

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 December 18, 2008.

MEMBERS PRESENT:

Sondra Bachety - Chairperson/PO Lindsay's Appointment
Dennis McCarthy - Vice-Chair/Joint Appointment
Arthur Cliff - 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
Jacqueline Gordon - County Executive Levy's Appointment
Roger Clayman - Joint Appointment
Marlene Israel - Joint Appointment
Maureen Liccione - Joint Appointment

MEMBERS NOT PRESENT:

Thomas Germano - Joint Appointment
Edwin Perez - County Executive Levy's Appointment

ALSO IN ATTENDANCE:

Arona Kessler - Aide to Presiding Officer Lindsay
Bill Shilling - Aide to Presiding Officer Lindsay
Michael Pitcher - Aide to Presiding Officer Lindsay
Erica Chase - Smart Government for Strong Families
Debbie Alloncius - Legislative Director/AME

MINUTES TAKEN BY:

Donna Catalano - Court Stenographer

(*THE MEETING WAS CALLED TO ORDER AT 2:36 P.M.*)

CHAIRPERSON BACHETY:

Good afternoon, everybody. Before we start the Christmas season, we're going to have our last meeting of '08. I hope you all have a copy of the sheet I've prepared, which we will go over in a few minutes, but I understand that we have someone that wishes to speak to us, Erica Chase. So I'd like to ask her now if she would come up.

MS. CHASE:

I'm Erica Chase. I'm with the Health and Welfare Council of Long Island. I direct the Smart Government for Strong Families Coalition. I've come before you when you first started these meetings to give you an overview of what we were going to be doing in the months to come, and here we are.

One of things that I had promised would be that we were going to be looking at every avenue we could to look at processes, policies, procedures that are done in Suffolk County and where we can recommend some streamlining for processes to be done in a much better fashion to assist the agencies that serve the public. One of thing that has come up that we have come up with a recommendation for you take a look at really came out of some conversations we've had with coalition members and also being part of conversations with the Welfare to Work Commission.

And Sondra, I know that you were at that meeting in July. And I had asked the question, it seems to me there's a real issue of power when it comes to the hiring process. Right now, the County Executive has full authorization and full power to reauthorize positions that are vacant. And what that creates is when a Commissioner has allocated in the budget positions to be filled, he or she would have to go to the Commissioner to ask for that position to be filled off of the Civil Service list.

What's happened in the past is that that process has been slowed down, they have been denied, they have been ignored many times, and the money that's saved goes into, I believe, a rollover savings account. However, the money that's allocated in the budget has been approved by the County Executive, has been approved by the County Legislature and has been adopted into the County budget. So -- and one of things that the Suffolk County AME came out with, they came out with a report, and I just want to read you one of their findings. They report is an actual private audit that's done for them in terms of looking at the County budget and making recommendations or pointing things out that's gone not to the best of -- the way it could be. So this comes out of the audit from Adams, Heard and Merckle.

"The process of filling vacant positions is unresponsive to the need of the programs within the agencies. The average time that a SCIN is currently in the pipeline is far in excess of what would be reasonable. At a minimum, a SCIN appears to take over two months to process. This entire procedure needs to be reengineered. The current administrative process has been proven unable to accommodate the staffing of critical positions. This has resulted in services not being delivered, backlogs, overtime, contracting out, performance decline, employee stress and lowered employee morale."

"Moreover, the current practices have effectively denied the Legislature a meaningful role in decisions for which it has full responsibility. The authorization of positions by the Legislature is meaningless unless a functional hiring process is in place."

What this Smart Government for Strong Families Coalition came up with is a recommendation that we think could be included from your recommendations for a policy to be put into place for some checks and balances to occur and to have departments to be staffed in appropriate ways so services can be delivered appropriately. All staff -- this would be the recommended language. And again, we're not attorneys, so it would have to be worked on by you all and then given to the appropriate people.

But what we're suggesting is that all staff positions that are appropriated for within the adopted Suffolk County Budget are to be filled at the authority of the departments' commissioners. The County Executive may upon declaration of a fiscal emergency put a hiring freeze into affect with the approval of the County Legislature.

Now, after we wrote this, I had some conversations with some people that were very familiar with how the budget works completely. And they said what the danger is of that with the Commission having full responsibility or full authorization to do such things is that the budget is actually not reflective of 100% staffing at 12 months of time. So what I asked the question was, well, if the Commissioner could have the authority, say, over 80% of the budgeted amount- - so if the budget is one figure, he or she would have 80% of that figure to fill positions directly off the Civil Service list to run his or her department the way that they feel it needs to be run. And then if he or she needed more, then they would actually go the County Legislature in the fashion that they do, and they could work together with filling the -- up to the 100% of what the adopted budget currently states.

Then another issue that came out that would be a block -- that could be, additional language would have to be included to allow the Civil Service list not to be held only by the County Executive. As it stands right now, even if the SCIN is approved, the County Executive holds that Civil Service list, and he will not -- or she won't release the names off the Civil Service list unless that persons wants to. So that can hold up the situation as well. So if there was some language put into this new law or revised law that states that the Civil Service test could be used by the Commissioners in the scope of the revised law.

The only other -- the only other issue -- because I have been involved in some laws being created, and a law it only as good as it can protect those that its meant to be protected. And sometimes there's so many loopholes that it's not going to go anywhere. And so we really wanted to be proactive with anything we saw coming down the road that, yeah, great, it's on the books, but it's not going go into practice. And I'm not sure how this issue could be avoided. But because of the close relationship between the County Executive and the Commissioner, I'm worried that the law gets passed, you know, the authority goes to the Commissioner that he or she could use the 80% staffing to fill their own needs. But because the relationship between the County Exec and the Commissioner, I'm not sure if -- I believe there would need to be another protection for the public of the greater -- the greater good for Suffolk County to get those positions filled, because that's the bottom line; we want the positions filled. We don't want blocks put into place.

So that was my only thing. I don't know how to address that. I did speak to some folks at the Legislature, and they said they could work with drafting some language that would make some protections on that as well; other checks and balances to make sure, accountability measures to make sure that that 80% is filled in a much more responsive way then they are currently.

CHAIRPERSON BACHETY:

Erica, thank you very much for coming. Just in full disclosure, I am a member of the Welfare to Work Commission, so I just wanted that on the record. I was unaware that the County Executive holds the Civil Service list hostage.

MS. CHASE:

I just learned that the other day.

CHAIRPERSON BACHETY:

Is that what you are saying?

MS. CHASE:

Yes.

CHAIRPERSON BACHETY:

I just learned that the other day.

CHAIRPERSON BACHETY:

The Commissioner of Civil Service won't release the list.

MS. CHASE:

I guess the Commissioner of Civil Service releases it to the County Executive. But for anyone to get hired off that list or for him to release names, he has the full power to do so. So say the Department of Social Services needs to hire a certain amount of people, they will only be able to hire those people --

CHAIRPERSON BACHETY:

I don't ever remember that being true. I may be wrong. I would have to get -- does anyone know, is that true?

MR. MCCARTHY:

It's my understanding that that's how it works. I mean, you have to release the -- what we call the SCIN form which we referred to. And if the County Executive, I believe, signs the SCIN form, then the Presiding Officer of the Legislature -- right? Isn't that true?

CHAIRPERSON BACHETY:

Yeah. That's the way we worked it, but it didn't have anything to do with the Civil Service list. Certainly anyone could see the Civil Service list.

MR. MCCARTHY:

Oh, no. I think you see the list, but the question is whether or not that --

CHAIRPERSON BACHETY:

Oh, no. It has to be released.

MR. MCCARTHY:

Whether or not that position will be released in order to reach the --

CHAIRPERSON BACHETY:

Right. And that's exactly what she is asking for; to take that power and allow the Commissioners to be able to fill 80% of the 100% approved and funded positions; is that correct?

MS. CHASE:

Correct.

CHAIRPERSON BACHETY:

That would be what it is.

MR. MCCARTHY:

Similar to the way it's done, my understanding, in the towns, right? Right? In the town, you have that opportunity, right?

CHAIRPERSON BACHETY:

I think so. We used to.

MS. CHASE:

It really makes sense. And when I was thinking -- when we were having conversations, you know, so often I think as governments grow, and Suffolk County over the years has grown enormously, that I think rules and regulations, procedures and policies were set at different places. But because of the scope of how this County has evolved, there really needs to be some shift of authority to make government work better.

And I think some of the policies were set not knowing that what it would become and how it would be created. And I think we have an opportunity with the Charter revision to revise some of the things that really slow -- that could slow things down in certain -- under certain administrations. And what we're suggesting is a protection for any Executive. Just the Executive power -- looking at the Commissioners and where they fit in and how they should be managing their staff and their departments. And I equate it to a large, you know, company, a for-profit company. If it's a very large corporation, there's no CEO that's managing the sales and marketing unit. They get a yearly budget, and the manager -- the Executive in that division would have the power to do what they need to do to make the wheels keep turning. If he or she needed more, she would obviously or he would obviously go to the CEO. And I think those things need to be looked at on the County level as well to ensure that the services are delivered effectively and efficiently.

CHAIRPERSON BACHETY:

Anyone have any questions of Erica.

MS. CHASE:

I made copies of our recommendations so you have it in writing so you can review it at another time. I don't know if I handed this out prior, I know, Sondra, you got a copy of it. But I have a few more copies also, and I can bring some more. This is -- it's called "Honoring the Contract, The Partnership Between Suffolk County Government and Not-Profit Agencies Delivering Human Services."

And it has objectives and recommendations for a lot of different areas. And this one, the staffing issue, is just one of the things that we're looking at. But this has a lot more. So when you're reading through it and have a question on how maybe the Charter could be a companion to some of this, please feel free to give me a call. I only brought -- I have five more copies, but I can certainly get more.

CHAIRPERSON BACHETY:

Well, we can make copies too, can't we, for the board members?

MS. CHASE:

Thank you for having me here today, I appreciate it.

CHAIRPERSON BACHETY:

Thank you very much for coming, I really appreciate -- you're addressing an issue that has been a recurring problem for years, the filling of those positions.

MS. CHASE:

Yeah. I think it would work, and the Legislature thinks it makes sense, so. You know, I certainly don't want to ever come up with something that just is out of left field that would never go anywhere. And hopefully, we can make some sense out of some processes.

CHAIRPERSON BACHETY:

Thank you very much, I appreciate it.

MS. CHASE:

Thank you.

CHAIRPERSON BACHETY:

Okay. I thought what we can do is look at the list that was given to you by e-mail and today, things that we've agreed on, the things that we've decided not to change and just to see if you have any suggestions, questions, changes or other things we should bring up.

I did receive an e-mail about a suggestion that had been made by the County Comptroller to allow him to audit four towns. I did not include that, because frankly, I think it would be a firestorm of unhappiness with the towns. I'm not sure how the Comptroller would get enough staff with all that he has to do now to do that. And since they are audited by the State of New York, I personally don't think it's a good idea, but if anyone else does, and if you want to discuss it further, certainly we can do that.

MR. KENNY:

Wouldn't that be the responsibility of the State to change the law?

MS. CATALANO:

Can you please use your microphone.

MR. KENNY:

I'm sorry. Wouldn't that be the responsibility of the State to change law to empower the Comptroller?

CHAIRPERSON BACHETY:

I don't think so, but I'm not an attorney, so I'm not going to give you an opinion there.

MR. KENNY:

I mean, my understanding of State Law is that the states control all municipal, you know --

CHAIRPERSON BACHETY:

They do. But he put it in the context of working with the District Attorney, which quite frankly, was a red flag to me. So I just really have difficulty with this one.

MR. KENNY:

I would be interested if that ever became an issue we wanted to pursue to find out the legal -- I mean, it's not something I would, you know, be in favor of, but I still -- my instinct is that there would be a State Law that would be required to give that authority, but that's just my instinct.

CHAIRPERSON BACHETY:

Well, I think if it's a recommendation from us to the Legislature, they would then have to pursue all of that. I would prefer not to do it, but certainly if anyone else does, that's fine. No? Okay. Do you want to just take a look at --

MR. BRAUN:

Sondra, on your list of changes that we've agreed on, number 7, I think we said that in the case -- in any case where the Presiding Officer or the County Executive is an automatic member of any board, we wanted to authorize him to appoint -- or her to appoint a substitute with voting powers, not just in the case of those two peculiar commissions that you've mentioned, but in any case that they are an automatic member of a board, that they can send a representative with voting powers. So it's just a little clarification on that one.

CHAIRPERSON BACHETY:

Well, we could certainly change that. These were the two that were specifically requested. We did -- you are right, we did. So you would want to change the wording to not only include them, but any other appointee --

MR. BRAUN:

Any other board that they're an ex-officio member of.

CHAIRPERSON BACHETY:

Any other board appointment of the County Executive or the Presiding Officer.

MR. BRAUN:

Right. And one other point, and that is with respect to replacing some of our elected offices with appointed offices, I think we took a straw poll on the issue of the Clerk, but I don't think we actually finished voting on that.

CHAIRPERSON BACHETY:

We were hoping for more people.

MR. BRAUN:

Right. I think we may have one more person today than we had last month.

CHAIRPERSON BACHETY:

We can take a vote today. I think we kind of knew the direction it was going in, so I just included it, but we can certainly take a formal vote. So that would be seven. Okay. Any other changes, and then we will get to that one? And if you'll notice, under the portion where we decided not to change, it says, "Keep the Comptroller, Sheriff and Treasurer." I didn't include the Clerk in that, because I was waiting for the formal vote.

MR. BRAUN:

But you do have it as part of the minority opinion.

CHAIRPERSON BACHETY:

I know. I know. Well, that was a strong minority opinion, so I wanted to make sure it was in. Would you like your name included? Do you think it's enough just to have a minority opinion or do you want the names of the minority?

MR. KENNY:

I have no problem with my name being associated with the opinion if that's --

CHAIRPERSON BACHETY:

No. I just wanted to know what your preference was.

MR. KENNY:

That's fine with me.

CHAIRPERSON BACHETY:

This obviously is not a complete draft. This will be written up a little better.

MR. FENCHEL:

Sondra, let me just ask you on number four, issues came up that the Commission has decided not to change, we're simply recognizing --

CHAIRPERSON BACHETY:

Not to change?

MR. FENCHEL:

Yes.

CHAIRPERSON BACHETY:

Right.

MR. FENCHEL:

We're simply recognizing that they're -- the County Executive and Legislative Budget Office, the changes are not feasible?

CHAIRPERSON BACHETY:

That's not good verbiage.

MR. FENCHEL:

Yeah, I don't understand.

CHAIRPERSON BACHETY:

What happened is, as you remember, when both budget offices came in, they said they could not -- it was impossible for them with the timeframe allocated to submit the budgets in a timely fashion and for the Budget Review Office to get a report analyzing it to the Legislature. So obviously this is very incomplete and the verbiage is going to need a lot more than that. Because what it was, it was the College budget, it was Operating Budget, and it was Capital Program. So the fact that you couldn't get it all done within the period of time -- unless we tell the Legislature they can't take vacation. Are you ready to do that?

MR. BRAUN:

I think they're sure to adopt that.

CHAIRPERSON BACHETY:

That was facetious.

MR. FUSCO:

Without being facetious, but there's other issues as to when certain State funding came in.

CHAIRPERSON BACHETY:

Yes. They were more than -- but if you remember, both budget offices were very specific that they would not be able to complete their duties in an appropriate timeframe. And the College was quite clear also that until they get the information from the State, they can't do it.

MR. FENCHEL:

I have no problem with recognizing that that was their respective positions, and the reason I brought that up -- I mean, if that's all that's happening here with respect -- recognizing respective positions, that's okay. But I would have to disqualify myself from any votes on number four because of a conflict. I'm a trustee of the Board of Trustee at the College.

CHAIRPERSON BACHETY:

I didn't know that. I'm sorry. How nice.

MR. FENCHEL:

Thank you. But I think it would inappropriate for me to cast a vote under those circumstances.

CHAIRPERSON BACHETY:

I didn't realize that.

MR. KENNY:

This issue could be moot based upon the court case soon, correct?

CHAIRPERSON BACHETY:

Yes.

MR. KENNY:

The Plan C decision? I mean, that --

MR. FENCHEL:

I would just simply have to recognize that there's a court decision, but I can't -- I can't offer a vote

on number four. I can't take a position.

MR. KENNY:

But in terms of what we -- I mean, one way just to sort of dispose of this could be if, in fact, there isn't a challenge to the Plan C decision, then it becomes --

CHAIRPERSON BACHETY:

But we don't know yet.

MR. KENNY:

It's going to happen soon, I believe. Isn't there a timeframe?

CHAIRPERSON BACHETY:

If everybody asks me a legal question, I'm going to have to get the lawyers involvement.

MR. KENNY:

I thought there was a time in which they could appeal.

CHAIRPERSON BACHETY:

Well, there is a time, but I was under the impression, and I may be incorrect, that they had not reached a decision yet. So I felt that we should put it in. Obviously, if it's Plan C, they're not going to submit it and it won't be a problem.

MR. BRAUN:

In terms of our own process, are we going to enumerate issues that were raised where we're not recommending changes? I mean, in terms of a final report.

CHAIRPERSON BACHETY:

I think in a final report we have to give credence to the County Executive's request. I think we have to -- I feel strongly we should mention those. Certainly, you know, we have to go through all the minutes and see what else was recommended that we did not take action on. Certainly we should include then what the Comptroller recommended; that he wants the power to audit the towns, that would be included, but that we are not talking action on it.

Now, I guess we don't have to include things that we've decided to ignore or that we decided were not feasible to recommend. But I thought that there were some that we certainly should. I mean, if you have a different opinion or you think something else would work better, that's fine. I'm open to suggestions.

MR. KENNY:

Sondra, in the final version of the report, if you have -- if we included the testimony of the County Executive, the testimony of those groups, and then just attach that as an addendum, I think, and then -- my suggestion to them would be just revise what you want to revise, what the recommendations would be to revise.

CHAIRPERSON BACHETY:

That we're doing.

MR. KENNY:

Yeah. That's it.

MR. FUSCO:

Now I've got to disagree with you. I really believe we should just summarize it for the purpose of whoever has to read this report to make the report as short and sweet as possible without having too many references to attachments and footnotes and things that tend to make reports unreadable. I think we should bullet point what the County Executive said, what the Comptroller said, what

whoever said that we to include and try to make it real -- real to the point as possible and take out as much unnecessary verbiage that doesn't add anything just for readability.

MR. MCCARTHY:

Yeah. I think the -- I think the -- and I accept that. I think the purpose of this -- of this group for a year or two years or whatever it takes it to see if there's any revision -- if we feel at this time, ten year after the last one, if there's any revision necessary to the Charter. And that's our -- that what the County Executive, that's what the Presiding Officer has asked us to do. And if there is, make the suggestions. If not, go away. You know what I mean?

But, you know, it's nice to have a -- if you're going to do this every ten years, it would be nice to see -- you know, it might have been nice to see what H. Lee Dennison thought should have been changes, you know? In ten years or 20 years from now to see what Steve Levy thought and what the Comptroller thought when there was an elected Comptroller or whatever, you know? That's just as an historical document. There's not -- there's not many historical documents around here.

CHAIRPERSON BACHETY:

I agree. As a former Legislator myself, I wanted it short and sweet. I hated looking at a million attachments. But I did intend to include at the back, you know, a series of comments that we did receive in writing from those people. The only reason I wanted to include some of the them in our short dialog was so that they knew that we did not disregard what they had to say. I feel that it's a kind of respect thing for people who are in government and who came before us to make recommendations not to think that we just ignored them.

MR. FUSCO:

I think if you bullet point what they said and what you considered, it makes it ever stronger that you did really look at what they asked for; they asked for this, they asked for that, they asked for this, you know, and what we thought about it.

CHAIRPERSON BACHETY:

I think that has value. And that's why we have the minutes too, so that we can go back and look at it so that we'll put it together in one document. And that will take a little bit of time. But, yeah, I kind of agree with that. I don't want -- it's obviously not going to be a very long cumbersome reading, but it certainly should have some facts and reasoning behind it. Okay. Is that an agreeable --

MR. MCCARTHY:

Sure.

CHAIRPERSON BACHETY:

I mean, I'm not just speaking for myself, remember, we're all -- we're all in this together. Okay. You know what? Let's take a vote on the position of the Clerk because we did not take formal vote at the last meeting. It was kind of just to get a canvas. So if you are in favor of keeping the Clerk as an elected official, I would ask you just to raise your hand.

CHAIRPERSON BACHETY:

Do you have the names?

MS. CATALANO:

No.

CHAIRPERSON BACHETY:

Okay. Can we start over here.

MS. GIAMO:

Yes.

MR. MCCARTHY:

Yes.

MR. FUSCO:

Yes.

MR. FENCHEL:

Yes.

MR. CLIFF:

Yes.

MR. CLAYMAN:

Yes.

MS. LICCIONE:

Yes.

CHAIRPERSON BACHETY:

Those who think the position should be appointed.

MR. BRAUN:

Yes.

CHAIRPERSON BACHETY:

Yes.

MS. ISRAEL:

Yes.

MR. KENNY:

Yes.

CHAIRPERSON BACHETY:

Obviously the majority wants to keep it as an elected position. So we will have a minority report including the names of those who were opposed to it. Okay? So it was a formal vote. Is there anything else? Anything anyone wants to bring up?

MR. BRAUN:

Were we going to talk further about the pending issues?

CHAIRPERSON BACHETY:

Yes. Oh, this one is good. This one is good. The County Legislature Presiding Officer -- and the Presiding Officer have a reelection every year. I thought they had changed it to two years. I don't know, I thought that. And I really in full disclosure should tell you that I went through a horror on a one-year term. It's ridiculous. So I think that is a very strong thing to recommend that those positions run -- they only have a two-year term, the Legislators. It seems to me, and I can tell you that it's a better way of governing, when they elect the the Presiding Officer and the Deputy, they serve for two years, the length of their term.

MR. BRAUN:

Just for clarification. The whole Legislature is up for election --

CHAIRPERSON BACHETY:

Every two years.

MR. BRAUN:

The whole Legislature.

CHAIRPERSON BACHETY:

18 members.

MR. BRAUN:

No staggering?

CHAIRPERSON BACHETY:

No.

MR. BRAUN:

Where did that recommendation come from?

CHAIRPERSON BACHETY:

From a couple of Legislators and an old one.

MR. CLAYMAN:

Did Bill Lindsay register an opinion about this?

CHAIRPERSON BACHETY:

He did not. He did not.

MR. CLAYMAN:

I mean, we're unashamedly, in the Long Island labor movement, concerned with what Bill Lindsay thinks. We just feel that he represents such significance. I would suspect he would probably think this is a great idea. If I had known, I probably would have asked him.

MR. FUSCO:

Well, as a member of this board, I'm concerned with what I think. And I just want to play devil's advocate for the other position in that if you get an ineffective leader, someone that can't coalesce people, who can't push people to get together and make decisions, you could have a problem in that you're not allowing the other Legislators to toss that leader out and replace them. And I think that could be a problem in a board that could be as contentious as our Suffolk Legislature and where party politics is as important as coalitions.

CHAIRPERSON BACHETY:

I want to just answer that before anyone else does. When the Legislators are elected, they know -- as they come in here for the first meeting, they know what their makeup is; how many Democrats, how many Republicans, Conservatives, whatever it maybe. And believe me, they're kind of ready to vote for the Presiding Officer, the Deputy, the secondary. It doesn't change that much, and it gives them an opportunity to have a little more of a long-term view.

If in December, as they put up the Christmas tree, they're still lobbying to be elected again, you know, elected as a Presiding Officer again, personally I never saw that it had any value at all. Things don't change that much. I understand what you are saying, but I don't know that they're going to find out who is inefficient in 11 months. And if they have been elected as -- you know, they are elected people. And personally, I think they should have a two-year term. That one-year term is a pain. It's just an exercise unless somebody has real control. I mean, you've got a lot of those. But if it's ever close, it's a pain.

MR. BRAUN:

Is there any constructive voice trading that takes place as a result of the fact that the Presiding Officer needs to worry about being reelected, or is it just an interference? I'm asking you to testify

now, not to chair, but to testify.

CHAIRPERSON BACHETY:

I understand that. Personally, I think it's an interference. I think that if you are elected as the Presiding Officer, your goal is to -- every one I've ever known, ones I've agreed with and ones I've disagreed with, the goal was to make the Legislature -- here's our Presiding Officer.

MR. CLIFF:

He wants to do it for life.

CHAIRPERSON BACHETY:

And well he should. I'm sorry, Bill. They asked me to testify.

P.O. LINDSAY:

That's fine.

CHAIRPERSON BACHETY:

I am very strongly in favor of a two-year term for the Presiding Officer and the Deputy. And we have that up for recommendations in our report. And we have a request for your opinion.

P.O. LINDSAY:

Well, first of all, I apologize for not being here from the start of your meeting. I was actually in the City today and I just got back. But I wanted to come in. And I know you folks are getting to the point where you're concluding your work. And I wanted to personally thank you all for the amount of time that you put into this process. I know you have worked very hard on it, and I truly appreciate it. Although I don't know your recommendations yet, I'm sure that they'll be recommendations that will be very useful to us. And I hope that many of them will be adopted, because I think that's what the Charter talks about when they ask for the whole Charter to be reviewed by an independent eye, by people that aren't involved in the process at the time to come in and take a look at it. And I think that's a very valuable tool to us, and I hope we use it properly.

As far as the issue talking about now, I don't really care. You know, if you -- you know, if you recommend two years, that would be fine. If my colleagues want to approve that, that would be fine. If they want to keep it at the one-year term, that's okay too. You know, we -- you know, my party had a caucus, which is how this is usually done. The party that has the majority usually has a caucus to talk about leadership in the coming here. And they, you know, asked if I would do it for another year, and I accepted. And I said to them, you know, any time that you want me to step aside, you want to bring in somebody new, that's fine. I'll work with them and make the transition as smooth as possible.

I think it's important that -- especially with term limits that we have in existence in Suffolk County that new people are brought into the process. So I think that's an important thing, and I told them to keep that in mind as we move forward. I still have a couple of years on my term limit. It is something that imminent. But I appreciate all your efforts. That's the main thing I wanted to say. I don't -- I did want to talk about a different subject. I won't change the subject. I'll stay here for a while with you.

CHAIRPERSON BACHETY:

No. That's fine.

P.O. LINDSAY:

I don't know whether -- it's something that I had talked to Terry Pearsall about, and I don't know whether it's been brought to your attention. I don't know whether you have considered that; the role of the Parks Trustees.

CHAIRPERSON BACHETY:

Yes.

P.O. LINDSAY:

Okay. You have considered that?

CHAIRPERSON BACHETY:

Yes.

P.O. LINDSAY:

Okay. Okay.

CHAIRPERSON BACHETY:

The fact that they have veto power over land acquisition and park fees?

P.O. LINDSAY:

Yes.

CHAIRPERSON BACHETY:

Yes. That's on our list of pending issues here, so we were going to be talking about that. Would you -- would you like to elaborate a little bit on that just so everyone understands it?

P.O. LINDSAY:

Yeah. I just -- and I really don't know how it came about, maybe, Sondra, you know. But I just think it's -- whether you agree with us, disagree with us, I don't -- I don't think that an advisory board or a board that's appointed by the Legislature should have veto power over an elected official.

CHAIRPERSON BACHETY:

I agree with you. I agree with you.

P.O. LINDSAY:

The people elect us. If we make the wrong decision, they don't elect us next time, and that's how the process works.

CHAIRPERSON BACHETY:

I don't know if you remember all that went on back in the late '80s and '90s. Does anyone remember? We had a lot of problems with the Vanderbilt Museum at that time too, and a new board was instituted. And part of this was Steve Englebright and some of the things he felt was important that he had the -- he got a lot of people involved in allowing them to have more power than frankly, I think they should. And for them to be able to veto this land thing and park fees, I think is incorrect at best. So I would hope we would make that recommendation.

MS. GIAMO:

Can I just be clear on that?

CHAIRPERSON BACHETY:

Kathy.

MS. GIAMO:

Are you saying that, I guess in the case of the Vanderbilt in particular, that the Park Commissioner --

CHAIRPERSON BACHETY:

Trustees.

MS. GIAMO:

Trustees of the Vanderbilt have the veto power?

P.O. LINDSAY:

We're dealing with two different set of entities here. The Vanderbilt Museum is a property of Suffolk County, that there is trustees that oversee the operation of that that are appointed by the Legislature. In addition to that, there is Park Trustees that oversee the operation of our entire park system from our beaches to our golf sources campgrounds to whatever. What I'm talking about is the Park Trustees.

CHAIRPERSON BACHETY:

But aren't the Park Trustees also involved in the fees and the acquisition up at Vanderbilt too?

P.O. LINDSAY:

Yes.

CHAIRPERSON BACHETY:

Well, certainly, the fees.

P.O. LINDSAY:

No. The Vanderbilt is not part of the Parks system, it's an independent entity.

CHAIRPERSON BACHETY:

Even though we own it.

P.O. LINDSAY:

Even though we own it. It isn't under the Parks realm. But the Vanderbilt is in dire, dire straights at the moment. A lot of people blame them for poor management. And the fact of the matter is since we acquired the Vanderbilt Museum that was a gift of the Vanderbilt Family they also with the estate that they give us, I think, in two different sequences about \$8.2 million in money that was envisioned that the interest from that endowment would pay for the operating expenses of the museum. And it has all these years. We've never put a dollar of operating money into the facility.

But what's happened in the market over the last three months has devastated the endowment. And the revenue stream dropped from about \$1.2 million to about \$250,000 a year. So it's caused a huge financial difficulty there.

MS. GIAMO:

Does the museum revert back to the family in the event that the --

P.O. LINDSAY:

If we don't continue to operate it as a museum, yes, the family could claim it. It's part of the -- of the whole thing. We can't pierce the endowment. The original money is still there, it's just the interest that -- that's been peeled off it that's kept them going all these years. You know, I said to some folks the other day, you know, everybody is a great Monday morning quarterback, but anybody in the room make money in the market over the last four months? If they did, they're a lot smarter than I am and probably.

MS. ISRAEL:

Only Bernie Madoff made money.

P.O. LINDSAY:

Right. Thank God they didn't invest with him. They wouldn't have the endowment. But in this whole sequence of the events, we calm up with a bailout plan to buy us some time, because this happened so quickly that we -- you know, we haven't had -- there's a lot of ideas out there on how we're going to do this. And we passed a portion of our budget to fund them, again, for the first time operationally, \$800,000 in the coming year.

The revenue to pay for that initially was to increase park fees. And the County Executive vetoed it, and we failed to muster enough votes to overturn the veto the other night. The Park Trustees' part of it is really a moot issue, because it never got to them. But if we had mustered enough votes to overturn the veto, it would have had to go before the Park Trustees for approval. And that's something that I think is wrong.

CHAIRPERSON BACHETY:

Maureen.

MS. LICCIONE:

I just -- I really wonder about the legality of that. Has it ever been challenged. Because it's -- if it's property of the County, how could an appointed Board of Trustees have power over the Legislature? It just doesn't make any sense to me, unless I'm missing something.

MR. MCCARTHY:

Steve, doesn't it get back to a town -- I was just saying to Sondra -- the town operation where you have -- where you have a board of -- you have a Board of Trustees and you have the Town Council, and when it gets to property owned by the -- by the town, the trustees have a say over that property? It was because it was given --

MR. KENNY:

Yeah, but that's a whole different -- that a different body politic.

MR. MCCARTHY:

I understand that.

MR. KENNY:

Yeah.

MR. MCCARTHY:

I mean, that's -- that's the basis -- that's the basis in the --

MR. KENNY:

But however, our trustees are elected, not appointed. They're elected.

MR. MCCARTHY:

Your trustees are elected.

MR. KENNY:

Out trustees are elected.

CHAIRPERSON BACHETY:

Right. Which makes a difference.

P.O. LINDSAY:

Don't get me wrong. I think there's a role for the Park Trustees, but it's an advisory role. It isn't a policy role.

CHAIRPERSON BACHETY:

It shouldn't be.

P.O. LINDSAY:

No. No.

CHAIRPERSON BACHETY:

I don't think it should be. Does anyone have any other questions about that, because this is a big --

MR. BRAUN:

Yeah. What -- what would the role of the trustees become then?

P.O. LINDSAY:

Advisory. Advisory. You know, I think it would be perfectly appropriate for the trustees to weigh in on what they thought about a park fee increase. I think it's perfectly proper and right for them to weigh in on what capital projects should go forward in the park system. You know, on, you know, whether we should -- whether we have enough staff to adequately maintain our parks system. But I think all of those issues should be of an advisory nature.

MR. BRAUN:

How is -- when somebody has property -- well, how does the park system acquire property in general?

P.O. LINDSAY:

Well, we have an Open Space Program that is extensive. It's one of the most extensive ones in the country. And when we, you know, buy open space for preservation either as active parkland or inactive parkland, it becomes parkland, and it's overseen by the Parks Department.

MR. BRAUN:

And currently the trustees, after the County Executive and the Legislature have identified property to purchase under the Open Space Program, the trustees currently could override that?

P.O. LINDSAY:

That's happened in the past, yeah. Not before the deal is concluded, but in the process.

MR. BRAUN:

I mean, before the contract is signed or there's a provision in the contract that says subject to approval of the trustees, and then the trustees could turn that down?

P.O. LINDSAY:

There's a very long process to acquire a piece of property. It starts with what's called a Planning Step Resolution that originates in the Legislature and is approved by a Legislative vote, which starts the process. We contact the owner of the property to see if they're interested in selling. Somewhere along the line, the Planning Department picks that up or the Real Estate Department and does their due diligence as far as appraisals, environmental review to make sure that it isn't a brownfield or something like that. And eventually, it goes before what -- a board that's called ERTB, which is made up of Legislators as well as officials from the Executive Branch. You know, a value is attached to it based on the appraisals, and offer is -- before that offer is made, I believe it goes before the Park Trustees to see if they agree that it's a good acquisition.

MR. BRAUN:

And they could stop it at that point?

P.O. LINDSAY:

Yes.

MR. KENNY:

Bill, do you know if the County Trustees are the legal -- are the legal owners of the property as a result of this relationship?

P.O. LINDSAY:

No.

MR. KENNY:

They're not?

P.O. LINDSAY:

No. The County owns the property.

MR. KENNY:

I just --

CHAIRPERSON BACHETY:

So does everyone understand now what this issue is?

MR. MCCARTHY:

Sondra, I'd just like to say, Bill, I agree with you on this point. And this is -- this is one of the reasons you're supposed to be looking at this stuff every ten years, because, you know, this whole thing -- you know, this Charter was put together by a bunch of guys that were Supervisors of Towns. And those trustees are made up of appointees of theirs. And they were the Legislature of the time as the board of -- as the Board of Supervisors, you know, back in 1958 or whatever. And so, you know, throughout this document, you see certain safeguards of control of the -- over the County Government by the Town Government, because the town Government is running the County. And this might well be something that has outdated itself.

P.O. LINDSAY:

Well, I know Sondra could back me up on this. One of -- one of the things that County Government is guilty of is a lot of times we'll pass legislation to solve an immediate problem, and as time goes on, that problem doesn't exist anymore, but the legislation still remains there. And that's why it needs to be cleaned up every once in a while, and ten years is probably a good time to do it, you know. And you know, by you guys taking a look at something, it's, you know, a panel of citizens that have an arm's length away from the electeds and sometimes can give it breath of fresh air. You know, because sometimes we get so close to things that our view is skewed. So, you know, that's why I think your worked is valuable.

CHAIRPERSON BACHETY:

I have been requested to ask if you would mind staying for our second pending item --

P.O. LINDSAY:

Go ahead.

CHAIRPERSON BACHETY:

-- which is to codify the division of power between the County Legislature and the County Executive as coequal branches of government, especially in regard to budget and employees.

P.O. LINDSAY:

Well --

CHAIRPERSON BACHETY:

I realize that's a difficult --

MR. FENCHEL:

Yes or no?

CHAIRPERSON BACHETY:

I don't know if it is still --

P.O. LINDSAY:

Well, that's where I was -- I was just going to say that, that we -- we feel that we're a coequal branch of government, sometimes the Executive doesn't always, but I think we are.

CHAIRPERSON BACHETY:

I believe that you are.

P.O. LINDSAY:

And process, the way it works, I mean, he can't pass a budget without us. We can pass a budget without him by a supermajority. You know, it goes back to all the checks and balances. But I agree with that.

MR. KENNY:

We just had a particular example of that, though, that dealt with employee hiring, a recommendation that the County Executive can, in fact, block positions.

P.O. LINDSAY:

Yes, he can.

MR. KENNY:

And there was a recommendation that we empower the department head to be able to control 80% of his budget in terms of employees. So you are really creating a delegation of power to the department heads under that -- under that proposal.

P.O. LINDSAY:

I don't know whether I agree with that. All right. And, again, a department head is someone that's -- that's either hired by the current County Executive or has been hired by the previous County Executive if that department head has a term. Some of them have a term, like Social Services has a term. I don't -- you know, I don't know whether I would give that much power to a department head.

The issue of personnel is a problem. We -- the Legislative Branch can put positions in the budget and funds positions or can take positions out of the budget, but only the Executive as the Chief Financial Officer can sign the forms to actually hire somebody. And a lot of times, you know, we will put money in the budget to hire somebody, but that doesn't mean he has to hire them.

CHAIRPERSON BACHETY:

I think this came up, and the organization that brought it in, it's discussed at every Human Service group that I've ever belonged to, because the Legislature has historically restored positions in certain areas, whether it was in Social Services, different parts, the Health Department, and then the County Executive, for whatever reasons, has chosen not to fill them and uses that money as a savings rollover.

I personally remember the frustration of the Legislators who felt they had put the money in the budget in order to solve the difficulties that were being encountered. So when the presentation made today by Erica Chase, who I'm sure you know, I think what she was doing was articulating the frustration of a lot of groups who feel that they come here where they have an opportunity to speak and to plead their case and get heard, and then the position doesn't get filled.

P.O. LINDSAY:

You are right in that it was almost comical in that we've had a debate for the last few years. You fund positions in a budget, and the those positions doesn't get filled. And it creates what's called turnover savings. And the turnover savings was a subject of concern by the financial people, you know, that we're relying on this huge amount of turnover savings every year to balance -- because at the end of the year, it's rolled over and it goes towards technically tax reduction in the next year.

Not that you see your taxes go down, but it fills this huge gap in the next budget. And the worry was the turnover savings is too large, we're too dependant on it, and when it crashes, what are we going to do? You know. The economy in the last two years has kind of taken care of that. You know, it's diminished tremendously in the last two years of what -- of what we were carrying a couple of years ago.

On a practical note, even if department heads have the ability to hire 80% or whatever, the Executive hires them. So if he didn't want the positions filled and the department head filled the positions, the department head wouldn't be there.

CHAIRPERSON BACHETY:

I know.

P.O. LINDSAY:

I don't have a solution to that -- - to that dilemma.

CHAIRPERSON BACHETY:

We never did.

P.O. LINDSAY:

The Executive absolutely, we're talking about coequal branches of government, in terms of hiring people, has a lot more power than the Executive -- than the Legislative Branch. And that's -- that's the way -- I don't know how to solve that. I really don't know how to solve that. And you could make the case on the other side, the budgeting process, the Executive Branch might not want a line in the budget, and if the Legislative Branch has a supermajority, they're going to put that in the budget.

CHAIRPERSON BACHETY:

It doesn't mean it gets used.

P.O. LINDSAY:

No, it doesn't mean it gets used. It doesn't mean it gets used. But it can't get used unless it's there.

CHAIRPERSON BACHETY:

That's true. But historically, the Legislature been more responsive to the public and those problems by putting in the money and then the incredible frustration that's felt, because they just don't get filled. And I realize there are cases when it's very difficult to do that. You have to be careful financially, but the Legislature usually has a pretty good idea of what's going on. I may be prejudice.

P.O. LINDSAY:

A lot of times it becomes priorities; you know, what are the Legislative priorities as opposed to the Executive priorities. We have a finite amount of money to spend, and where do we want to spend it and where does the Executive want to spends it, you know.

CHAIRPERSON BACHETY:

All right. Anyone have any questions?

MR. FUSCO:

I have a comment.

CHAIRPERSON BACHETY:

Comment.

MR. FUSCO:

I think, you know, if I'm the CEO of any organization, one of things that a CEO is going to generally reserve to themselves is the power to hire and fire. It's kind of the hallmark of a CEO. So I understand when Bill is saying we can't really figure out a solution to the problem. When you like to solve it, that's what CEOs do, they hire and fire. I understand now when you say you have to at least put the money in so they can hire if they're of a mind to do it, basically, the budgetary item has to be there, but you can't really force them to do it.

CHAIRPERSON BACHETY:

I don't want to get into a debate about business and CEOs. But government, the Legislature, 18 members, represent the people of Suffolk County. And when they see a problem and put money in to solve some of that problem, there should be unless there's an extraordinary reason some effort by the County Executive to fill those positions. In my opinion and from my own experience.

MR. FUSCO:

How would you put it in?

CHAIRPERSON BACHETY:

I'd put him in handcuffs. Okay. Anyone else? Anyone? No? Okay. I want to thank you. And I'm going to call on -- I want to thank you, though, Presiding Officer Lindsay for coming in and chatting with us. You were very helpful. And we're also happy to see Legislator Vivian Vilorio-Fisher. Thank you for coming.

LEG. VILORIA-FISHER:

Thank you. Thanks for the opportunity and thanks for your service. I know you've had many long meetings. I just came from the Parks Trustees. And the Presiding Officer mentioned that that was just subject of conversation. What I've come to speak to this body about is the concept of trustees in general. We have several boards in Suffolk County. And I don't think that we've really codified certain elements. For example, the Parks Trustees must, by Charter, rotate the chair of the committee. In other words, you cannot have one person as the Chair of the Parks Trustees for more than three consecutive years. They're elected every year, but you can't have the same person for more than three years.

That results in having a good sense of having different voices in the leadership role. That doesn't occur with either the Vanderbilt or the Maritime Museum. I can't think of other boards where we have trustees like that. Bill, maybe you can. But I believe that that might be an important thing to look at in terms of how those trustees should be governed.

We heard quite a number of people at the Legislature say during recent debates that they would have liked to see more of a change in leadership with the Vanderbilt Museum. And that's not to say that I'm opposed to the person who's the present chair of the Vanderbilt, but maybe that there's a sense that the same faces are seen year after year after year as -- at the helm. And perhaps looking ahead, there could be a provision that no one person, although they are elected annually, no one person -- they're elected by the other trustees --

P.O. LINDSAY:

As the Chair.

LEG. VILORIA-FISHER:

As Chair. That no one person be elected more than, let's say, three consecutive years.

MR. BRAUN:

Sondra, how are the trustees of these various boards appointed in the first place?

LEG. VILORIA-FISHER:

Well, the Parks Trustees' names are put forward by the supervisors, the Town Supervisors.

MR. BRAUN:

One from each town, or --

LEG. VILORIA-FISHER:

One from each town.

MR. BRAUN:

Okay.

LEG. VILORIA-FISHER:

And then we vote on them. The Vanderbilt Museum Trustees' names are nominated by members of the Legislature and voted on by the Legislature, and I believe the same is true for the Maritime Museum Trustees.

MR. BRAUN:

And then each of those bodies elects its own Chair?

LEG. VILORIA-FISHER:

Yes. They're elected within their body by their peers.

MR. BRAUN:

Okay.

CHAIRPERSON BACHETY:

Has the Chairman of the Vanderbilt been Chairman for 18 years, something like that.

LEG. VILORIA-FISHER:

I believe so. And, you know, this is someone who's very devoted to the Vanderbilt. He works very hard, and I think he has been very good. But when you hit a crisis, then you have people calling for change. And I think would be probably a better model to have change that's -- that is part of the system. Because we all know that it's difficult to work together and vote somebody out of office, but if you have a natural progression where there's a cyclical change, a rotation, you probably are able to hear different voices and get different points of view more readily.

CHAIRPERSON BACHETY:

Anyone have any questions? No?

LEG. VILORIA-FISHER:

Thank you.

CHAIRPERSON BACHETY:

Thank you so much for coming. It was nice to see you.

LEG. VILORIA-FISHER:

My pleasure.

CHAIRPERSON BACHETY:

Okay. That was great input and information. So we have to look at that and see how it's written, and we'll see about -- how does everybody feel about that? Are you in agreement?

MR. FUSCO:

She persuaded me.

CHAIRPERSON BACHETY:

She certainly persuaded me.

MR. BRAUN:

To digress a little bit. On the Planning Commission, we dealt with the same issue regarding our own Chair. And there was a proposal that we make it our own internal rule more that nobody serve more than, I think it was four years as Chair. And basically, the Commission decided that although that would be an informal goal, that we didn't want to take somebody out of office in the middle of something that was going on where the continuity might be important and where after -- you know, it takes the first year as the Chair of anything to figure out what is going on, and then in the second year you become- - except for you, Sondra, you were effective immediately.

MR. FUSCO:

Good save.

MR. BRAUN:

In the second year, you finally have you process happening. And we didn't want to tank that person out and have a new learning curve again. So we decided in that commission not to -- not to adopt that internal rule. And there's no external rule fort he Planning Commission.

CHAIRPERSON BACHETY:

So if we had an external rule that applied to the commissions --

MR. BRAUN:

Then they would have no choice obviously, yeah. But the Commissioners felt that we were free enough to speak our minds to -- if someone was ineffective, that someone would undoubtedly try to step forward and say, listen, I think it's my turn or someone else's turn to be the Chair.

MR. FUSCO:

And how often has that happened?

MR. BRAUN:

Well, I mean, for example, John Caracciolo was the immediate past Chair. He served, I think, for two, three years, and then he said it's somebody else's turn. And David Cologne stepped up, and he's been the Chair now about a year. And he's been very effective.

MR. FUSCO:

But Caracciolo stepped down. It's not as though someone stepped up and said, get him out of the way.

MR. BRAUN:

Everybody said it's time. We all agreed.

MR. FUSCO:

But had he not stepped down, do you know what would have happened?

MR. BRAUN:

There have been contested elections for -- there's three seats; there's the chair, the Deputy Chair and the Secretary. And sometimes there's more than one candidate for a seat.

MR. KENNY:

And there is a bit of a distinction between a commission and a trustee board, correct?

CHAIRPERSON BACHETY:

Yes, there is.

MR. KENNY:

And so we can separate those issues if we --

MR. BRAUN:

I'm not suggesting that the Planning Commission be dealt with as a separate case. I'm just saying in the case of that board, that's what we came up with.

MR. KENNY:

I understand.

CHAIRPERSON BACHETY:

Okay. All right. After listening to the Presiding Officer, do you have any comments about the idea of them having a two-year term, the Presiding Officer and the Deputy? Does anyone have any --

MR. FUSCO:

Well, he was certain that he didn't care.

CHAIRPERSON BACHETY:

He has the majority. It's a different situation when you have a clear cut majority, I must tell you have that. When you have, you know, a very close thing, it's a little harder sometimes. Does anyone have any -- yes, no, maybe forget it?

MR. CLIFF:

You know, having watched it worked over the years while I was, you know, in the County Police Department, I think a two-year term makes a lot more sense than the upheaval of jockeying for a position every October, November and giving somebody a pet project so you'll vote for me, not that it would happen.

CHAIRPERSON BACHETY:

No. No.

MR. FENCHEL:

I would agree with a two-year term. I think it makes more sense.

MR. KENNY:

So would I. I think it makes sense.

CHAIRPERSON BACHETY:

Yeah? Everyone feel comfortable with it? We'll make a recommendation?

MR. FUSCO:

One disagreement. One minority.

CHAIRPERSON BACHETY:

You're a minority.

MR. FUSCO:

One minority.

CHAIRPERSON BACHETY:

Okay. Artie.

MR. CLIFF:

Yes. I have a late starter under "pending." And I hate to do this, but it came to my attention during one of the holiday parties, of all places. There is a conflict or a contradiction, I guess, in the Charter under Section C(4)-4, which is -- well, actually -3, which is the establishment of the Division of the Budget. And reading from it, it says that, "The Division shall be headed by the Director of the Budget appointed by the County Executive to serve at the pleasure of the County Exec," and the

Budget Director doesn't have to be approved by the Legislature. The Budget Director is --

CHAIRPERSON BACHETY:

The one that Fred Pollert --

MR. CLIFF:

No. This is Connie Corso, you know, in the County Exec's Office.

CHAIRPERSON BACHETY:

Right.

MR. CLIFF:

That is a Civil Service position now. It is a competitive exam, and there's a State test. And she happened to score number one on the State test, I've been told. And, you know, she is there. And it is a Civil Service position, not, you know, established by the County Exec and appointed by and serve at his pleasure kind of stuff.

CHAIRPERSON BACHETY:

I didn't realize that.

MR. CLIFF:

Well, that's what someone told me. Perhaps, Counsel George Nolan could look at it.

MR. MCCARTHY:

I think you are right on that, Artie. The Budget Director in the County Executive's Office is a Civil Service position. The Deputy for Finance is the appointed position.

CHAIRPERSON BACHETY:

Right. I didn't realize that was a Civil Service position. Was it ever filled that way?

MR. MCCARTHY:

I'm looking at John Klein's picture. When Peter Cohalan came in in '79, '80 Lou Soleo went down to the Budget Director, and Ed Boughal moved out of that position and vacated it so that go -- fall back to his old position of Budget Director for Civil Service protection. And then Bill {Brotherman} became the Deputy for Finance, which was Lou Soleo's position?

CHAIRPERSON BACHETY:

So are you telling me that Connie is not a civil -- she's not on the list?

MR. CLIFF:

No. She was number one on the list.

CHAIRPERSON BACHETY:

Oh, she was?

MR. CLIFF:

Yeah.

CHAIRPERSON BACHETY:

And he appointed her from it.

MR. CLIFF:

Right. But it's in conflict with the Charter. The charge says, "serve at the pleasure of the County Exec." That's not true. It's a Civil Service position. There's a test for it.

MR. BRAUN:

Well, are those two things necessarily in conflict with each other? I mean can there be a Civil Service requirement for a position, but the position is not tenured so to speak, that it's at the County --

CHAIRPERSON BACHETY:

I don't think so. If you're Civil Service, you're Civil Service.

MR. BRAUN:

You may need to qualify for the position, not necessarily --

CHAIRPERSON BACHETY:

No. There's a difference. If you're on a list -- you have to qualify for a lot of jobs, you have to have a certain background, qualifications, education is important. But if you take a Civil Service test and you're hired from that list, it's always been a tenured position as far as I know. I mean, have you ever heard of it being anything else. I never have.

MR. BRAUN:

I don't know.

CHAIRPERSON BACHETY:

But what you're saying, Artie, is that in the Charter it says that it's supposed to be at the pleasure, which is different.

MR. CLIFF:

Appointed by the County Exec to serve at the pleasure of the County Exec.

MR. FUSCO:

Well, if you take out the words, "at the pleasure," he can still appoint them from the list, then, right? Then it's okay?

MR. CLIFF:

I don't know how we clean it up, but.

MS. ISRAEL:

Appointed it's an appointed position, it's not a Civil Service position. But here it says it's appointed.

MR. FENCHEL:

Does he have to appoint number one on the list?

MR. CLIFF:

No. You still have one and three on the Civil Service, I would assume.

MR. FUSCO:

So he can appoint from a list, but the thing is -- the "serves at pleasure" is what really is the issue. You know, once you're appoint, you can't fire. What happens when a new County Exec comes in and he wants another Budget Director?

MR. CLIFF:

You promote him.

CHAIRPERSON BACHETY:

No. What happened -- you know what happened in the past? That's why -- Lou Soleo was here was here forever because of that. The County Executive's couldn't get rid of him because he was a Civil Servant.

MR. MCCARTHY:

He was promoted back up to Department for Finance.

MR. FUSCO:

So maybe we should recommend it not be a Civil Service position, just be an appointed position.

MR. BRAUN:

I don't think we can do that.

MR. FUSCO:

Well, you can recommend it, can't you? You can change the Chart. Why wouldn't you be able to do that?

MR. CLIFF:

You have the person who's serving in it now, and you can't eliminate that position.

MR. FUSCO:

Grandfather them.

CHAIRPERSON BACHETY:

That's a good find.

MR. CLIFF:

Well, it was a question. And you know, I don't know if maybe --

CHAIRPERSON BACHETY:

I don't know. I real don't. I always thought -- and now that I look back, though, I do remember Pat Halpin wanted to get rid of him, Soleo, and he couldn't.

MR. FUSCO:

Can we recommend that --

CHAIRPERSON BACHETY:

Remember that?

MR. FUSCO:

Sondra? Could we recommend that the Legislature decide one way or the other on it; either it's appointed or it's Civil Service, but it can't be both and that the language be cleaned up without specifying which recommendation we're making?

MS. ISRAEL:

Well, the language states that it's appointed. That's what it says.

MR. FUSCO:

It also says it's Civil Service, right?

MS. ISRAEL:

No. No. It has nothing about Civil Service in it.

MR. FUSCO:

Well, where did you get Civil Service from?

MR. CLIFF:

Someone told me that it was a Civil Service test that the person took. It's a Civil Service-protected

position.

CHAIRPERSON BACHETY:

You know what we need? We're really going to need George Nolan to look at this?

MR. MCCARTHY:

I mean, it's a question for -- it's a question for Alan Schneider.

CHAIRPERSON BACHETY:

We'll ask George. He won't come. He is not going to come. We'll ask George. Can we ask George Nolan to look at -- did you get all the information? I'll go over it with him.

MR. FUSCO:

There's a Civil Service test to qualify for that position?

MR. CLIFF:

Budget Director, Suffolk County.

MR. MCCARTHY:

It's probably just a resume.

MR. BRAUN:

That's the question? Where is that found? What titles -- what titles go on the list of required Civil Service?

MR. FUSCO:

Can we ask her?

MR. CLIFF:

Yes, we can.

CHAIRPERSON BACHETY:

No. Let's get George in, because there is -- there is a conflict here. It goes back to Lou Soleo, you're absolutely right. It does. Because we couldn't get rid of him. And we tried. I remember that. I remember Patrick trying, and we couldn't.

MR. FUSCO:

Maybe it should be an appointed position.

MR. MCCARTHY:

I think it makes sense to have a Civil Servant in a budget position in the County Executive's Office.

CHAIRPERSON BACHETY:

Why?

MR. MCCARTHY:

Well, I'll tell you. Because the Budget Office is made up of simple civil servants. So the person who's a director of that office -- it's just like in the White House, the Office of the Budget is 400 people that stay for every -- every administration. They don't -- they don't leave.

MR. FUSCO:

But the Budget Director changes.

MR. MCCARTHY:

But not -- not the Budget Office people don't change. And so, in Suffolk County, the Budget Director is like the team leader of that management team of Budget Directors of which every department has

people in the department; in the Police Department, the District Attorney's Office, everywhere. You know, even in the independent elected officials' offices. So I -- you know, from the Executive point of view, it always made sense to have -- you'd have an appointed official who would sit on your cabinet, who would be in charge of finance, and then he would work hand in hand with a person who is the Budget Director. What I don't understand is why there is -- you know, why there's two -- two references in the Charter.

MR. FUSCO:

So your recommendation would be to take out the language, "serves at the pleasure of"?

MR. MCCARTHY:

Or to clarify the language, because it was my -- my understanding is unless it's changed, and it could have changed, it was 25 years ago I was in this business --

CHAIRPERSON BACHETY:

Well, it's a long time since I've been here, I don't know either. Now that you've refreshed me though with Lou, I do remember that. That's a very good question. All right. We'll have to find that out.

MR. FUSCO:

I guess you will be Chair for two years.

CHAIRPERSON BACHETY:

No. We can have another election. Oh, my. Okay. Well, I do think we have to address the Commissioners and the Parks Trustees and any other boards. I thought Legislator Fisher's comments were important. Did everybody kind of agree with that? Yeah? Okay. And that would have to include the Vanderbilt too. All right. This is kind of messy.

And on the Suffolk County Parks Board of Trustees, we want to eliminate the fact that they have veto power over park fees and land acquisitions. We're going to recommend that? Does everybody agree with that? Is that okay? Okay. Four was the Comptroller requesting power to audit the towns, which we're not going to do, I think. Okay. How does everyone feel on this budgeted positions issue? The budgeted positions issue as recommended by Erica Chase as she spoke before?

MS. ISRAEL:

I still think that the County Executive is the CEO and he should have final authority.

MR. FUSCO:

I agree with that.

CHAIRPERSON BACHETY:

I don't agree with it, but in reality, I think that point that the Presiding Officer made that the head of the department serve at the pleasure of the County Executive. And if they started filling the positions, that that might endanger their job, and so they probably wouldn't do it anyway.

MR. CLIFF:

It would be another vacant position, right?

MS. LICCIONE:

Sondra, maybe -- but maybe giving the power to the Commission is not the answer. Maybe the answer is Legislative oversight.

CHAIRPERSON BACHETY:

Well, see, the Legislature really does. And I guess the difficulty that I have with it is that when we used to sit here at committee meetings or Legislative meetings and people came in and spoke about -- let's take the Department of Social Services, because that was one of most difficult ones -- that

we didn't have enough people in Child Protective Services, we didn't have enough people in Adult Protective Services, and yet, the positions were there and the money was there. And they were just not being filled. And we could rant and rave and carry on, and it didn't mean anything, because they didn't get filled if the County Executive didn't chose to do so or if he wanted to Stall it for the money for whatever reason.

And because of that, I always -- there was a great deal of frustration because that budget is scrutinized by two branches of government, it's finally approved, the Legislature has hearings, so you kind of think, well, there should be some services that you should be able to get some action on. I'm not talking about just perhaps -- I know the Clerk, as value as they might be in some departments, but in some of these areas, it was a real problem. But I have to agree with the Presiding Officer that if the County Executive tells a department head not to fill it, they're probably not going to fill it.

MS. LICCIONE:

I think what I was thinking of, and we might have to have some legal research on this, but if a position that was budgeted remained unfilled for X period of time, that there could be some kind of override.

CHAIRPERSON BACHETY:

You mean more than one year?

MS. LICCIONE:

Whatever.

CHAIRPERSON BACHETY:

See, the budget is only a yearly budget. So you're going to tell him he has six months, and if you don't do it, we're going to fill it, something like, is that what you are talking about?

MS. LICCIONE:

Well, some kind of override, yeah.

CHAIRPERSON BACHETY:

I don't know how to do that.

MS. LICCIONE:

I don't know either, but it might -- there might be some legal research that we could ask.

CHAIRPERSON BACHETY:

I'll ask George to look into it. I don't know. Because you see what happens is it takes a long time to hire from a Civil Service list. And if, let's say, there's a lot of pressure on -- one of the former County Executives in the old days, he'd pressure them and pressure them and pressure them and say, "Well, I'm working with the Civil Service list and it takes a long time and have to get," -- you know, and they could kind of stall it out on you a long time. But I'll have the I'll ask George if he could research that.

MS. LICCIONE:

I mean, if everybody agrees with me. I don't want to --

CHAIRPERSON BACHETY:

I wish there was a way to do it.

MR. FUSCO:

The answer to that is, you know, when these groups come and they protest the County Executive and they annoy him and they make a lot of noise --

CHAIRPERSON BACHETY:

But they don't.

MR. FUSCO:

Well, then they should.

CHAIRPERSON BACHETY:

How can they? You don't understand. This room gives access to the Legislators, it gives access at the committee meetings, it gives them access at the regular meetings. They don't have that kind of access to the County Executive. He's behind plastic. You can't even get in there.

MR. FUSCO:

No, but he's always out --

CHAIRPERSON BACHETY:

Oh. Oh.

MR. FUSCO:

I mean, I see the guy everywhere. I'm tired of seeing him.

MR. KENNY:

My issue that I would with that is I would, even as a Legislator, I would hate to be -- a Town Council Member, you know, in Southampton, I would hate to be in the position of recommending a specific position. However, there might be some circumstances that would go along with Maureen's suggestion that would deal with a basic problem of the County Executive refusing to implement the budget for positions, not specific, but positions. I don't know where you get with that.

CHAIRPERSON BACHETY:

This is -- this is not a town. The town is different. A Town Supervisor is constantly assaulted. They are not hidden, neither are the Town Board Members. They work as a unit, they're different. But here, they have a Human Services Committee. Let me just tell you. They have a Human Services Committee. They meet every two weeks. People come here and speak to that committee regularly. They tell them the problems that exist. People come in and tell them about -- I mean, we used to have -- I don't know if it's still true, but we used to have horrendous problems with Child Protective Services. I mean, the things that we had to go through to get positions filled was horrible, and the money was in the budget.

MR. KENNY:

But would you want to put yourself in a position of voting on a specific position?

CHAIRPERSON BACHETY:

Yes.

MR. KENNY:

You would? Okay. That's not a position that I would want to put myself in.

CHAIRPERSON BACHETY:

You have to sit here and listen to the people. I'm telling you, you don't know how bad it can be. I'm not saying it still is I don't know sit here any more. But it was, and I have to assume there are still problems out there. There are Health Department agencies that are not getting the kind of assistance they need. There are human needs of people in this County. And the whole purpose of the Legislature, you might as well -- I'd rather have the Town Supervisors then. They at least touch the people. This Legislature is here because it's -- they can respect people in groups, and they can try to correct some of those problems. And that's the end of my soap box, I'm not doing it any

more.

MR. BRAUN:

I think philosophically, though, the Legislature says to the County Executive, "Here's a number of position that you can fill. You're the Chief Executive. Do your job for the County; make sure that our departments work the way they need to work. You can have up to ten inspectors in whatever." And the County Executive says, "You know what? I think my -- my -- my department head can get by with 7." And that's his function.

That's why there's an Executive and not just a Legislature in my opinion. His job is to implement the services that the County provides. And I think that compelling whatever mechanism, compelling the County Executive to take that, you know, despite his reasoning for -- whether it was financially based reasoning or some other reasoning or because he wants to allocate resources in a different way or whatever they may be, I think that impinges on the Executive function. In out right -- you know, just from a points of view of -- I mean, we were talking about the division of power, checks and balances in government, and that's -- that's part of it. The Legislature says, "Here's your limits," and the Executive says okay, "This is how much -- this is how far toward that limit I need to go." And if he is wrong, there's a new election.

CHAIRPERSON BACHETY:

Ha. Give me a break. Sorry.

MR. BRAUN:

Sondra, obviously, you have been embroiled in this personally.

CHAIRPERSON BACHETY:

Look, I'm still a human service person. That's what I do. That's what I'm still involved with. I know the frustrations, and I feel differently.

MR. FUSCO:

Yeah, but a lot of us are involved with human services. The point is how do you structure it differently when a budget runs for a year --

CHAIRPERSON BACHETY:

Look, the County Executive sends you over a budget; he's got ten positions say in Child Protective Services. And everybody says, that's what he sends over, a budget. The Legislature holds hearings; they have committee meetings. And if they change it and add more or add lessor, cut away, whatever they do, in the end, that is -- they send that budget back, they approve it, then it's either vetoed, he does a line item, whatever it is.

But when -- at the final thing, when it's all done and everybody's had their opportunity and you have those positions there and they never get filled, it is very frustrating.

MR. FUSCO:

It seems to me the only thing you can do in Charter is put something in there that the County Executive must fill all budgeted positions within 20 days or 30 days or 90 days of a budget. And I don't know how you can do that.

CHAIRPERSON BACHETY:

That might be a little hard.

MR. FUSCO:

What would you do to fix it?

MS. ISRAEL:

Wait a minute. Things occur, and sometimes he has to change what's planned.

MR. FUSCO:

How do you do that then if you're not going to -- compel him to fill it or you're not going to compel him?

MS. ISRAEL:

That's why -- that's why you let him. He's the Chief Executive.

MR. FUSCO:

So you're either you're going to compel him or you're not. It's like Civil Service or not Civil Service. It's like, you know, chocolate or vanilla. It can't be both. You know, it's one or the other.

MS. LICCIONE:

You can compel it within "X" number of days, dates, and then have a hearing. That would be a check and balance. You know, if it's not filled within a period of 20 days, it goes to the Legislature for a hearing.

MR. FUSCO:

You just made more layers and more inefficiencies.

MR. FENCHEL:

Well, then what if he still continues to refuse to fill it? Then what --

MS. GIAMO:

Excuse me. I'm losing sight of this. Is this something that we should be discussing it at all?

CHAIRPERSON BACHETY:

It's a change to the Charter. It is a change to the Charter.

MS. GIAMO:

I mean, to compel the County Executive to fill a position in a certain amount of time.

CHAIRPERSON BACHETY:

I don't know that that is. But after the budget process is over, somewhere in the budget, you could have something that would -- unless he gives a report to the Legislature as to why he can't fill things that he should. But I think we're probably getting into much too complicated a thing. All right. So we don't want to do --

MS. LICCIONE:

Oh, I'm sorry. I was just responding to the --

CHAIRPERSON BACHETY:

Yeah, I know.

MS. LICCIONE:

-- to the comment that it can't be done. It could be done. And maybe we don't make the specific recommendation, but we make the recommendation that -- that it be addressed by the Legislature. Your point is well taken, that we shouldn't be making, you know, recommendations about 120 days or 90 days, but it could be done. I mean, legislation is written everyday that has checks and balances in it.

MR. FUSCO:

And he could veto it.

MS. LICCIONE:

Yeah, that's true.

MR. FENCHEL:

So we're running in a circle.

CHAIRPERSON BACHETY:

Okay. Yeah, we are really. So let's kind of wrap that one up. What would you like to do? We have a request from Erica -- I knew she was coming in -- to allow the department heads to fill budgeted positions without requiring the County Executive's approval, and that would be 80% of those approved. Do you want to vote on that?

MR. FUSCO:

We could vote on it.

CHAIRPERSON BACHETY:

Okay. All those in favor of putting that in? Let me see. Me.

MR. FUSCO:

One minority vote.

CHAIRPERSON BACHETY:

That's me.

MS. GORDON:

I didn't here her speak, so I'm going to abstain.

MR. FUSCO:

One abstention.

MS. LICCIONE:

Okay. And I would -- if this is at all possible -- vote no that by -- with the caveat that it is -- that I wouldn't adopt her specific recommendation, but that the issue should be addressed.

CHAIRPERSON BACHETY:

Okay.

MS. LICCIONE:

I just don't think that recommendation is workable.

CHAIRPERSON BACHETY:

I'm not sure the 80% is workable either, but I like the idea that it can be filled.

MR. KENNY:

Sondra, I mean, even your suggestion I thought was a good one. Is there some procedural way you could ask the County Executive to report to the Legislature on unfilled positions on a -- on some sort of regular basis so that at least -- so that at least there is transparency in terms of his decisions? I mean that might be an interesting way to deal with it.

MR. FUSCO:

I'd be for that.

MS. ISRAEL:

Me too. I like that.

CHAIRPERSON BACHETY:

Yeah. Oh, okay. You mean in my ranting, I came up with something.

MR. MCCARTHY:

Sondra, I think the -- the Human Service Committee has that -- has that right every -- every second week to have the -- - have the --

CHAIRPERSON BACHETY:

Yeah, they do.

MR. MCCARTHY:

-- Commissioner come in and say, What's the status of these unfilled positions?"

CHAIRPERSON BACHETY:

But you know what they say.

MR. MCCARTHY:

I know, but that's about what would happen. If the County Executive is asked to come here, he's going to send the Commissioner of Social Service, and it's going to be the same thing that --

CHAIRPERSON BACHETY:

Right.

MR. MCCARTHY:

Right. I mean, that's the reality of the situation.

MR. KENNY:

If you made it a semi-annual full -- full Legislative report though -- I'm just looking --

MR. MCCARTHY:

Yeah I know, Steve.

MR. KENNY:

I'm just saying. If you create some transparency on this decision making, he might have a good reason for doing it. And maybe that's part of the frustration, that people don't understand what the reasons are.

MR. FENCHEL:

Before that, I have to tell you, this got so convoluted. I'm a little unsure. What exactly was the resolution we just voted on, apparently unanimously or very close thereto.

MR. FUSCO:

Not do anything.

MR. FENCHEL:

Not to do anything, to continue to let the County Executive --

CHAIRPERSON BACHETY:

Just to leave it as it is.

MR. FENCHEL:

To leave it as it is. Okay.

CHAIRPERSON BACHETY:

Okay? So that is a no position. We're not doing anything on that. Okay. That won't even be, okay? And obviously, the Presiding Officer thinks it would be difficult to codify the power, so we'll eliminate that one. All right. Yes on the Suffolk County Parks Commission, Board of Trustees. Okay. Is there anything else?

Oh, I'm sorry. I apologize. Four, the Comptroller has requested the power to audit towns. They would like us to vote on that. All in favor?

MR. MCCARTHY:

Sondra, did he ask for to audit County programs that are --

CHAIRPERSON BACHETY:

No.

MR. MCCARTHY:

No?

CHAIRPERSON BACHETY:

Audit town finances.

MR. FUSCO:

In connection with investigations, he said.

CHAIRPERSON BACHETY:

No. He said he would be -- he does that now he said in connection with investigations.

MS. GIAMO:

Did he give us a --

MR. FUSCO:

He was here.

CHAIRPERSON BACHETY:

Remember when he spoke?

MS. GIAMO:

Are we going back a couple of months or last month?

CHAIRPERSON BACHETY:

No. It was a while ago. Vic read the old minutes. He thought that -- and I think Steve was right, there probably is State regulations on it, but.

MS. GIAMO:

But what -- other than if it were an investigation for alleged wrongdoing, why would he do that? Why would that oversight be needed on the part of each town?

MR. KENNY:

I think he was requested to do it and he couldn't, because of the County Charter.

CHAIRPERSON BACHETY:

No, he didn't say that, did he?

MR. FUSCO:

I think he was here in May or June. Hold on a minute.

MR. KENNY:

This is all around the CPF fund, I believe.

CHAIRPERSON BACHETY:

The Child Protective Services?

MS. GIAMO:

No.

MR. KENNY:

No. I thought it was the issue with the CPF funds.

MR. FUSCO:

He was here --

CHAIRPERSON BACHETY:

He was here very early on.

MR. FUSCO:

Yeah.

CHAIRPERSON BACHETY:

To be honest, I just completely disregarded it, because I didn't agree.

MS. GIAMO:

That's what it was.

MR. CLAYMAN:

Sondra, a question. Isn't -- doesn't the Comptroller have that power in Nassau County?

CHAIRPERSON BACHETY:

To investigate the towns?

MR. FUSCO:

It's in Joe Sawicki's testimony if I can find it.

CHAIRPERSON BACHETY:

To investigate towns?

MR. CLAYMAN:

To perform audits.

CHAIRPERSON BACHETY:

Why? The State does that.

MS. LICCIONE:

Maybe it's in connection with County programs. I think he made a good point. I bet you the -- it would be my guess that the Comptroller already has the right to audit County money going to towns.

CHAIRPERSON BACHETY:

What County programs?

MS. LICCIONE:

The County must --

CHAIRPERSON BACHETY:

Jackie, what County programs were you auditing?

MS. GORDON:

I don't know.

CHAIRPERSON BACHETY:

I don't remember.

MR. FUSCO:

You want me to read what he said?

CHAIRPERSON BACHETY:

Sure go ahead.

MR. FUSCO:

He was here on June 12th.

MS. LICCIONE:

Yeah. I think -- like, youth programs, they'd be grants.

MS. GORDON:

Yeah, grants.

CHAIRPERSON BACHETY:

Yeah, but community development funds, things like that, I don't think so. I don't remember him saying that.

MS. LICCIONE:

Okay.

MR. FUSCO:

Here's what he said.

MR. CLIFF:

Excuse me. I have to go.

MR. FUSCO:

Okay.

MR. CLIFF:

Merry Christmas.

MR. FUSCO:

"I have a couple of other issues I would like to ask your support of and your consideration of, and that would be in the expansion of the authority of the Comptroller's Office. The Nassau County Comptroller has the authority to audit and review the accounts of towns and districts, the Suffolk County Comptroller does not have that. And the reason why this comes up and how this comes up is that oftentimes, I'm sure that many of you have read, that the District Attorney, Tom Spota and I have worked on various investigations."

"Obviously, he does the criminal investigations. He's called upon us -- you know, my staff to do the auditing and the financial examinations. And oftentimes, Tom will ask me to do a certain audit of a town or district. There aren't a lot of districts, special districts, in Suffolk County. But I don't have the authority to go in. The only time I can go in -- like we have assisted each other, I assisted him in the William Floyd School District scandal investigation. He had to actually get a share order through the courts to allow our office to share in the Grand Jury proceedings and the Grand Jury testimony."

"So I'd like you to provide you before the day is out with a copy of the Nassau County Charter, which basically very simply allows the County Comptroller to audit towns and special districts."

Then you asked him a question. You asked him, "If that were to happen and if you were to have the ability to go in and audit towns, on what basis, because towns are audited by New York State now. So what would be the purpose?" "Well, I don't think -- I don't think the Nassau Comptroller audits the towns per se, because, again, you would be replicating or duplicating what the State Comptroller does. We don't need any more work than we already have. As you know, we don't have enough staff to go around now to audit all that we'd like."

"But it's just from time to time when, for instance" -- the last three very specific -- "Mr. Spota asked if we could take a look at the alleged debacle in the swimming pool in Mastic Shirley, which is part of the Brooklyn (sic) -- Brookhaven Town thing, and I just didn't have the authority to go in and do that audit. So it will only be circumstances. It would be from time to time. It would be very, very -- we have our hands full and plan to audit County agencies, contract agencies and the County Departments, so it would just be the -- the authority would be there just in case we needed or we wanted to."

"Chairwoman Bachety: So there would be a pro visio that there had to be a specific reason or a special reason for you to go and do that. Obviously, you know I am so not implying that you would do that, but you went -- you may have somehow wanted to cause a little difficulty."

"Mr. Sawicki: Audit the towns just for the sake of auditing? Yeah, that's true. And you saw the way Nassau Comptroller took on all the special districts. Fortunately, we don't have that issue in Suffolk County. We have two special districts, whatever. But because these special districts apparently weren't audited properly, or if at all, you know, it begged the County Comptroller to go in there."

CHAIRPERSON BACHETY:

Thank you. That was excellent.

MS. LICCIONE:

Steve and I were having a side-bar discussion on that. I think there's a fundamental difference -- and, Saul, you would know this better than anyone -- between Nassau County and Suffolk County Government, which is that Nassau County guarantees the tax rolls of these special districts and school districts and towns. So they have -- it's a whole different planet when it comes to the County's economic interest and how the towns and special districts are run.

Second, I find it difficult to believe that the County -- the District Attorney doesn't have forensic accountants on staff.

MR. MCCARTHY:

He has them.

MS. LICCIONE:

He has them. He has to. Or he could hire -- - hire them.

CHAIRPERSON BACHETY:

Or he can get an order to allow them to go in and it, which is what he did in the William Floyd School District.

MR. FENCHEL:

You're correct, the Nassau County -- you have County-wide assessment, and the County guarantees the school district refunds, if you will, if the County -- there is County money very heavily involved in each one of the towns, school districts and special districts. So there is a good reason for the Nassau County Comptroller.

MR. FUSCO:

So what you're saying, Maureen, is there's no compelling reason to do that.

MS. LICCIONE:

Unless it's a County grant. You know, then -- but then I think the County already has the authority to --

MR. FUSCO:

To audit them all.

MS. LICCIONE:

So, you know. And just so you understand, it's really -- that's why Nassau County has had a lot of the financial problems it has had. It's one of the counties in the State where if somebody gets a tax certiori judgement or award, the County has to pay it, not the town. So it's a whole different thing. And they had to borrow the money to pay it. You know how that catches up sometimes.

CHAIRPERSON BACHETY:

Okay. We'd like to call for a vote. All in favor of allowing or offering the opportunity for the -- what is he -- the Comptroller to grant him the authority to audit towns? All in favor on this side? On this side? That fails. That's done. Okay. Anybody else? Anything that you think?

MS. ISRAEL:

I wasn't at the last meeting and I don't know whether it was covered, but when someone came here -- I work at a hospital, and we're able to fund the grants we receive and then get reimbursed. But the small non-profits that work for Suffolk County, especially in this climate, will have a lot of trouble funding the work without the funds coming from the County in a timely period of time -- you know, in a timely period. And we were going to discuss that, and I don't see that on the list.

CHAIRPERSON BACHETY:

I'm sorry, did I miss that?

MS. ISRAEL:

Yeah. That's okay.

CHAIRPERSON BACHETY:

Okay. Why don't you start the discussion?

MS. ISRAEL:

Okay. If a non-profit gets a grant and is contracting with the County -- I'll make this up -- to provide healthy meals for a segment of the population, what they have to do is fund the health meals, and then they put in vouchers after they've completed the job and get reimbursed.

Well, if you're a big -- I work for a hospital. No problem. We have funds, we fund it, and then put in a voucher and get reimbursed. You have the smaller non-profits that do a lot of social service programs for the hospital, and they rely on local fundraising. And you know what? Times are tough and they're not getting it. And they're going to have a lot of problems. In the past they took out loans, had to incur interest payments in order to fund these programs. And I think we should look at that.

CHAIRPERSON BACHETY:

Do you have any suggestion as to how you would handle that, because that's been a recurring problem for years? And you are right, the economic climate has changed, and these groups used to raise -- they used always borrow money and then they had to pay interest on it, so their grant was really smaller. So exactly what would you -- do you have suggestion?

MR. FUSCO:

Payment within 30 days unless the voucher was authorized for an audit or something.

MS. GIAMO:

Well, you know, they don't have money to fund the start of the program, and that's the problem. So 30 days doesn't help. They probably can get the money -- I think there's a law that the County has to pay when they receive the vouchers within a certain amount of time.

CHAIRPERSON BACHETY:

They do. They've improved it over the years, but it's still not -- it's not upfront.

MS. ISRAEL:

And they have to give extra interest if it comes late. But it's still not up front. And I understand the County's hesitancy, because you don't want to give the money out until the program has been completed because you don't know if -- but there has to be something we can do, 80, 90% of the money upfront --

MR. FUSCO:

Some portion.

MS. ISRAEL:

Some portion upfront to ease it.

MR. KENNY:

Part of the -- I remember the discussion -- was the difficulty in getting the contract approved in the beginning. And one of the things that we talked about was maybe authorizing the County to do a two-year contract so that there could be -- you know, so that they can pay attention to the new contracts as they come in, sort of spread out that workload so that there's a relationship there that more permanent and allows the checks to flow more easily.

MS. ISRAEL:

Thank you. Part of the problem is that you receive funding from the County and you receive a letter from the Legislator who sponsored your funding. You do not sometimes get a contract until June, July, August, September.

CHAIRPERSON BACHETY:

Because they have to go through the department head, and it takes time.

MS. ISRAEL:

Right. So do you take a chance, borrow the money, provide the service? You have no piece of paper that says you are going to get reimbursed.

CHAIRPERSON BACHETY:

Right.

CHAIRPERSON BACHETY:

And that's a second problem. Thank you.

MR. FENCHEL:

Wait a minute. The contractual period is limited even when you get the contract to only one year?

MR. KENNY:

And sometimes half the year is over before you get the contract.

MS. ISRAEL:

Sometimes nine months is over before you get the contract for a yearly -- an annual service.

MR. FENCHEL:

So by Charter, they can't give more than a one-year contract. So you're in a sense eating up the time.

MS. ISRAEL:

We've never gotten more than a one-year contract from the County. We get them from the State, not the County.

MR. KENNY:

It would be difficult because of the budget process to do it two years other than to say based upon the budgeted amount, the continuing relationship would go forward for another year. So it would have to specify the ability of, I think, the Legislature and the County Executive to say what the -- the new budget number is. But maybe it wouldn't have to go through a contract every year. And that would allow the town -- I mean County Attorney's Office to only deal with half of the contracts every year. That might be a suggestion.

MR. FENCHEL:

I don't think that's a bad suggestion. And once the contract is in excess of one year and provided no one -- there isn't a block put in the way or whatever you want to call it, a veto or an automatic release for that additional year so you don't go through this year by year.

MS. ISRAEL:

But you would still have the initial six, eight -- I mean, Sondra knows this goes on all the time -- six, eight, nine months where there are no funds going in. And times are changing, it's much more difficult for the smaller non-profits to cover the costs or to borrow money.

MR. FENCHEL:

So what would be the suggestion for the Charter in that situation? Because I understand the problem with that, I've been involved --

MS. ISRAEL:

I think as soon as the Legislature awards the money and it's in the budget, a contract should be forthcoming in a much shorter time, much shorter; say within a month. I don't know, Sondra, whether they can do that.

CHAIRPERSON BACHETY:

I don't know.

MR. BRAUN:

I mean, if all of the contracts have to come out within a month of when the budget passes, that's an enormous amount of work to do in a very short time, right?

MS. ISRAEL:

There are times the contract does not come out for eight or nine months.

CHAIRPERSON BACHETY:

It depends on the department, but Social Services is notoriously slow.

MR. KENNY:

To me -- and the recommendation -- we shouldn't get into the details that much, but I think clearly we should make a recommendation that maybe the form of multiyear contract or staggered contract years. I mean, both those approaches could -- could at least give, I think, these agencies more certainty. I'd you say the contract -- you know, once a contract starts in June, then it goes through to the next June at the very least or, you know, you could do some -- either a combination of staggering and multiyear contracts to -- and, you know, maybe that's a suggestion.

CHAIRPERSON BACHETY:

It sounds to me more like a suggestion than an exact change in the Charter.

MR. MCCARTHY:

I don't know if the Charter would address it.

CHAIRPERSON BACHETY:

I mean, certainly we could make a recommendation in addition to the change, I think, to the Charter. But this doesn't sound like -- unless someone can think of --

MR. BRAUN:

Can you incurber next year's budget that way?

MR. MCCARTHY:

You know, the problem is so systemic that it's not -- it's not just contract agencies. You'll find at the college, for example, there's -- the County does a list of architectural firms the the architect of the County will use, this is one example. And we've had -- when I was at the college, we had complaints to the Board of Trustees by firms that were still owed seven and eight hundred and \$900,000 and had done all the work necessary for that -- for the -- to be paid for that, and they had not yet had their contract approved.

And so these major architectural firms in New York would be saying, talk about insult to injury, now I'm not on the list to do business with you next year, and you haven't paid me the \$800,000 you owed me for the last two years. You see? So, I mean, the problem is very systemic here, you know? And it was my understanding that there was one lady in the County Attorney's Office that reviewed contracts. I don't know if that's changed. You know?

And every single contract, if it's the President of the College or a major contract agency or a small youth group is approved by the County Attorney for the County Executive. So that's the problem. I don't think it's a Charter thing, I think it just -- it doesn't work. But I'll tell you, that problem is going to be a problem that makes Morgan Stanley's problems look like nothing, because we're not going to be able to support the contract agencies any more.

MR. KENNY:

It's not going to get any better.

CHAIRPERSON BACHETY:

No, it's not.

MR. FUSCO:

No. It's going to be very tough, very tough times.

CHAIRPERSON BACHETY:

All right. Let's see if we can put it as a recommendation from us. But certainly not -- I don't know how to change the Charter unless someone can think of -- if you think of some wonderful verbiage over the holidays that would change the Charter, that would be good.

Meanwhile we'll try to get doing on that. My goal is to see if we can get some kind of a draft statement to you to see before our next meeting. Now, does January 20th -- can you imagine this -- '09 sound okay? January 22nd, it's a Thursday or the 21st. It could be Wednesday or Thursday. That week is open here. So you know what I'll ask, Arona, what I'd like to do is send an e-mail to everyone that the next meeting will be on the 22nd at 2:30. That's a Thursday, the 22nd. And I'd like to get a draft copy to everybody if possibly by the 9th of January so that everybody can have a chance to review it.

MS. KESSLER:

Sondra, the issues relating to the contracts and the payment and the staff have been addressed in the Legislature. Legislator Vilorio-Fisher and Legislator Cooper have both introduced various legislation dealing with that. Do you guys -- would you like to hear from either of those Legislators on issues relating to the contracts and also the staffing?

CHAIRPERSON BACHETY:

Well, the problem really is do they have a way, if we were to recommend a change in the Charter, to make it possible for that to happen? I'm not -- I really don't know how to do that in the Charter. So if they would willing to come and to make a suggestion, I think everybody would probably want to here it.

MS. KESSLER:

Okay. So I think invite those two Legislators. I know Debbie Alloncius with AME has also come to lobby for an agency oversight report, I believe it was so that the Legislature would be kept up-to-date on staffing throughout the County. So if you want Debra Alloncius to speak on the staffing issue as well. I don't have to though. Does anyone want to hear that?

MR. BRAUN:

Lets save that for the 2018 commission.

CHAIRPERSON BACHETY:

This is a really tough issue. I'll talk to George and Terry Pearsall about it, and let's see what we can come up with. And I thank you all very much. I hope you have a wonderful holiday. Happy New Year.

(*THE MEETING WAS ADJOURNED AT 4:45 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY