is addressing the immediate issue.

Mr. Walter stated that he would like to narrow the resolution down with the odds and evens. It makes it a lot easier for the electorate and the political process.

Mr. Richardson stated that he disagrees and only if you want to make that case than make that case to the Legislature when they are considering this. Like County Attorney McCausland stated, give it to the Legislature and let them figure out how to do it. They have made it clear in the resolution what they want them to do.

### **REFERENDUM DISCUSSION:**

Co-Chairperson Harrison stated that the comments in general from the County Attorney led to the conclusion being that a permissive referendum would be the way that this would go. It would not have to go to a county-wide vote unless the Legislature wanted to.



Mr. Walter stated or the people got a petition together to force it.

**CHARTER REVIEW COMMITTEE MEMBERS COMMENTS:**

Co-Chairperson Harrison stated that they did receive Mr. Dave Forshay's resignation to the Commission and that they will be receiving a replacement from the Legislature.

Mr. Burckard stated that two Co-Chairs (Ms. Harrison and Mr. Richardson) will be at the Executive Committee of the Legislature tomorrow to give them a quick rundown of what the Commission is focusing on, the breakdown of the 2007 minutes that Mr. Richardson previously put together was great.

**APRIL COMMISSION MEETING:**

Mr. Richardson stated that he tried on a few occasions to get Mike Hein to agree to present, he was not successful, although JJ Hanson has a very close relationship with Mr. Hein, he worked with him, he did reach out to him and he came back to Mr. Richardson and said Mr. Hein apologized but he is tied up in so much stuff that it would be months before he could think about coming to see them. He suggested that Beatrice Havranek who is the County Attorney and was previously a Town Supervisor, she was instrumental in the process where they moved from a Legislature to a Charter form of government. He did leave a message for her.

Mr. Liblick stated that if she is doable, he thinks they should ask Elliot Auerbach, he had said that he would like to come as well.

Mr. Richardson stated that he did extend the invitation to JJ Hanson as well.

Mr. Altman stated that he just does not want to lose sight of George Cooke.

Mr. Richardson stated that he had conversations with the Planning Department as well and they would like to come present too.

Mr. Burckard stated that he had a conversation with JJ Hanson the other night as well and Ms. Havranek was instrumental in writing the Charter. If they are seriously considering going from this form of government to a County Executive form of government then she is excellent because she will tell you what you have to do to amend the Charter and the Code.

Co-Chairperson Harrison stated that the Chairman of the Supervisors is interested in coming also.

**OTHER COMMITTEE BUSINESS:**

**PUBLIC COMMENT:**

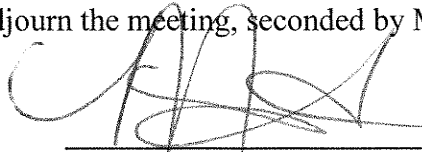
None

**NEXT MEETING ANNOUNCEMENT:**

April 20, 2016 at 6:00 PM \*Legislative Committee Room\*

**ADJOURNMENT:**

Mr. Altman made a motion to adjourn the meeting, seconded by Ms. Johnson Fields, meeting adjourned at 7:51 pm.

A handwritten signature in black ink, appearing to read 'Michelle Huck', written over a horizontal line.

**Michelle Huck, Secretary**

Resolution No. 1-16

**Resolution Introduced By The Sullivan County Charter Review Commission To Change The Terms Of Office Of Elected County Legislators.**

**Whereas**, the duly appointed members of the Sullivan County Charter Review Commission have met regularly since January 2015 for the purpose of, among other reasons, evaluating the efficiency and functionality of county government, and

**Whereas**, the commission members have heard testimony from numerous county officials and outside advisors, and

**Whereas**, during these hearings, it has been suggested that the possibility of having a large number of newly elected legislators taking office at the same time has the potential of disrupting the smooth functioning and continuity of county government, and

**Whereas**, the commission members have duly deliberated on this matter of staggered terms, and


**Whereas**, the commission members have come to the conclusion that having the duly elected legislators' terms of office not run concurrently is in the best interests of county government, now

**Therefore Be It Resolved**, that the commission members do hereby recommend that elected county legislator's terms beginning with the next general election for said positions be staggered in such a way that four randomly selected legislators run for 2 year terms and then for four year terms at the end of those terms. The other five legislators terms would remain the same.

**Moved by** Mr. Burckard, **seconded by** Mr. Walter, put to a vote and **carried 10-0** with Mr. Harding and Mr. Sutherland **absent**.

STATE OF NEW YORK)  
                                  §:  
COUNTY OF SULLIVAN)

I, MICHELLE HUCK, Secretary to the Sullivan County Charter Review Commission, do hereby certify that I have compared the foregoing copy of a resolution with the original thereof now on file in my office and that the same is a correct transcript therefrom and of the whole of said original. WITNESS my hand and seal this 16th day of March 2016.

  
\_\_\_\_\_  
SECRETARY TO THE S.C. Charter Review Commission

| Sullivan County Vote Analysis  | 2015          | 2013          | 2011          | 2009          | 2007          | 2005          |
|--------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| <b>Supreme Court Justice</b>   | <b>13,486</b> | <b>16,720</b> | <b>13,557</b> | <b>13,857</b> | <b>19,815</b> | <b>20,631</b> |
| County Clerk/Treasurer         | 11,870        | 14,162        | 12,393        | 10,594        | 17,590        | 17,670        |
| County Coroner                 | 10,545        |               | 11,625        |               | 15,268        |               |
| District Attorney              |               | 13,872        |               | 17,974        |               | 12,487        |
| Sheriff                        |               | 14,398        |               | 19,759        |               | 19,227        |
| <b>Supervisor Race</b>         |               |               |               |               |               |               |
| Thompson                       | 2,845         | 3,395         | 2,593         | 2,272         | 3,090         | 2,737         |
| Mamakating                     | 2,295         | 3,003         | 1,978         | 2,294         | 2,136         | 2,484         |
| Fallsburg                      | 1,382         | 1,628         | 1,421         | 2,398         | 2,675         | 1,734         |
| Liberty                        | 957           |               | 1,703         |               | 1,887         |               |
| Bethel                         | 1,205         | 1,271         | 1,266         | 1,516         | 1,524         | 1,537         |
|                                | -----         | -----         | -----         | -----         | -----         | -----         |
| <b>% of Supreme Court Race</b> | <b>8,684</b>  | <b>9,297</b>  | <b>8,961</b>  | <b>8,480</b>  | <b>11,312</b> | <b>8,492</b>  |
|                                | 64%           | 56%           | 66%           | 61%           | 57%           | 41%           |

LEGISLATURE

|                         |        |        |        |
|-------------------------|--------|--------|--------|
| Dist 1 - (Bethel)       | 1,809  | 2,646  | 2,693  |
| Dist 2 - (Mamakating**) | 1,962  | 2,067  | 2,255  |
| Dist 4 **               | 1,500  | 1,341  | 898    |
| Dist 3                  | 1,825  | 1,768  | 1,959  |
| Dist 5 *****            | 1,997  | 2,526  | 2,206  |
| Dist 6 - (Liberty*****) | 1,245  | 1,446  | 1,669  |
| Dist 7 - (Fallsburg)    | 1,476  | 1,360  | 1,833  |
| Dist 8****              | 1,360  | 1,416  | 1,739  |
| Dist 9 - (Thompson****) | 1,774  | 1,255  | 2,107  |
|                         | -----  | -----  | -----  |
|                         | 14,948 | 15,825 | 17,359 |
| % Supreme Court Race    | 111%   | 117%   | 88%    |