

## **SUFFOLK COUNTY CHARTER REVISION COMMISSION**

### **MINUTES**

A meeting of the Suffolk County Charter Revision Commission was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on March 14, 2008.

#### **MEMBERS PRESENT:**

Sondra Bachety - Chairperson/PO Lindsay's Appointment  
Dennis McCarthy - Vice-Chair/Joint Appointment  
Arthur Cliff - PO Lindsay's Appointment  
Ronald Devine - PO Lindsay's Appointment  
Victor Fusco - PO Lindsay's Appointment  
Steven Kenny - PO Lindsay's Appointment  
Robert Braun - County Executive Levy's Appointment  
Saul Fenchel - County Executive Levy's Appointment  
Kathy Giamo - County Executive Levy's Appointment  
Edwin Perez - County Executive Levy's Appointment  
Roger Clayman - Joint Appointment  
Marlene Israel - Joint Appointment  
Maureen Liccione - Joint Appointment

#### **MEMBERS NOT PRESENT:**

Thomas Germano - Joint Appointment  
Jacqueline Gordon - County Executive Levy's Appointment

#### **ALSO IN ATTENDANCE:**

William J. Lindsay - Presiding Officer/District #8  
George Nolan - Counsel to the Legislature  
Terrence G. Pearsall - Chief of Staff to Presiding Officer Lindsay  
Kara Hahn - Director of Communications for Presiding Officer Lindsay  
Bill Shilling - Aide to Presiding Officer Lindsay  
Michael Pitcher - Aide to Presiding Officer Lindsay  
Christine Malafi - Suffolk County Attorney  
Joe Dujmic - Deputy Chief of Staff for County Executive Levy  
Erica Chase - Health & Welfare Council  
Gwen O'Shea - Health & Welfare Council

#### **MINUTES TAKEN BY:**

Alison Mahoney - Court Stenographer

*(\*The meeting was called to order at 2:16 P.M. \*)*

**P.O. LINDSAY:**

Okay, we're all set. Could we -- everybody rise for a pledge, as we start every meeting here.

***Salutation***

Thank you. Just a couple of announcements as far as process today. Some of you we were not here last month. Who wasn't here last month? Okay. Weren't you here, Dennis?

**MR. PEARSALL:**

You were, Dennis.

**P.O. LINDSAY:**

You were here.

**MR. McCARTHY:**

Oh, I thought there was meeting in between.

**P.O. LINDSAY:**

No, no, no, no.

**MR. McCARTHY:**

Oh, okay.

**P.O. LINDSAY:**

We just met once.

**MR. McCARTHY:**

I was, then.

**P.O. LINDSAY:**

So Edwin and Sondra, maybe after the meeting is over we need to officially swear you in on to the commission, so we'll do that privately afterwards.

Tom Germano still isn't with us, he missed last month, his wife is very, very ill and she's in the hospital, unfortunately. So I didn't expect him here today.

Since our last meeting, I have had staff assigned to the commission and one of the fellows that I had assigned, Neil Capria was the man in the audience, passed away since we met last month. He was a very nice man, only worked here for a very short period of time. Bill Shilling, thank God, is still with us and will be with us right along. And Mike Pitcher, where is Mike? He must have stepped out of the room, he's going to also be with you folks as he's assigned to my office.

I wanted to do like three things today. The first thing is I would like to elect your leadership of the commission because I want to get out of the middle of this and go about my other chores. And I would like a schedule adopted hopefully for the rest of the year so you guys can all plan your lives and we can plan the usage of the auditorium around here. And then the third thing is George Nolan, our Counsel, has made up a list of things within the Charter that he thinks that you should take a look at and I think there's -- that's in your packets. And Christine Malafi, our County Attorney, is here and she certainly might have some other suggestions of what you should look at, but, you know, I will have Christine and George go through them to try and explain the nuances of things and why they should be changed.

By no means does that limit your jurisdiction or thought process as far as looking at anything else

within the Charter; I want to make that perfectly clear. We're not steering this in any direction, it's just something that working with it every day, the things that are listed here either are obsolete, don't work or they're problematic in some reason. Some of the issues here that George has, and maybe Christine wants to add to, you might want to find more of an in-depth discussion about, you know, like you might want to talk to a different department within the County. For example, George has on here a provision about eliminating the official map and, you know, we could make arrangements to get Tom Isles over here from our Planning Department to just have an open discussion of why the official map isn't something that we use anymore, you know. But those types of things, there will be, you know, ongoing communication between you guys and my office to make the arrangements to bring in whoever you want to talk to. Okay?

If we could start with people to chair this commission. I haven't -- I know we had a discussion about this last month and I left it kind of open and was, you know, hoping to see if someone would come forward and I didn't hear from anybody, so I'm going to make a suggestion for your consideration. I'm going to suggest that Sondra Bachety be the Chair, as a former Presiding Officer here, and Dennis McCarthy be Vice-Chair because Dennis served on the last Charter Commission, so they both are familiar with process. Do you want to have discussion about this? Do you want to do something different, is that okay with everybody?

**MR. CLIFF:**

I'll make a motion.

**P.O. LINDSAY:**

Why don't we get someone to officially make a nomination and a second? Artie Cliff makes a nomination, Robert Braun seconds that, Marlene Israel to appoint Sondra Bachety as the Chairperson of the commission and Dennis McCarthy the Vice-Chair. All in favor? Opposed? Abstentions? ***It carries (VOTE: 13-0-0-2 Not Present: Thomas Germano & Jacqueline Gordon).***

And now I've got someone else to run the meeting. So, Sondra, why don't you move into the middle of the horseshoe so you can see everybody and, you know, maybe you can start a discussion about calendar. George is going to come in, I'll see where George is while you're having that discussion. We gave out sample calendars of availability dates; did you get a chance to look at this them, do you have them with you? Because I don't have mine.

**MR. BRAUN:**

It's in the packet.

**P.O. LINDSAY:**

Okay.

**MR. CLIFF:**

Congratulations.

**CHAIRPERSON BACHETY:**

Thank you.

**MR. CLIFF:**

I would have gone to your fund-raiser if I knew you were lobbying.

**CHAIRPERSON BACHETY:**

Dennis, don't you want to come over here, too?

**MR. McCARTHY:**

No, that's all right. Sondra, I didn't even remember I was here last month.

**CHAIRPERSON BACHETY:**

Neither was I, so we're in great shape. Okay, I guess we're ready then.

**P.O. LINDSAY:**

The buttons are on the top of the mike. You have to use the mikes because the stenographer needs it to record you properly.

Sondra, I'm just going to pop out. George is in the audience whenever you're ready for him.

**CHAIRPERSON BACHETY:**

Okay. Well, hello, everybody. Nice to be back in the Legislature, it's been a long time.

I guess what we should do is start with a schedule of some kind. Since this is my first meeting and many of you were here last month, perhaps you've already discussed how you want to do this, but I'm assuming we would meet a minimum of once a month. George, is there any -- in looking at the old book, I saw that as they got into the departments they started to meet more frequently, but perhaps we -- before we set up committees and get all that going, we ought to pick at least a few dates. So if you all have your calendars, perhaps we could start with that. And is there any criteria, George, who uses the auditorium? I realize this is a Friday afternoon, so it's probably a good time.

**MS. ISRAEL:**

In your packet they have the schedules.

**CHAIRPERSON BACHETY:**

They have a schedule done?

**MS. ISRAEL:**

In the manilla folder.

**MR. NOLAN:**

Right, I think there are some suggested dates for the commission.

**CHAIRPERSON BACHETY:**

Oh, so I don't even have to do it.

**MR. BRAUN:**

No, I think this is just --

**MS. ISRAEL:**

No, there are no suggested dates.

**MR. NOLAN:**

Let me reverse that; it has the dates when --

**CHAIRPERSON BACHETY:**

When there are --

**MR. NOLAN:**

-- this room is in use.

**CHAIRPERSON BACHETY:**

Oh, okay.

**MR. NOLAN:**

So you want to pick out dates when it's not in use for you guys.

**CHAIRPERSON BACHETY:**

Okay. So Fridays seem to be pretty available, Friday afternoon.

**MR. NOLAN:**

Generally.

**CHAIRPERSON BACHETY:**

Is that a good time for department heads and people? I know there used to be a little difficulty getting people on Friday afternoon, perhaps it's different now.

**MR. NOLAN:**

I'm sure they're all available on Friday afternoons for you. For the commission I'm sure they'll make -- if you called for them to be there on a Friday, I'm sure they'll come.

**MR. CLIFF:**

Yes.

**CHAIRPERSON BACHETY:**

Okay. All right, does anyone have a problem with Friday afternoons?

**MR. BRAUN:**

Yes.

**MS. GIAMO:**

I do.

**CHAIRPERSON BACHETY:**

You do?

**MS. GIAMO:**

I do, too.

**CHAIRPERSON BACHETY:**

You do, too? Okay, can someone suggest --

**MR. KENNY:**

We had started with Thursday afternoon; do we want to go back to that and try that again?

**MR. BRAUN:**

Two weeks a month the committee week runs into Thursdays.

**MR. KENNY:**

That's the fourth Thursday, correct?

**CHAIRPERSON BACHETY:**

Uh-huh.

**MR. KENNY:**

So any of the other three Thursdays would be open.

**CHAIRPERSON BACHETY:**

Well, that's fine with me.

**MR. CLIFF:**

Not the month of April.

**MR. BRAUN:**

No, April that doesn't work either.

**CHAIRPERSON BACHETY:**

Does the Budget Reform Committee go a whole day or is that just for a couple of hours? Okay, so we could try --

**MR. NOLAN:**

Yeah, that commission will meet probably for no more than two hours per session, I would think.

**CHAIRPERSON BACHETY:**

Okay. So we could meet here?

**MR. CLIFF:**

Which one is that?

**MR. NOLAN:**

The Budget Reform Commission which meets here, those meetings take tops two hours, I would think.

**CHAIRPERSON BACHETY:**

Okay, and they seem to be on Thursdays. So is Thursday convenient for the majority; how we doing? Thursday? Okay. So --

**MR. PEREZ:**

Consideration for the time of day, that should be discussed.

**CHAIRPERSON BACHETY:**

Well, the afternoon, later afternoon?

**MS. LICCIONE:**

The later the better.

**MR. PEREZ:**

The later the better, I would think.

**MS. LICCIONE:**

Three o'clock?

**CHAIRPERSON BACHETY:**

Well, remember, the hours are over, people go home at 4:30, right?

**MR. PEARSALL:**

Five.

**CHAIRPERSON BACHETY:**

So three to 4:30 or --

**MS. ISRAEL:**

Two thirty to 4:30, if you need more?

**CHAIRPERSON BACHETY:**

Yeah, I'm just trying to -- what would be convenient? Just let me get --

**MR. PEREZ:**

I think 3:30 to 4:30 is kind of reasonable.

**MR. BRAUN:**

Is that enough time, an hour?

**CHAIRPERSON BACHETY:**

I don't think 3:30 is -- I think that's a little late.

**MR. PEREZ:**

A little later?

**MS. GIAMO:**

I don't think it's enough time.

**CHAIRPERSON BACHETY:**

No, I don't think so either. Well, we're going to have to have -- I'm sure we're going to have to have some other sessions and set other dates where we're going to use more time, but let's just get started for the most first few meetings.

**MR. McCARTHY:**

Sondra, if I might? If we picked a -- the first Thursday of the month going forward and just left it at that, we have a good sized group here, everybody is not going to be expected, over the next year or year and a half, to make every meeting. So maybe that would be just a leg up, you know what I mean? If we could just take that first Thursday of the month and say every first Thursday of the month is going to be our meeting date and if we could get a time in there. It might be the easiest way to proceed.

**CHAIRPERSON BACHETY:**

Well, do you really think that one meeting in April is enough to get us really started?

**MR. McCARTHY:**

Well --

**CHAIRPERSON BACHETY:**

Today is --

**MR. McCARTHY:**

Maybe not, maybe we can do --

**CHAIRPERSON BACHETY:**

It would seem to me that until we get -- we're not really organized yet and we have a lot of things to do. So saying we're going to have the first Thursday in April and the first in May, I don't know about anybody else, but I think that would be -- we'd need a little more than that.

**MR. FUSCO:**

Sondra, what we could do is set --

**MS. MAHONEY:**

Use the microphone, please.

**MR. FUSCO:**

Set a fixed meeting date and then add additional meetings as needed. In other words, if you pick the first Thursday of the month where people could put on their calendars, "I know I have a meeting the first Thursday of the month," and then if we need additional meetings they can be set, you know, as needed.

**CHAIRPERSON BACHETY:**

That's fine. Is that okay with everybody? So we'll set the first Thursday of the month at 2:30, or three, which is better? Three, I know. I'm just concerned --

**MR. CLIFF:**

No, not three, two thirty.

**CHAIRPERSON BACHETY:**

I think really 2:30 is -- we don't get started right on time, I notice. So we'll make it for April 3rd will be the next meeting at 2:30 in the afternoon. Okay. And we have one tentatively set for May, too, that would be May 1st, May Day. Does that --

**MR. CLIFF:**

May day.

**CHAIRPERSON BACHETY:**

Does that still have significance, May Day?

**MS. ISRAEL:**

Law Day.

**CHAIRPERSON BACHETY:**

Is that what it is?

**MS. GIAMO:**

I'm sorry, I can't make either of those.

**CHAIRPERSON BACHETY:**

You can't.

**MS. GIAMO:**

And if it doesn't matter and we'll just move on, that's okay.

**CHAIRPERSON BACHETY:**

She can't make either meeting.

**MS. GIAMO:**

And there might be enough people where it's just going to happen and I understand.

**MS. ISRAEL:**

There might be where it's just.

**CHAIRPERSON BACHETY:**

Let me see if there's anything after that that we can do. Maybe we could have a private meeting or I could meet with you and bring you up-to-date. All right, let's start with those two then. And just assume that it's going to be the first Thursday of the month, unless it's a really hot day in August, then there might be something we want to do other than that.

All right, I notice that on the agenda it does say Public Hearings, but I don't -- I think we really need another meeting before we even discuss Public Hearings.

**MR. PEARSALL:**

Under the Charter Law as it exists now, you have to hold two formal Public Hearings.

**CHAIRPERSON BACHETY:**

In the fall or later in the summer?

**MR. PEARSALL:**

Whenever you want to do it; over the summer, whenever you want to do it.

**CHAIRPERSON BACHETY:**

I think it would be easier if we had an idea what we were --

**MR. PEARSALL:**

Absolutely.

**CHAIRPERSON BACHETY:**

And I assume we'll do east and west?

**MR. PEARSALL:**

Yes, only you have to give us time on the one on the east end because the auditorium is under construction, so we have to find another location.

**CHAIRPERSON BACHETY:**

Okay.

**MR. PEARSALL:**

If you do it in July or August we could use the Community College Media Room at the Culinary Center.

**CHAIRPERSON BACHETY:**

Do you think we ought to set a tentative meeting for a Public Hearing in August then; is that too soon?

**MR. PEARSALL:**

You can wait until the next meeting to decide.

**CHAIRPERSON BACHETY:**

Yeah, why don't we wait 'til the next meeting to schedule the Public Hearing, because I'm really not sure yet what the extent of the Public Hearings will be or how long they'll take. I don't know if anyone else does. So then I guess we can call up George Nolan to give us a presentation?

**MR. NOLAN:**

Good afternoon.

**CHAIRPERSON BACHETY:**

Hi, George.

**MR. NOLAN:**

Good to see you again, Sondra.

**CHAIRPERSON BACHETY:**

You, too, George.

**MR. NOLAN:**

I'll be very, very brief. Presiding Officer Lindsay asked me to prepare a memo to go through the Charter and identify some areas that I thought might be productive for your commission to look at to determine if there should be changes, deletions, things along those lines. I've tried to stay away from areas that, you know, politically would be controversial, but really just structural stuff that I think would be very appropriate for you to look at. Some of it, you know, is not terribly important, some other issues are more important.

I started off just with the Official Map because that's an issue that's come up recently where the

Charter says, "County Legislature, prepare an Official Map by the end of 2006," we never did that because the Department of Planning thought it was unwise for us to do so. So I thought that would be a logical issue to look at.

More importantly might be Article 4 of the Charter which has all of the budgeting provisions for our Capital Budget & Program and for our Operating Budget. And when I look at that article of our Charter, it's a bit of a mess, because at certain times in our history, particularly around 1989, 1990, 1991, the County had tremendous fiscal problems and the Legislature enacted many laws to deal with those shortfalls; unfortunately they put them in the Charter. They were Charter laws, they're no longer relevant, but they clutter up that article to a great degree.

Also, in the -- in that article there's references to an allotment system, the way money is disbursed to the departments by the County Executive. Well, I discovered about a year or two ago, there is no more allotment system used in this County, but yet the allotment system is discussed at some length in the Charter and the Administrative Code, and I think that's a logical area to look at.

Also, back in the late 90's when the LIPA takeover happened, the County, through the County Legislature, enacted several Charter provisions in reaction to the takeover, set up certain procedures that the County Attorney would have to follow, and some of the provisions are quite extensive; and again, unfortunately we put the stuff in the Charter and it may no longer be relevant.

The fifth item I included was this public safety revenue sharing. And I should state, by the way, these are just suggestions; you can look at all of these or none of these. This particular issue is a little bit more of a hot-button issue. We have a section in our Charter that describes how a portion of our sales tax revenue is supposed to go out to the towns and villages that are outside the Police District. When you look at that section of the Charter I think you'll agree with me, it's a little fuzzy, it's a little unclear. You may have some ideas about how to clean up the language. I should mention that right now there's a law pending that would get rid of that section of our Charter entirely, so this issue may just be completely taken off your plate, maybe not, we have to see.

The next issue is more -- is an important one and it has to do with the timing of when the County enacts the Capital Budget and Program and when we enact the Community College budget. There's very little -- actually there's nothing in our Charter about how we do the Community College budget. There's one reference in our Administrative Code that says we have -- that the County Legislature has to adopt the Community College budget by the end of August. Now, even though there's no language in the Charter, the Administrative Code other than that, the County has, through experience, developed a procedure for doing the Community college budget and basically we do it during the summer. The issue that has come up is should we reverse that, when we do the Community College budget with when we do the Capital Budget and Program. We do the Capital Budget in the Spring, the Community College budget in the Summer. The Community College has said to us many times, "It would really help us if you would do our budget sooner." So I think that would be an excellent issue for this commission to look at.

The next item is risk management. This was an issue that came up, I believe it was last year or the year before. We have our Risk Management people right now in the Civil Service Department, I believe that the County Executive proposed moving it to the Department of Law, there are several Legislators who said, "Let's send it back to Audit & Control where it had been for many years." What ended up happening is nothing happened, it stayed in Civil Service; it's something you might want to look at.

We also have a very extensive article in our Charter, Article 41 which has to do with public financing of campaigns. It was adopted by a voter referendum in 1998 and frankly, since then, next to

nothing has happened. At one point we had a Campaign Finance Board, it no longer exists. We did try to collect monies to fund a program, we got almost nothing, so it's nowhere, it's dead. And here we have this 30 page article in our Charter and it might be time to call it a day; we suggest that to you.

**CHAIRPERSON BACHETY:**

George, a quick question.

**MR. NOLAN:**

Yes.

**CHAIRPERSON BACHETY:**

Since that was approved at a referendum, a voter referendum, can we just take that away from the Charter and eliminate it that way?

**MR. NOLAN:**

Well, my opinion is yes, we probably could. Even though something is adopted by a voter referendum does not mean necessarily that you have to do another referendum to repeal that; there's a lot of case law on that particular point. My feeling is if this commission said, 'Get rid of it,' and the Legislature thought it was a good idea, we could do it without a voter referendum.

And the last item in the memorandum is kind of a catch-all. There's a number of provisions in the Charter that are just outdated and really are not applicable anymore. For example, in Article 23 there's a whole section on Public Access to County Government Records; that is clearly covered by the Freedom of Information Law, this is an article we might consider repealing.

And there are others that I put in there, I won't go into it exhaustively, but I think there are lots, many parts of the Charter that could -- probably are outdated that either should be updated or just repealed. And those are the areas I came up with and I leave that with you.

**CHAIRPERSON BACHETY:**

Thank you, George. Anybody have any questions? Maureen?

**MS. LICCIONE:**

Yes, I do. Thanks, George.

**MR. NOLAN:**

You're welcome.

**MS. LICCIONE:**

I appreciate that. I have a question that I'm wondering if other members have. Maybe you could explain the structure of the County Charter vis-a-vis the County Administrative Code?

**MR. NOLAN:**

I'd say the way it basically works is -- and it's not exact, but let's say Article 8 of the Charter has to do with the Department of Public Works. The Charter section will for the most part lay out the structure of that department and the responsibilities. I would say that the corresponding section of the Administrative Code just flushes it out a little bit more in terms of what the duties and responsibilities are, but sometimes in the Administrative Code other things will turn up. For example, from the Department of Public Works in the Administrative Code, there will be laws regarding procurement, how the department will go about procuring goods; that I would say is an example of how it is set up. But it does roughly correspond Charter Article to Administrative Code article.

**MS. LICCIONE:**

And is there a difference in the process for amending the code versus the -- it might be helpful for everyone.

**MR. NOLAN:**

Not really because we -- and when I say we, I'm talking about the Legislature -- can really amend the Charter or the Administrative Code at any time with a Local Law. I mean, when we amend the Charter we call it a Charter Law, but it's just a fancy name for a Local Law, we do that all the time. And frankly, at certain points I think we've put things in the Charter and amended it and done things that didn't belong there, maybe because it was just a little too easy to do.

**MS. LICCIONE:**

It sounds like maybe some of those things should have been in the Administrative Code?

**MR. NOLAN:**

Or stand-alone Local Laws that maybe are not codified in either the Charter or the Administrative Code, that really don't have anything to do with the structure of government. For example, all the laws we've passed having to do with the 1990 budget, that should not be in the Charter. That has -- it just should not be there, but there it is, we passed the law as a Charter Law, we slotted it in the Charter, it was probably a mistake, now we should clean it up.

**MS. LICCIONE:**

And is everything -- is all County legislation done by Local Law as opposed to ordinance?

**MR. NOLAN:**

Local Law --

**MS. LICCIONE:**

Okay.

**MR. NOLAN:**

-- which involves a public hearing process here at the Legislature and also the County Executive has to hold a public hearing on all Local Laws.

**MS. LICCIONE:**

Okay, thank you.

**MR. NOLAN:**

You're welcome.

**MR. KENNY:**

Could I ask a question? I'm wondering, you know, in this kind of work, I know the states have model constitutions, I'm wondering if there is an association or if there has been work nationally or at the State level on model Charters for counties as a touchstone for this process.

**MR. NOLAN:**

Yeah, I -- I don't know. I think if I was going to make an inquiry, I think I might go to the Association of Counties which I do speak to sometimes; I could ask them on your behalf whether or not they have that type of model.

**MR. KENNY:**

You know, I just think that would be useful just to -- obviously there are local conditions that have shaped our Charter, but I think it would be helpful if we had some kind of a structural model that we could work from.

**MR. NOLAN:**

I'd be glad to make that inquiry on behalf of the commission.

**MR. CLIFF:**

Sondra, I have one.

**CHAIRPERSON BACHETY:**

Yes, Art.

**MR. CLIFF:**

George, you made a reference to the public safety revenue sharing that there's a law pending now before the Legislature?

**MR. NOLAN:**

Well, there's a lawsuit and a law pending.

**MR. CLIFF:**

Right; well, you do the lawsuit, I'll ask about the law. My question basically is is it on the calendar to come up soon? I remember from '94 this was a very, very hot issue.

**MR. NOLAN:**

Very hot.

**MR. CLIFF:**

As you well know. And the interpretation at that time under State Law was that -- it was by a former County Attorney, not the current one -- was that the Legislature in their wisdom, when they said Suffolk County Police District, it was a small "d" for district, so that meant you could share it with the entire County instead of Suffolk County Police District which we know is a defied term and has been there since 1960. So is that what's going to be addressed in the legislation that's pending?

**MR. NOLAN:**

Well, no, I would say that's not it. What's being addressed in the legislation that's pending, and right now it's tabled in committee as far as I know, I know there's an effort to try to discharge it from the committee, but I don't know what the status of that is. But really, it's the inter -- the State gave the County permission to use a portion of its 1% additional sales tax revenue for public safety purposes which under the State Law would mean for our Police District. I think back in '93 or '94 there was an agreement reached with the municipalities outside the Police District that a portion of those revenues would be shared with those towns and villages, the east end towns, Asharoken Amityville. And the Charter was amended at that point to require the County Executive to always propose in his Operating Budget money for those towns and villages and it had a formula for how it was going to be computed, what they would get, and there is a lawsuit pending basically challenging whether or not the County has been following that formula correctly. So the Presiding Officer has proposed a Local Law that would eliminate the Charter section entirely and get rid of the old formula and basically that's what that law is about.

**MR. CLIFF:**

Okay, so it's a political argument basically, not a legal one.

**MR. NOLAN:**

Well, I think if you're looking at this section of the Charter, if that is still there, you might want to say, "Clear up what it means." You might have some language that would clarify what it means and what it should do. But yeah, there -- I'll be honest, you know, there's politics in politics, so.

**MR. CLIFF:**

Okay. Thank you.

**MR. NOLAN:**

Sure.

**CHAIRPERSON BACHETY:**

Okay. Anyone else? Thank you, George.

**MR. NOLAN:**

You're welcome.

**CHAIRPERSON BACHETY:**

Perhaps now Christine?

**MS. MALAFI:**

Good afternoon again. I take a different position than George on a few things, and the first thing that I take a different position on is that my job is not to advocate anything; I'm the lawyer. So I leave any proposed amendments up to the County Legislature and up to the County Executive's Office, and I know that he has a representative here that would like to address the committee, commission, if you would let him.

My role is to answer any questions that you have on the law, on the Charter, what any effect has. George and I do not always agree on a law or if something needs a referendum or doesn't, but we work extremely well together and we will do that for the committee also, for the commission also; right, George?

**MR. NOLAN:**

Absolutely.

**MS. MALAFI:**

See. What I had asked early -- at the last meeting, any legal questions you have, if you want to know, for example, anything about -- and I'm just using this because George had brought it up -- the Insurance and Risk Management issue. If you want any background on when it moved from the Comptroller's Office to the Civil Service Department, you know, any proposed legislation that was already laid on the table that did not pass, was not voted on, I could get you copies of whatever you need; so can George, but we'll work together so it's not on either one of us totally. I would just ask that any questions do come through the Chair, because then that way it's all funneled and you know what's being asked and it's all -- I don't get three requests that are almost the same but not quite the same. We're here -- I'm here or a representative of myself from my office will be here to take down any legal questions that you have and we will research them and get back to everyone, either with a memo or we will present at a meeting.

George answered all your questions. The only thing -- the one question that I would answer a little bit differently is on the referendum issue. On the referendum issue, I do agree that just because something was passed by referendum does not necessarily mean that it has to be changed by referendum, but it's very important to look at what you want to do and that determines whether or not you need a referendum or not. Anything that you -- if you need help correlating something from the Administrative Code to the Charter, not a problem, we're here to do that for you.

The Charter, the easiest way for you to access it is on-line, we went through that last week -- the last meeting, I'm sorry. There's 42 Articles of the Charter and basically the Charter sets up County government. And getting model Charters are fine, but other counties, just from my experience, other counties don't have the departments we have, don't have the resources that Suffolk County has. So basically, the way the Charter is worked out right now, it sets up all the departments, it gives all the department heads responsibilities, it gives our duties and it makes reference to, for example the Department of Social Services, that department functions under the State guidelines as well as County guidelines, so that's in there. The qualifications to be a department head, the qualifications to be an elected official, they're all in the Charter. Basically, the Charter sets up the government.

You're going to be looking at how each department functions, that's in the Charter. And you will see, for example, I know in the Department of Law article in the Charter, it discusses a LIPA lawsuit. There's no reason -- George is right, there's no reason for that to be in the Charter; there's no reason for that to be in the code or anywhere, it should just be a standalone law that directs something to be done. So if there's any questions because you think something doesn't make sense to you, don't think that you don't understand it because you're not a lawyer or you're not in County government, some things don't make sense. And in the four, a little over four years that I've been the County Attorney now, I've been able to understand why some things don't make sense. People have the best of intentions, it just doesn't -- it wasn't done exactly the way I would do it or the way George would do it or the way the current sitting Legislature would do it, or the County Executive would do it. So if you have trouble understanding something, just pick up the phone and call myself or George. I gave everyone my number last time, if you want it again it's 853-5677; quick questions, not a problem. Department heads for the County Executive, we all work well past three o'clock on Fridays. The County Executive is known for is 4:30 on Friday meetings, especially once July and August hit. And we're all here to answer any questions.

Sometimes George and I can answer a question and not have to actually get a department head here because we understand how these departments run because we've been dealing with them for so many years now. But if you need a department head or you have specific questions, that's not a problem; between the Legislature and the County Exec's office, we'll make sure somebody is here for you.

**MR. BRAUN:**

Sondra, may I?

**CHAIRPERSON BACHETY:**

Yes, of course.

**MR. BRAUN:**

A quick -- I think a quick question. What is the process that we go through here? Suppose we decide that something is written in a confusing way; are we to report that it should be rewritten or does staff or your office or the Legislature's Counsel's office rewrite it for us? Do we then adopt it and propose it or do we simply say, "This needs to be fixed because it's unclear," and then the Legislature on an item-by-item basis, somebody, you know, proposes the revision; how does that work in this process?

**MS. MALAFI:**

Well, the purpose of this commission is to meet and to draft a report with recommendations; how detailed you make those recommendations are up to the commission. If you would like to be specific in your recommendations and you need the assistance of the Department of Law or of Legislative Counsel, we're here to help you with that.

**CHAIRPERSON BACHETY:**

Okay. Anyone else; no? Okay, thank you very much. We will be calling on you.

**MS. MALAFI:**

That's fine.

**CHAIRPERSON BACHETY:**

Thank you.

**MS. MALAFI:**

This is Joe Dujmic -- I always say his name wrong, I apologize -- he's from the County Executive's Office, he would just like to tell you something on behalf of the County Executive; is that okay?

**CHAIRPERSON BACHETY:**

Sure.

**MR. DUJMIC:**

Hi. Good afternoon, everyone. My name is Joe Dujmic from the County Executive's Office, I'm the Deputy Chief of Staff. Unfortunately, the County Executive has been unable to make the last commission meeting and also this one as well, he is out of town. But he would like to thank everyone for serving on the commission and this is a very important task you have before you. I will be reporting back the next date of the -- the date of your next meeting to the County Executive and he really would like to be here to address you himself.

As far as some of the recommendations that have been made, I did not receive any of these until today, so I haven't really had a chance to take a look at them. So hopefully we will have a chance to review them with the County Executive and provide some information from our perspective at a later meeting.

That being said, I also know that the County Executive has a few things that he would like to bring to the forefront for this commission to review as well. One in particular, I know that George had mentioned something with regard to changing the timing or looking at changing the timing of the Capital Budget and the Community College budget. I would like to bring one of the individuals from our Budget Office here to speak on that because in the past it hasn't always been set up in this particular way. There was a particular point in time where the Capital Budget and the Operating Budget were issued simultaneously, and at that time I believe Fred Pollert, who is now the Deputy County Executive for Finance & Management was the Director of BRO, so he would actually -- either he or a representative would like to come in and comment on that, that I can tell you for sure.

With regard to the rest of the suggestions that were made, I will bring them back to the County Executive. Hopefully he will be here at the next meeting, but if he is not I will attempt to bring the personnel necessary in order to answer any questions you may have with regard to those recommendations. I can be reached also, if you want to take down my number, it's 853-5026 and that is my direct extension. One of the other duties that I feel is incumbent upon me is also to reach out to some of the department heads for any questions you may have. So if you do have questions for a department head, of course you can reach out to myself or representatives from the Legislature and we will do our best to make those individuals available to you for any questions you may need answered.

**CHAIRPERSON BACHETY:**

Thank you. I appreciate your being here and giving us County Executive Levy's wishes; tell him we'd love to see him, I haven't seen him in a while.

I just would appreciate, if Fred Pollert is going to come over and give us an explanation particularly on the budget, because I think that is an important issue, that we have a little notice so that everybody can be prepared for it, because I'm sure there will be questions.

**MR. DUJMIC:**

Absolutely, absolutely.

**CHAIRPERSON BACHETY:**

Okay? Does anyone else have any questions they'd like to ask Joe; no? Okay, thank you very much for being with us.

**MR. DUJMIC:**

Thank you.

**CHAIRPERSON BACHETY:**

We appreciate it.

Okay. Well, now we get ready for your next meeting, I guess. And I -- since this is my first meeting and I did read the reports of the last commission and I haven't had a chance to review the Charter which I will do, I would like to ask if anyone has anything specific they would like to do or have ready for the next meeting? Because I think we really want to get started on this. So let me start over here, does anybody have -- Dennis.

**MR. McCARTHY:**

Sondra, the one thing that I brought up briefly at the last meeting, I think just in passing as we were leaving, was that on the prior commission, the way we had it set up was that we had a -- somebody serve as Executive Director. And Bob brought up about how we were going to put this thing together, I think it's incumbent upon us now to think about how we're going to put a document together and who's going to put the document together and what type of -- you know, we certainly will be giving the input that we gather from Public Hearings and from meeting with department heads, but the actual physical document I think should be coming from us to the Legislature and to the Executive Branch as opposed to -- I don't know how it would be done now, it would be something that would be formed by, you know, Legislative Counsel or the County Executive, you know?

I mean, the actual document is something that -- what we did, Sondra, the last time was we had somebody assigned from Planning to the commission and that person served as an Executive Director and was able to, with the help of his staff, funnel the ideas and everything that was going to be molded into our document and then to work on the final project. We don't -- as I see it right now, we don't have staff.

**CHAIRPERSON BACHETY:**

Well, I assume we have the support staff of the Legislature at this time; am I incorrect, Terry? Terry Pearsall, could I just ask that question?

**MR. PEARSALL:**

Our Legislative staff will be available to you. I will talk to the Presiding Officer and the County Executive and see if we can get you someone more permanently assigned as an Executive Director.

**MR. McCARTHY:**

It's just a suggestion, Terry, to have somebody that would be working with us on this project for the next year, year and a half, whatever it's going to take, you know?

**MR. PEARSALL:**

We will do that. Dennis, did you have verbatim minutes of the meetings?

**MR. McCARTHY:**

No. In fact, we used to meet in a much more informal setting in a conference room in the -- at that time the Dennison Building was being done over and the other building the County Executive had

**MR. PEARSALL:**

The one advantage we're going give you is verbatim minutes of all these commission meetings and the Public Hearings.

**MR. McCARTHY:**

Yeah, that will be very helpful, very, very helpful.

**MS. ISRAEL:**

I have a question.

**MR. PEARSALL:**

Yes,

**MS. ISRAEL:**

What frequency will the minutes come out, what time period after each meeting? Because if not everybody can make each meeting, it really would help if we had the minutes, say, two weeks after the meeting so we could go over, get any questions to perhaps the committee.

**MR. PEARSALL:**

We will try -- and I can't guarantee this, depending on the length of our regular sessions and so forth -- but to have them to you at least a few days before your next meeting.

**CHAIRPERSON BACHETY:**

Okay, thank you. Dennis, I think that is a good suggestion. Obviously, I don't think any of us are prepared to put together this whole document ourselves. I was really assuming, perhaps incorrectly, that we would have the support staff of the Legislature --

**MR. PEARSALL:**

You will.

**CHAIRPERSON BACHETY:**

-- to help us. But if the Presiding Officer or anyone thinks that we should use somebody else, that would be fine, I think.

So I would think, then, for our next meeting, I'm just going to ask you all -- did you all have the Charter at the last meeting?

**MR. CLIFF:**

No.

**MS. ISRAEL:**

No.

**CHAIRPERSON BACHETY:**

I think I would ask you all, if you have an opportunity, to review it, to look at the information George Nolan gave us. I think there are a few hot-button issues out there that could come up, so I think we want to be sensitive to that.

I'm particularly concerned, I realize when you pass something by a referendum that doesn't mean it has to last forever. But that Public Financing Law, I remember that went on for a very long time and I really would like to have a little more information personally about the effect of just wiping out something that was created at a public referendum. If I can have that, I would appreciate that.

**MR. FUSCO:**

Wouldn't we have the option of recommending a new public referendum?

**CHAIRPERSON BACHETY:**

I guess we would. I would assume we -- could we -- George, would we be able -- I assume we could recommend that, if we were to abolish --

**MR. NOLAN:**

I suppose you could, or you could just --

**CHAIRPERSON BACHETY:**

Recommend, abolish.

**MR. NOLAN:**

The commission might recommend, you might conclude, you might say, "Yeah, that section should be repealed," and you might just leave it up to the Legislature and the Executive to figure out the way to do it legally, it's up to you.

**CHAIRPERSON BACHETY:**

Okay. So in other words, we can just say, "We don't like that, get it out"?

**MR. NOLAN:**

We don't like it, it doesn't make sense to have it anymore, you figure out how to get rid of it.

**CHAIRPERSON BACHETY:**

Okay. All right? So anybody have any suggestions or anything that they would like to do before the next meeting or any information that anyone needs; no?

**MR. FENCHEL:**

Just one thing.

**CHAIRPERSON BACHETY:**

Saul.

**MR. FENCHEL:**

There's one thing which I noticed about the Charter. I don't think there's any question that the items which are listed for consideration are almost certainly obsolete or now surplus. Talking about the 1989 and 1990 budget obviously has no application today, talking about the LIPA lawsuit obviously has no application today, but the one thing about the Charter which strikes me is it's intended to be a forward-looking instrument to deal with what's going to be happening over the next ten years; that's essentially what it's intended to do. And it seems to me right now there's a certain number of things which we know are certainly going to be problems over the next few years. One of them I'm sure everybody has been reading about is the problem with Public Financing Municipal Bonds. I'm a little unclear as to what Suffolk County's current municipal bond situation is, whether they're using those -- what they call {ARS'} and to the extent they're using them, whether we're running into problems in placing even the regular municipal bonds and whether there is something we could put in the Charter or make some recommendation -- now, this may be outside the scope of the Charter -- to deal with that situation, which I think if it gets -- you know, someone described it today in one of the programs, you know, a train wreck on the way coming in, the municipal bond situation and obviously Suffolk County doesn't deserve that, it's a AAA jurisdiction. But no one is making any distinctions out there right now, the funding situation is very serious. That is going to lead to a few other things, it seems to me, which are related. Certainly, I think over the next few years anyway, we're going to be in every County, but Suffolk County as well, are going to be confronted with a large number of tax defaults as a result of foreclosures which is definitely going to create some funding problems.

I'm wondering whether we should endow the or suggest that under the Charter the Legislature or the County Executive be given certain additional powers to deal that, those budgetary problems which are going to be coming in very, very quickly. Projections on sales taxes, real property taxes have proved to be I think over the last year or two notoriously not so much inaccurate but unreliable because of how quickly the economy is changing. So I would like to get some information on certainly the municipal bond situation.

**CHAIRPERSON BACHETY:**

Okay. Anybody else; no? Okay, I would ask that we adjourn the meeting and that we meet again on the first Thursday of April at 2:30 in the afternoon. Thank you.

*(\*The meeting was adjourned at 3:08 P.M. \*)*