SUFFOLK COUNTY CHARTER REVIEW COMMISSION

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

WILLIAM J LINDSAY
PRESIDING OFFICER

MEMBERS
SONDRA M BACHETY, CHAIRWOMAN
ROBERT BRAUN
ARTHUR CLIFF
RONALD F DEVINE Jr
SAUL R FENCHEL
VICTOR FUSCO
THOMAS J GERMANO
KATHLEEN GIAMO
JACQUELINE A GORDON
MARLENE B ISRAEL
STEVEN T KENNY
MAUREEN T LICCIONE
DENNIS McCARTHY
EDWIN PEREZ

June 12, 2009

Honorable Steve Levy
Suffolk County Executive

Honorable William J Lindsay
Presiding Officer

Gentlemen:

I have the privilege of submitting the results of the Charter Revision Commission organized by you on February 7, 2008. Every 10 years, a Charter Review Commission convenes to examine the Suffolk County Charter, the document that defines the scope and shape of Suffolk County government. It is a critical task as county government evolves into the 21st century.

The latest Charter Review Commission held its first meeting February 7, 2008 and over the course of the next 14 months met 10 more times. I was selected to serve as chairperson of the Commission and its members were Arthur Cliff, Victor Fusco, Ronald Devine, Steven Kenny, Robert Braun, Saul Fenchel, Jacqueline Gordon, Kathy Giamo, Edwin Perez, Dennis McCarthy, Thomas Germano, Roger Clayman, Marlene Israel and Maureen Liccione.

I would like to extend my warmest personal thanks to all the members of the Commission, who devoted many, many hours to the formidable task we faced. Without their dedication and vast array of skills and knowledge, we could not have accomplished our task.

Commission members heard testimony from a host of elected and appointed officials, concerned civic leaders, union representatives and other county residents. We listened and learned about issues of concern from many different constituencies as we analyzed the Charter and by extension the very nature of government in Suffolk County. The varied insights of the various Commission members were critically important in distilling all that information into a final Commission report.

The result of more than a year of hard work by our dedicated Commission members was a list of 12 recommendations for changes in the Charter, which are listed in the following report. We also briefly outlined another nine issues we discussed at length but eventually decided to leave unchanged. Many other potential changes were also discussed as the Commission members worked their way through the year.

You will also find in the following report complete transcripts of the testimony of all elected officials, as well as the web site address where you can view complete minutes of all of the Commission's meetings.

Once again, I thank every member of the Commission for their unselfish dedication to our examination of the Suffolk County Charter

In addition I would like to thank Presiding Officer William Lindsay and Chief of Staff Terrence Pearsall for the assistance given by their staff, especially William Shilling and Michael Pitcher, in putting together this document and for their help during the past year.

Sincerely,

Sondra M Bachety

Chairwoman

CHARTER REVISION RECOMMENDATIONS
BY THE
CHARTER REVISION COMMISSION

February 2008 to April 2009

Sondra M Bachety
Chairwoman

Robert Braun
Roger Clayman
Arthur Cliff
Ronald F Devine Jr
Saul R Fenchel
Victor Fusco
Thomas J Germano
Kathleen Giamo
Jacqueline A Gordon
Marlene B Israel
Steven T Kenny
Maureen T Liccione
Dennis McCarthy
Edwin Perez

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I PREFACE

Charter Review Commission (CRC) members were appointed in accordance with Article II, Section C2-20 of the Suffolk County Charter.

The first meeting of the Commission was called on February 7, 2008 by County Executive Steve Levy and County Legislature Presiding Officer William J. Lindsay. Members of the Commission included: Sondra Bachety, Arthur Cliff, Victor Fusco, Ronald Devine and Steven Kenny, PO Lindsay's appointments; Robert Braun, Saul Fenchel, Jacqueline Gordon, Kathy Giamo and Edwin Perez, County Executive Levy's appointments; and joint appointments Dennis McCarthy, Thomas Germano, Roger Clayman, Marlene Israel and Maureen Liccione.

At the March 14 meeting of the commission, Ms. Bachety was elected chairperson and Mr. McCarthy was elected vice chairperson. PO Lindsay promised that members of his staff including William Shilling, Arona Kessler and Neal Capria would be available to assist the commission in any way possible. After the unfortunate demise of Mr. Capria in February, PO Lindsay assigned legislative aide Michael Pitcher to also assist the commission.

The public was invited to attend any and all meetings of the Charter Review Commission, and public hearings were held in Hauppauge and Riverhead to give all County residents an opportunity to make their concerns known. These hearings were not well attended in spite of substantial efforts to generate interest. The Commission notified numerous civic associations and newspapers, radio and television stations county-wide about the hearings in a concerted effort to generate public interest and involvement in the process.

However, the Suffolk County Charter is a relatively obscure document in the daily lives of Suffolk citizens and although it deals with their health, safety and welfare, citizens tend not to pay detailed attention to the body of laws that control these government responsibilities.

Two public hearings were held by the commission, one in Hauppauge and one in Riverhead in an effort to give residents of both the East End and west end towns a convenient location to voice their opinions, and the testimony of everyone who spoke at the two public hearings is included as an appendix to this report.

The regular meetings of the Commission were scheduled on a monthly basis and officials who had an interest in specific issues attended, and the commission extended invitations to any and all officials who might be directly affected by any changes being contemplated. The elected officials who offered testimony included County Executive Levy, PO Lindsay, County Clerk Judith Pascale, Sheriff Vincent DeMarco, Treasurer Angie Carpenter, Legislator Vivian Viloria-Fisher and Comptroller Joseph Sawicki Jr.

The testimony of all elected officials is included in the appendix to this report.

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Complete minutes of all Commission meetings are available at www.suffolkcountyny.gov/legis.

Other officials who provided important insight and testimony included Thomas Isles, director of the County Planning Department; AME Legislative Director Debra Alloncius; County Attorney Christine Malafi; Connie Corso, director of the County Executive's budget office; George Gatta, executive vice president of Suffolk Community College, Charles Stein, vice president of SCC; George Nolan, Counsel to the Legislature; Gail Vizzini, director of the Budget Review Office; Vito Dagnello, President of the Suffolk County Correction Officers Association, Inc.; Erika Chase of the Health and Welfare Council, and others.

Approximately half the potential changes to the Charter that were discussed at length at the various meetings were approved by the commission and are listed in this report.

Finally, a note of thanks to all CRC members for their contributions to this effort. Commissioners were appointed on the basis of their expertise and knowledge of county government and the needs of its citizens. All Commission members are thanked for their efforts.

II INTRODUCTION

With Suffolk County continuing in its transformation from a rural county to a suburban county, the role of county government is likely to continue to expand in the future. Encouraging smart growth and development while continuing an aggressive campaign to preserve open space and farmland remain important goals for Suffolk County.

Town and village governments play a critical role in the governance of Suffolk County and residents treasure their local governments and feel they enjoy close control and intimate knowledge of those smaller governmental entities. Suffolk County's original responsibilities were essentially courts, jails, county highway maintenance and ministerial services such as recording deeds or filing development maps but that role has expanded as the County has grown. There is near universal recognition of the key role county government plays in protecting the health, safety and welfare of Suffolk citizens.

Addressing those issues of governance in the future is the work of our elected officials, both at the county level and the town and village level. The Charter Review Commission in 2008 and 2009 focused directly on the technical aspects of the charter, and correcting and eliminating portions of the charter that had lost relevance.

Charter Review Commission Recommendations

1. **Remove veto power over land acquisitions and parks fees held by the Suffolk County Parks Board of Trustees**.
   The commission was unanimous in its belief that an appointed board should not have the power to overrule the decisions of elected officials and should rather act in an advisory capacity only.

2. **Memorialize the voting rights of the County Executive's and the Presiding Officer's appointees on various boards.**
   Those boards include the Parks Board Trustees, the Sewer Commission and all other boards, commissions or committees upon which the County Executive and/or Presiding Officer or their representatives sit as ex-officio members. While these appointees have regularly voted over the years, that right was not memorialized in the charter, and it should be.

3. **Repeal Article 41, regarding public financing of campaigns.**
   It was adopted by a voter referendum in 1998 but since then, due to a lack of public support, it never achieved its purpose of providing public funding for campaigns. The funding mechanism established by the law was a voluntary check-off on tax forms, and residents simply did not provide funding. Since the lack of funding has made the bill completely ineffective, we suggest elimination of this 30-page article in the Charter.

4. **Add two voting trustees to the Vanderbilt Board of Trustees representing County Executive and the Presiding Officer.**
   Given the county's enormous capital investment in the museum's facilities, voting rights for county government's representatives are entirely appropriate.

5. **Repeal Articles 12, 26 and 40—Greenways Program, Save Open Space and Suffolk County Linked Deposit Act.**
   The Greenways program ended in 2006, the Save Open Space program expired in 2007 and the Linked Deposit Act has also expired, so there was no reason for their inclusion in the charter.

6. **Clean up Article IV, Budgeting Provision C4-6(D), C4-10(I), C4-12(A) (1), C4-33, C4-36.**

The allotment system referenced in this section of the charter has not been utilized for years and should no longer be in the charter.

7. **Remove C4-6H, C16-1D—re: LIPA takeover.**
In the late 1990s when the LIPA takeover happened, the County, through the County Legislature, enacted several Charter provisions in reaction to the takeover, setting up procedures that the County Attorney would have to follow, and some of the provisions are quite extensive. The provisions are no longer relevant and should be removed from the charter.

8. **Increase Ambulance Chiefs' representation on Suffolk County Fire Rescue and Emergency Services Commission.**
The Ambulance Chiefs' Association requested an increase in their representation on the Suffolk County Fire Rescue and Emergency Services Commission. They currently have one member and one alternate. The Commission agreed to change their membership to three members and two alternates.

9. **Eliminate C23-1 governing public access to county records.**
Access to public records is now covered by the New York State Freedom of Information Law.

10. **Extend term of office for County Legislature Presiding Officer and Deputy Presiding Officer from 1 year to 2 years.**
Chairperson Bachety's insights into the issue as a former County Legislator were central to the commission's support of this change.

11. **Eliminate the official map provision.**
County Planning Department recommended removing map requirement.

12. **Limit term of chairman on boards of the Vanderbilt and Maritime museums and other similar county boards.**
The Commission recommends limiting chairmanship to three consecutive years. This change was made in the belief that a turnover in board chairmanship will lead to an infusion of new energy and ideas to these organizations.

Issues Discussed Upon Which Commission Took No Action

1. **Keep County Clerk, Comptroller, Sheriff and Treasurer as elected positions**. Some members believed the County Clerk position, being primarily clerical in nature, should be appointed not elected. All four officials testified against a change from elected to appointed for their respective positions.

2. **Keep the Division of Insurance and Risk Management in the Civil Service Department**. A move to the executive branch was rejected.

3. **Charter Commission will continue to meet every 10 years.** It has been suggested that the commission met every 20 years or perhaps only at the invitation of the County Executive or County Legislature.

4. **Change Suffolk County Community College budget time frame.** The County Executive and Legislature's budget offices both said changes are not feasible.

5. **Sheriff's Department.** Creation of a separate Department of Corrections with a Commissioner of Corrections was rejected. Testimony on this issue was heard from current Sheriff Vincent DeMarco.

6. **Codify division of power between County Legislature and County Executive as co-equal branches of government, especially in regard to budgets and employees.** There was no belief that this could be codified effectively.

7. **Allow department heads to fill budgeted positions without requiring County Executive's approval.** This proposal was rejected because of the belief that the County Executive, as the County's CEO, should have the authority to determine hiring levels and fill positions. It was also pointed out that the change would have little or no effect because department heads are appointed positions and any department

head who added jobs over the County Executive's objections would be immediately replaced.

8. **Comptroller has requested the power to audit towns.** Noting that the State already audits the towns, this change appeared unnecessary.

9. **Slow payment by County to social service agencies.** The Commission heard complaints from social service agencies that contract with the county about the failure of the county to pay promptly for services rendered, often forcing those agencies to borrow money to cover costs while waiting for reimbursement from the county. The Commission discussed the issue, and doubts were expressed about whether this was an issue to be addressed in the charter; instead, members felt it was a matter for the County Legislature to address. The Commission was told that the legislature's Ways and Means Committee has been addressing the issue.

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February 7, 2008

PRESIDING OFFICER LINDSAY:
Thank you, Maureen.

I said that I'm going to act as the informal chair today. At the next meeting we would expect you folks to elect a chair to run the Commission over the next year plus whatever it takes in order to complete your work. I'm going to give you an opening and kind of a quick lesson of what's kind of expected of you. I have three different speakers here that'll give you different perspectives of what the Charter Commission should be doing as well as resources for the work ahead of you.

First I'd like to introduce our County Attorney Christine Malafi. I'd be remiss if I didn't point out in the audience is Legislator Lou D'Amaro who is the head of our Ways and Means Committee and has a special interest in your work. And throughout your proceedings you'll see different Legislators stop in to monitor what's going on and to add suggestions or help or whatever, you know. But Christine?

MS. MALAFI:
Thank you, Presiding Officer. My name is Christine Malafi. I'm the County Attorney. I run the Department of Law for the County. We are here as legal support for you as a Commission. Once you elect a chairperson, if you have any legal questions about any ideas that you're discussing, through the chair, we'd appreciate it. You can contact me direct and we will do the legal research for you to ascertain whether or not an idea you're considering is viable. For example if you wanted to combine two elected positions or abolish an elected position or combine departments of the County, we would do the legal research for you to let you know whether or not that was legally available to you so you don't waste a lot of time discussing something that can't be done, for example.

Any other questions that you have we're here to -- with the Counsel to the Legislature here to help you. The Charter -- Suffolk County Charter, as Presiding Officer Lindsay said, is on line. And that's really the best place to get it because it's up to date and it's searchable, also. So if you want to see for example which sections of the law relate to the Treasurer's Office, if you put -- there's a little -- at the bottom there'd be a little blank like a Google search, you can put the word in and it'll pop up all the sections that pertain to that.

There's also when you -- if you just go to the Suffolk County home page, www.suffolkcountyny.gov, I believe it pops up. And there's a link if you go at the top, it'll say links. You pull that down and it'll say laws. And if you click on that, it will come up. And the search is right there.

On the left side of the screen there's a table of contents. It'll be not only for the Charter but the Charter will be the first thing on the table of contents. If you click the plus sign next to the word Charter, the index for everything that's in the Charter will come up. I'm not trying to be repetitive. And I'm sorry if some of you know this, but I just feel that I just want t

o let everybody know the Charter of Suffolk County actually just sets up the government of Suffolk County. So that none of the laws of Suffolk County or the way that the policy or the Charter is implemented is anything that you will be looking at as part of this Commission. But it's all there on line for you if you have any questions or if you have any questions about how something in the charter is implemented, we're more than happy to help you.

If you have any technical questions on how to do a search, we're here for you. My direct line is 853-5677. And when you call just identify yourself as a member of the Charter Review Commission and we're here for you.

MR. BRAUN:
Question for Christine, I guess. For working sessions, subcommittee meetings, little subcommittee hearings, all open meetings, all apply to all of this?

MS. MALAFI:
Yes.

MR. BRAUN:
So everything has to be published and available? And we just can't meet in someone's dining room for example?

MS. MALAFI:
Cannot.

PRESIDING OFFICER LINDSAY:
No. They wouldn't get into a situation --

MS. MALAFI:
They are not decision making but still, the Charter section that creates it should be an open meeting.

PRESIDING OFFICER LINDSAY:
Yeah. It should be an open meeting. And you know the public hearings we'll advertise. Your regular meetings, you know, we'll post outside what's going on, but it won't be advertised.

MR. FUSCO:
Can we come back to that for a second? I know on our zoning board, if five of us were to go look at something, that be would be a public hearing. But if two of us want to just discuss something, that's really not a problem or send an e-mail back and forth, that type of thing.

MS. MALAFI:
That's okay when you're on the zoning board because you can confer to make a decision. You as a body aren't making any decisions; you're just making recommendations so if the two of you would like to discuss or look on the website to see what departments do and have discussions, that's perfectly fine.

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

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

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

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

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

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

The next issue is more -- is an important one and it has to do with the timing of when the County enacts the Capital Budget and Program and when we enact

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

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

We also have a very extensive article in our Charter, Article 41 which has to do with public financing of campaigns. It was adopted by a voter referendum in 1998 and frankly, since then, next to nothing has happened. At one point we had a Campaign Finance Board, it no longer exists. We did try to collect monies to fund a program, we got almost nothing, so it's nowhere, it's dead. And here we have this 30 page article in our Charter and it might be time to call it a day; we suggest that to you.

CHAIRPERSON BACHETY:
George, a quick question.

MR. NOLAN:
Yes.

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

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

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

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

CHAIRPERSON BACHETY:
Thank you, George. Anybody have any questions? Maureen?

MS. LICCIONE:
Yes, I do. Thanks, George.

MR. NOLAN:
You're welcome.

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

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

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

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

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

MR. NOLAN:
Or stand-alone Local Laws that maybe are not codified in either the Charter or the Administrative Code, that really don't have anything to do with the structure of government. For example, all the laws we've passed having to do with the

1990 budget, that should not be in the Charter. That has -- it just should not be there, but there it is, we passed the law as a Charter Law, we slotted it in the Charter, it was probably a mistake, now we should clean it up.

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

MR. NOLAN:
Local Law --

MS. LICCIONE:
Okay.

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

MS. LICCIONE:
Okay, thank you.

MR. NOLAN:
You're welcome.

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

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

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

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

MR. CLIFF:
Sondra, I have one.

CHAIRPERSON BACHETY:
Yes, Art.

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

MR. NOLAN:
Well, there's a lawsuit and a law pending.

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

MR. NOLAN:
Very hot.

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

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

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

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

MR. CLIFF:
Okay. Thank you.

MR. NOLAN:
Sure.

CHAIRPERSON BACHETY:

Okay. Anyone else? Thank you, George.

MR. NOLAN:
You're welcome.

CHAIRPERSON BACHETY:
Perhaps now Christine?

MS. MALAFI:
Good afternoon again. I take a different position than George on a few things, and the first thing that I take a different position on is that my job is not to advocate anything; I'm the lawyer. So I leave any proposed amendments up to the County Legislature and up to the County Executive's Office, and I know that he has a representative here that would like to address the committee, commission, if you would let him.
My role is to answer any questions that you have on the law, on the Charter, what any effect has. George and I do not always agree on a law or if something needs a referendum or doesn't, but we work extremely well together and we will do that for the committee also, for the commission also; right, George?

MR. NOLAN:
Absolutely.

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

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

The Charter, the easiest way for you to access it is on-line, we went through that last week -- the last meeting, I'm sorry. There's 42 Articles of the Charter and basically the Charter sets up County government. And getting model Charters are fine, but other counties, just from my experience, other counties don't have the departments we have, don't have the resources that Suffolk County has. So

basically, the way the Charter is worked out right now, it sets up all the departments, it gives all the department heads responsibilities, it gives our duties and it makes reference to, for example the Department of Social Services, that department functions under the State guidelines as well as County guidelines, so that's in there. The qualifications to be a department head, the qualifications to be an elected official, they're all in the Charter. Basically, the Charter sets up the government.

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

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

MR. BRAUN:
Sondra, may I?

CHAIRPERSON BACHETY:
Yes, of course.

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

MS. MALAFI:
Well, the purpose of this commission is to meet and to draft a report with recommendations; how detailed you make those recommendations are up to the commission. If you would like to be specific in your recommendations and you

need the assistance of the Department of Law or of Legislative Counsel, we're here to help you with that.

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

MS. MALAFI:
That's fine.

CHAIRPERSON BACHETY:
Thank you.

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

CHAIRPERSON BACHETY:
Sure.

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

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

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

With regard to the rest of the suggestions that were made, I will bring them back to the County Executive. Hopefully he will be here at the next meeting, but if he is not I will attempt to bring the personnel necessary in order to answer any questions you may have with regard to those recommendations. I can be reached also, if you want to take down my number, it's 853-5026 and that is my

direct extension. One of the other duties that I feel is incumbent upon me is also to reach out to some of the department heads for any questions you may have. So if you do have questions for a department head, of course you can reach out to myself or representatives from the Legislature and we will do our best to make those individuals available to you for any questions you may need answered.

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

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

MR. DUJMIC:
Absolutely, absolutely.

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

MR. DUJMIC:
Thank you.

April 3, 2008

Salutation

Thank you. Okay. Good afternoon. Thank you all for coming this afternoon. We're starting a few minutes late, but we do have a quorum and I don't want to keep the County Executive waiting since he got here before most everybody else. So, at this time, I'd like to ask our County Executive, Steve Levy, to join us and I'm sure you're going to have some wonderful things to tell us.

COUNTY EXECUTIVE LEVY:
I brought Christine Malafi, who is our County Attorney, who can embellish upon a couple of remarks first. It's great to be back with you in the Legislative building, seeing you in that chair once again.

CHAIRPERSON BACHETY:
A long time.

COUNTY EXECUTIVE LEVY:
Yeah. And quite an august body that we placed here as well. We're in good hands moving into the future. I'm not giving a speech, I'm just going to in a very dry, bland manner give you some of my thoughts on things that we can be doing collectively moving into the future and commenting on some of the other suggestions that might be out there. I've also picked up through the rumor mill and through some newspaper reports as to some of the things that either have come before you already or might be coming before you at a later time, so I'll use

this opportunity to put, you know, my two cents in on some of those things that I've heard.

I'm not going to go in any particular order, just as they're listed on my sheet here. I'm going to be joined -- she's not here yet. I was waiting for Rick to leave. Now I'm done. I was waiting for Connie Corso from my Budget Office to come -- is she here, Rick? Did you see her?

MR. BRAND:
Yeah, she's right outside.

COUNTY EXECUTIVE LEVY:
Oh, okay. Great. So I wanted to start with the items that pertain to her so I can let her get back to the Capital Budget, and that is really a great segue, because our folks in Budget are going crazy right now, as they do during any budget cycle, and we have three major budget cycles during the year. The first one being our Capital Budget, and the different departments are told to report to us by April -- no, no. Connie, what is the date for the reporting on the Capital Budget?

MS. CORSO:
The capital budget is due to us on the fifteenth. I have to send it over to Gail.

COUNTY EXECUTIVE LEVY:
Come on up.

MS. CORSO:
This year it's due to Budget Review -- to the Legislature on April 15th.

COUNTY EXECUTIVE LEVY:
Okay. And when are the departments due to bring it in?

MS. CORSO:
To us it comes in February 15th.

COUNTY EXECUTIVE LEVY:
Okay. Stay here if you would. This is the first thing we wanted to talk about. There's been a recommendation, I don't know if it's been broached to you yet, to swap the times, the time period for the Capital Budget and the -- the Capital Budget and the college budget. The Operating Budget comes to us in June and then we deliberate upon it. It's incredibly labor intensive for our people in labor -- in the Budget Office, and then we present it on the third Friday of September. Then the Legislative Budget Review Office plays with it for a month or so and the Legislature does final disposition in late October and votes in November. That's going to stay the same. But the question is can we flip-flop the college budget, which usually is voted on in August and we finalize it, and when do we send it over, June? The college budget.

MS. CORSO:
The college budget, June.

COUNTY EXECUTIVE LEVY:
And so we have Capital Budget, college budget, followed by Operating budget. There's a recommendation to flip the college with the Capital. We think it would

be a major mistake. First reason, they're working their tails off around the clock right now with Capital Budget. If Capital Budget were pushed right on top of the Operating Budget as soon as -- under this theory Capital would be done and they'd go right into the Operating Budget. They would burnout. These folks are working around the clock for weeks at a time and they need a break in between, to be quite honest, just to go back to a regular, you know, nine to six schedule. But they're working nine to nine every day for a while. Now if the Capital and the Operating are together they'll never be able to get through it. It is just too much to ask for our budget people to do that. That's an emotional appeal as to why not to do it.

But a factual reason why not to do it, if we push up the college too early in the year, we're not going to have enough information from the State as to what kind of revenues will be shared and available to us regarding the full-time equivalency monies coming from the State. So we want to fashion a budget that is as accurate as possible and, you know, we're just now starting to get the numbers from Albany as to what the tuition assistance will be for the upcoming budget. We're able to factor that in when we put our college budget to bed. But, if we have to push this up too far, we'll be doing a guessing game basically.

So what we would be amenable to is if there is -- the concept of moving perhaps up a month the college budget. I don't think we have a problem -- with the Capital or the college?

MS. CORSO:
I don't think we'd have a problem moving it up a few weeks either way, but moving it to the beginning of year, I'm not going to have the data available to actually give a good, solid estimate as to where I think the year is going to end. I wouldn't have enough of the college expenditures either because the college year doesn't end. So if I had to submit the college budget in February the semester isn't over, so I wouldn't know how the actuals panned out. It's hard enough to do it at this point, but to have to add that extra, you know, lag of information just -- I wouldn't be able to give you an accurate document.

COUNTY EXECUTIVE LEVY:
So those are the reasons. It's too much of a burden on our staff to have back to back Capital and Operating, and if we push up the college too far we're just going to lose our opportunity to get clearer revenues. So, that's basically it on that issue.

MS. CORSO:
Can I just add something?

COUNTY EXECUTIVE LEVY:
Yes, please.

MS. CORSO:
I think that if we met with the college and Budget Review and maybe kind of met internally and came up with a time frame that maybe would work for the three of us, you know, I would also be amenable to that, to working with Budget Review and the college, because I do recognize that there are some issues with the tuition. But you're talking about a matter of a week or two weeks, not, you know, three or four months.

COUNTY EXECUTIVE LEVY:
Thanks. Do you want to hang out for just a second?

MS. CORSO:
Sure.

COUNTY EXECUTIVE LEVY:
Vic?

MR. FUSCO:
What has prevented that from being done already? Why isn't that being done if it's something that you are amenable to doing? Why isn't it done?

MS. CORSO:
It actually was just brought to my attention today, so this is something new for me to look at at this point, and of course it's not in the Charter.

COUNTY EXECUTIVE LEVY:
If you can hang out just a minute. I don't want to keep you for the whole time. I'll segue into another college issue and I'll be leaving after my series of bullet points here. I know George and Chuck will be able to rebut and get last licks, but that's fine because we respect them tremendously. But you'll probably be asked to deal with the whole issue of Plan C, and we are opposed to it on the executive level, and I know a large number of Legislators are as well, including the County Executive.

The way it stands now, Plan C, and Christine Malafi can chime in in a moment and to help answer your questions. But Plan C was entered into in the 1990's, an agreement between the college and the County whereby the college would put together its budget, hand it over to the Legislature, and the Legislature and the Executive would be able to make amendments to that budget. We are, after all, the stewards of the public money and we believe we have the ability to help shape that budget, not that we micromanage. I don't think you've ever seen a situation where the Legislature or the Executive, at least during my tenure, either as a Legislator or an Executive, started tweaking with classes, what kind of classes should be taught. That's all given to -- we respectfully defer that to the college. But there is a feeling that because it is such a large financial institution, and it has big buck ramifications to our taxpayers, that people who are accountable, elected officials, should have a say as to where this money is going in the overall scheme of things.

Now, the proposal that's been laid on the table is to take the Executive and the Legislative branch totally out of the picture with one exception. The college would do everything soup to nuts, and hand over to the Executive and the Legislature the total package. You either vote it all up yes, or you vote it all down no. We have a problem with that, because what you're going to see is that we'll agree with the college, probably on 95 to 98 percent of what they present in the first case anyway.

But now, let's say, for instance, that there was extra surplus money that trickled into our budget after the college submitted its plan, but before we in the Executive Branch solidified our presentation to the Legislature, or perhaps we proposed a plan to the Legislature and in between the Legislature getting that

plan and their final disposition on the budget, more State aid becomes available or we find additional surplus monies. Well, at that point maybe we'd like the flexibility to say hey, we've got this extra money, embellish something, put it in the Reserve Fund, do this or that with it. We couldn't do that. We would be stuck with voting yes or no, it all goes back and then we'd have to hope that the college changes it around to our liking for maybe one or two line items in a huge budget.

So it's just going to create a lot of chaos, a lot of strain that doesn't have to be there. If you look at the history of the process over the last decade or so it's a very smooth one. They come over with the budget, there is some tinkering around with it just to find out how we balance out the revenue projections that we have vis-a-vis what the college says is there, and then we straighten it out. Because every year you're going to have a difference of opinion from what the college says is available for revenues, from what the Executive says is there, from what the Legislature says is there. We might want to say, you know what, we would prefer that some of that extra money go toward lowering tuition, or maybe we want some of that extra money to go toward more full-time faculty, or maybe we want some of that extra money to go into the Reserve Fund. We don't think as stewards of the public money that we should be shut out from that process.

Again, we don't micromanage, we don't tell them what courses to do, but this is not something that we believe is in the best interest of the County or the taxpayers. We have a very good relationship and 90%, 95% is under the purview of the college. They do all the everyday stuff, but this is money we're talking about and we have a right to say of your thousands of line items there might be one, two or three that we want to switch around for our tuition payers or the taxpayers. This change would really put a very deleterious strain on -- if not relations, our ability as public office holders to have a say as to how the public's money is spent.

I did want Christine to just comment on the legality. There was a lawsuit that was brought by the community college in Westchester in 2003. There was a law that was passed in Albany that gave colleges the ability to go beyond a 10% transfer from one line item to the next without having to go back to the elected officials. That was challenged by Westchester Community College and by the Association of Counties, and the community college prevailed at the Court of Appeals level. However, while the college is interpreting that decision as being a catchall, which now requires that the college get full say from soup to nuts, we disagree.

We are different than what Nassau or the position Westchester was in. We had a Plan C agreement already in effect dating back to the 1990's, where the college and the County voluntarily entered into an agreement that there would be a certain give and take between the two parties, and that was not vitiated by this Court of Appeals decision. The Court of Appeals gives county community colleges the ability to transfer monies where there is no other agreement in effect. But we have an agreement in effect, this Plan C agreement, that dates back for many years. It is not superseded by this new Court of Appeals decision we don't want to go backwards. We want to keep it exactly where it is or we're going to lose our autonomy.

Did you want add anything or did I just say it all?

MS. MALAFI:

That's the problem with having an attorney as a client. You said everything.

COUNTY EXECUTIVE LEVY:
I'm sure -- she'll have to answer the specifics for you, but that was pretty much it in a nutshell. I'm just going to ask Christine to stick around if there is any questions on this later. I think, Connie, you're doing Capital Budget, so I don't need you to hang around.

I'll segue, since I still have Christine here as well, Risk Management. Risk Management is a division within Civil Service that we believe more aptly should be under the County Attorneys umbrella. It once was under the umbrella of the County Attorney going back, I think, in the 1970's. It was then changed to -- guys. It was in the County Attorney, did it go to the Comptroller's Office for a short time? And then, believe it or not, probably Dennis remembers this, but I think it was basically personality conflicts between the then Comptroller and the County Executive led to it being moved to Civil Service. And our point is why is it in Civil Service, why was it with the Comptroller, it should be with the County Attorney and here's a perfect example why.

We had a situation a couple of years ago where we had one of these hundred year rain storms, which seem to happen every ten years now, and we had no liability to cover people who had flooding in their basements. We'd want to deliberate upon whether or not we would sign off, but before our attorneys ever got to weigh in, folks in Insurance and Risk Management were telling people in Public Works oh, just let people sign up and we'll cover them for the damage in their basement. It cost us 4 million dollars out of our Assessment Stabilization Fund because we had people in Insurance Risk Management, good people but not lawyers, making this determination as to how we're going to settle claims. I'm saying this is nuts. We should have these folks, who are basically dealing in the area of legality, reporting to our top lawyer within the County, the County Attorney. It just makes eminent sense.

So we tried to do this last year. The unions balked because they thought it was some kind of power move to shift people around and change the personnel. Those people are Civil Service. We're not looking to change who they are. We just think it makes more sense to have these individuals responding to an attorney because there's major bucks involved with these type of decisions. Anything else to add?

MS. MALAFI:
Just to add a few more. The workers -- the counsel that we have handling the Workers Compensation claims for the County reports to me, but yet the claims are not handled in my office, so sometimes there's a disconnect.

Also, just by way of background, in the private sector the house counsel for an insurance company and the claims department are located -- work together very closely and the claims department goes right to the Department of Law to ask questions and get help on claims. Also, with the background we have, myself and a lot of the people in my office, we all come from the insurance industry as outside counsel to a lot of insurance companies. We're intimately aware of procedures and how things can run a little more smoothly. And not having, in terms of Risk Management in the Department of Law, so that we can directly

oversee them sometimes makes a big time lag when something happens when we find out that help is needed and when help is actually given.

And in the case that the County Executive spoke about with respect to this hundred year storm, they were just following procedures that had been put in place and had always been followed. And because it wasn't in my department, it wasn't -- the procedures -- they didn't think okay, this happens when we have two to four sewer claims a year. And when they got in I believe like 4,000 sewer claims they just handled them the way they would handle two or three a year. So I think that it would be financially beneficial to the County on numerous levels to have the division overseen directly by lawyers rather than pretty much autonomous in the Civil Service Department.

COUNTY EXECUTIVE LEVY:
Thanks. Anything you want to add on the community college?

MS. MALAFI:
No.

COUNTY EXECUTIVE LEVY:
Okay. Going to the next item, something that Sondra will probably remember me talking about since I was 14 years old and a Legislator here, it was consolidating the Treasurer and the Comptroller. There are a number of other large cities and municipalities that do not have two separate entities. We feel that there is a sense of redundancy there. The extra computer systems that they have to have, the extra deputies that you have to have, we think are unnecessary. Is it going to save you tens of millions of dollars? No. But will it save you millions of dollars? Yes, we think it will. You have to have one of those positions elected, we understand that. It would be an elected finance director.

They do this, again, in a number -- we're actually more the anomaly than we are the norm. Nassau County does not have both a separately elected -- these separately elected positions. Of course just about everyone has a separately elected Comptroller, which you want to have. You want to have someone who is independent of the County Executive doing all the auditing, but there is really no need to have an independently elected Treasurer. They should be combined under one umbrella.

By the way, as long as we are looking at it that way, do we really need a separately elected Clerk, and do we need a separately elected sheriff? Nassau County doesn't have a separately elected sheriff. It's a person who is -- and I'll tell you right now I'm in a good position because I find Vinnie DeMarco to be very much following my philosophy of being a taxpayer watchdog and he's great. I can really trust the decisions he's making. But, you know, my first couple of years I was pulling my hair out because I had, you know, a Sheriff's Department that was spending anything they wanted with overtime, doing just about anything they wanted within their particular agency, and I had to pay the bill. So I'm the elected person who has to write the check, you know, send the bill out to the taxpayers, but I don't control what's going on in this behemoth of a jail or all of the sheriff's division itself. So that should end. You know, either have a sheriff send out his own bill to the taxpayers, or let that person be accountable to the person who's accountable to the public, and right now you don't have that. And I do say that I'm very lucky because Vinnie has been doing a fabulous job so I'm less pressing on this issue than I used to be in the past, but from a philosophical

perspective I still think it's the right thing to do somewhere down the line.

Going to the next -- oh, by the way, as far as Treasurer and Comptroller. Both are now monitoring cash flow. It seems to be a redundancy. It should be one or the other and a lot of times there is cross information going back and forth. There is no need for both the Treasurer and the Comptroller to be doing that.

Now let's get to the fun stuff. Monies that are going from public safety in the quarter penny sales tax for public safety purposes to towns and villages, vis-a-vis the western police district. I don't know if anyone has come before you yet and spoken on this issue. They will. Let me give you a little history on this because sometimes you just get like little sound bites from News 12 or little snippets from Newsday, but it's far more involved than that. I was around as a Legislator when it first germinated all the way through here where we're debating again what the distribution should be.

This started back in the early 90's as a result, an offshoot, of the resolutions in the late '80's by then County Executive LoGrande and then County Executive Halpin, to put in monies for the Open Space Program. It actually started with Cohalan. So millions and millions of dollars going for open spaces, quarter penny of the sales tax going dedicated strictly for the purchase of open space. Where's 90% of it? The east end of Long Island, appropriately enough. We should be spending that money on the east end of Long Island because that's where the property is.

A decision was made in the early 90's when we were in really difficult financial shape, probably the same way we are right now, maybe to even a greater degree, and the County Executive was raising the sales tax. And it was thought okay, since money had gone to the east end with all of the open space programs, it was time to try to balance out the scales a bit and get more money for the fastest growing part of our budget, which was the police district. So, an eighth of 1 percent was set aside strictly for helping out the police district with it's enormous growth, and that's the way it was for a while.

Then in the mid to late 90's some of the east end Legislators said you know, we'd like to get in on some of that action because, in fairness to them, you know, sales tax money is generated throughout the whole County and rightly so some of that money should go to the villages and the east end towns. The question was how much. So they came up with a formula that was set on the base year of 1997 and it was decided that of the one-eighth of one percent that would go to public safety purposes, a certain portion of that one-eighth would go to the east end towns and the villages, and the law on that year said future years would give a proportional amount as set in that base year.

Well, if you take that same provision and you apply it to today's sales tax receipts, if you take the percentage that the east end got of the one-eighth back today as they did back then, the east end today would be entitled to about 3 million dollars a year in sales tax. What are they getting? They're getting about $5 million a year. Why? Because in 2005 I sat down with Legislator Caracciolo and some of the east end supervisors that we fashioned the compromise -- or the compromise already exists. They wanted a doubling of the amount of money that would go to the east end towns and villages. I said look, I can't do that in one year, but I can phase it in over five, and that's exactly what we've been

doing.

So over the last three years the east end towns and the villages County-wide have gotten an 81% increase in these revenue sharing monies, big bucks. So they're getting $5 million now compared to the three million that they would otherwise get if we just gave them that same proportion of the one-eighth of 1 cent that dates back to the early 90's.

Now, some will come and say well, while we used to get one-eighth of a cent, okay, that's been changed over the last couple of years. In fact, I lobbied Albany to give us the ability to go beyond one-eighth and to make it three-eighths because the General Fund really wasn't going up much, it was the police district that was really putting the pressure on us. So we got that ability to do so. But never in those discussions, never in any legal language, never in any bill, did we say that there would be a proportionate share for east end versus west end. We do not want to set a precedent of allocating money based upon population formulas. We think it's dangerous. We don't distribute health care monies based upon where the population is. We base it where the need is. We don't distribute our open space monies based upon where the population is or 90% of our open space monies would be in the west end and it doesn't make any sense. The same thing should be the case with our public safety monies. Where is the need? Sometimes there's going to be a need in the east end, sometimes it's going to be in the west end. Of course it's going to be more on the west end just because of the numbers, but we don't want to lock into any formula.

So we got the ability to get more, we did, but still, to go back to that 97 law, it's based upon one-eighth of a percent and that would have been 3 million dollars. They're getting five million dollars, two million dollars more. So those who bring this lawsuit have to be careful what they wish for, they might get it. But from a purely equitable perspective, since I cut that agreement, that compromise in 2005, the amount of increase to the western police district has been 36% over the 2005 base when I cut that compromise. In the east end towns and in the villages, it's been 81%. So they are starting to creep up. Now, I don't say it's a 200%, that's in years prior to that agreement. Once I made the agreement, 36% to the west end towns and 81% to the east end, so we think we've been more than fair and equitable in that regard.

And I guess just one other thing, just quickly talk about something I have been pushing since dating back to 1986, which campaign finance reform concept is the best. They're tough, but, you know, I think if you're going to do it, it's got to be across the board. It should include contractors, it should include municipal unions, it should include everyone who's got direct contact through some kind of a, you know, municipal agreement or a contract with the elected officials. And the way I think it's best done, you know, you really can't ask a person to unilaterally disarm. So, if you want to have the limits it should also be coupled with a pot of money so that a person can get his or her message out. And I believe that creating a blind trust that a candidate can tap to get the message out if they agree to cap their spending is the best way to go.

So, we have all of these contractors that do business with the County. I believe that we should make a condition of that contract, a ban on that contractor giving money to any particular County-wide official, but a requirement that they give a certain amount of money into the blind trust pool. And then if you're a candidate who wants to run for office without having to take the money from any of those

unions or any of those groups that contract with the County, you say I don't want to take their money and I will cap my spending and I will be now eligible for money from that blind trust pool and you don't know from whom you're getting the money. That takes away that appearance that the money came from a contractor for an official. So, it's an interesting concept that would be very unique.

We have public financing systems out there, but a public financing system where you are asking the public to pay without also restricting the donations, I don't know if it makes much sense, and I don't know if it makes much sense to just say you can't have a donation from a person, but you don't have any other source to get money to get your message out. So this is the best of both worlds. It gives you a pot of money whereas an incumbent or challenger you can get money to get your message out, and it also, if you are going to take that money, bans you from accepting money from those very same groups. So something to chew on.

I think it's the most interesting concept out there and I think it's the most realistic because I don't think you're going to see Legislators unilaterally disarming like I said before. But this is an opportunity for challengers and incumbents alike, for them to be able to get some money. They know they can get their message out and they don't have to go to any of those groups out there to seek donations. So I think I hit my major points and that's it.

CHAIRPERSON BACHETY:
Steve, could I ask a question?

COUNTY EXECUTIVE LEVY:
Yeah, sure.

CHAIRPERSON BACHETY:
On the public financing, at our last meeting when it was recommended that that section be deleted from the Charter, I had asked the County Attorney, because I was concerned about something that had been approved in a public referendum the way this was because it did get a lot of publicity at the time. Are you suggesting that we repeal the section that's there and propose this new idea that you've just talked about?

COUNTY EXECUTIVE LEVY:
Well, the old one's obsolete now because we have a commission on paper with nothing really to do. It still had a function when it was taking in the donations and putting them online, but that function has been transferred to the Board of Elections, so now there really isn't anything for this commission to do. So, unless there's a new piece of legislation for them to justify their existence it doesn't make sense to have them there anymore. But, you know, yeah, you can just take them out and leave it as it is or we can take them out and try to replace it with a different kind of a program.

CHAIRPERSON BACHETY:
Have you suggested to the Legislature or proposed this new idea? Has that come in front of them?

COUNTY EXECUTIVE LEVY:
Yeah. It actually came up for a vote last year or the year before. It didn't make it out, but, you know, I've been pushing these type of bills since, you know, 1986.

At one time there was one vote and then there were three votes and then there were five votes and then, you know, it would constantly be evolving trying to get the votes. We'll see where it goes. We'll keep trying and see what happens.

CHAIRPERSON BACHETY:
Okay, thank you.

COUNTY EXECUTIVE LEVY:
Thanks. Anybody else? Okay. Thanks for your indulgence. And we'll be available if there are any questions after the fact that you'd like us to address, you know, through Christine or our Budget Office or myself. We'll be happy to get you a written response or just give you a call.

CHAIRPERSON BACHETY:
Thank you. Thank you so much for being here.

COUNTY EXECUTIVE LEVY:
Thanks a lot everybody. Appreciate it.

CHAIRPERSON BACHETY:
If you look at the agenda Fred Pollert would be up next, but I don't see him here yet. So I thought --

MR. PEARSALL:
I think Connie Corso discussed --

CHAIRPERSON BACHETY:
Oh, she was instead of him?

MR. PEARSALL:
Yes.

CHAIRPERSON BACHETY:
Okay. And everything then that Steve said on Risk Management would be applicable. So we have from the Suffolk Community College, the pride of Suffolk County I must say, that wonderful school, George Gatta, who's the Executive Vice President. And I see Chuck Stein is with him, who is the budget person.

MR. GATTA:
Good afternoon and thank you for the opportunity to address you this afternoon. The topic that we were invited to speak on has to do with the budget cycle, the college budget cycle. I have to say at the outset that we agree with the County Executive on many of the points that he made regarding the submission of our budget.

To begin with, submitting it much earlier would really be problematic and Chuck Stein might get into that. But we really, since a third of our budget is funded through the State budget, and since the State budget is usually adopted around April 1st, submitting it much earlier would not give us an accurate projection on those State revenues.

There is a strong desire, however, to have our budget ultimately adopted before August. In the past, we've submitted our budget to the County Executive around the middle of April, and then the Executive Office does their analysis, sends it to

Budget Review in the middle of June, and then it's picked up by the Legislature and discussed, debated, acted on, generally at the first meeting in August. And then if there are any vetoes of that they then would be in a position to override later in August.

Our fiscal year begins September first, so at times it's been difficult making adjustments, last minute adjustments right before the beginning of our fiscal year. It's also -- it also poses a problem in terms of -- as those adjustments sometimes entail adjustments to tuition, to the tuition levels. And when we need to -- we send our bills the middle of July. If we then need to adjust tuition the end of August, we then have to refund tuition to sometimes up to 23,000 students, which is costly, time consuming, it's an inconvenience for the students. And it would just be -- it would make it much easier for us to operate to know what our budget would be by the end of June so that we could then spend the rest of the summer planning for the opening of the academic year.

We would very much like to meet with the Budget Director and with Budget Review to see if we can shorten up the process, if we could submit our budget slightly earlier, right around the first of April. That would give them an extra couple of weeks or sometimes up to three weeks more than they have now in terms of review. And then have the Executive Budget Office send their recommendation to Budget Review, send it to the Legislature, sometime around the beginning of May to give them a month to review it. Our hope is that it could be acted on some time in June.

So, in a perfect world, that would really be what we would like to see. But, again, we will be glad to sit down with both the Budget Office and the Budget Review Office and come back with a more specific proposal.

Regarding the second issue, we really weren't invited here today to speak on that, and that's the Plan C issue. I will limit my remarks to just a couple of facts. There were changes to the State Education Law back in the late 1980's that came about as a result of the State University of New York experiencing difficulties in the relationships between some local sponsors and their community colleges. And at the time the chancellor formed a task force. It reviewed what was transpiring. The report found that too often community colleges were treated as departments of the county and that hampered the college's ability to function as a college. That report went to the State Legislature, there were amendments to State Education Law. SUNY then, a number of years later, adopted implementing -- excuse me, implementing regulations that reflected the intent and the letter of the State law.

The County Executive mentioned that the community college in Westchester entered a lawsuit. Actually it was the County of Westchester who brought suit against the State University of New York. That was in 2003. In 2003, the trustees at the community college requested of the Legislature, which is the sponsor of the community college, to terminate the agreement. That did not happen. We had a number of suits. That Westchester suit went through the courts, went to the highest court, and in 2007 the Court of Appeals upheld the validity of the regulations as based on the State law.

Again, at the beginning of this year, in January, the trustees, all ten trustees, signed a letter that went to the Legislature requesting that the agreement be terminated. No action to date has been taken on that by the Legislature. In

March, the trustees did authorize retaining a law firm to move this forward through litigation if needed. And just yesterday, the trustee -- the Chairman of the Board of Trustees sent a letter and a memorandum, a legal analysis, to the entire Legislature which outlined the reasons behind that. We're still -- we remain hopeful that the Legislature will agree to terminate the agreement and allow the community college to operate pursuant to State law and SUNY -- excuse me, and SUNY regulations. So that's where we stand on that issue, and I'll have to limit my comments to that.

If there are any questions on the budget cycle or if there's anything that Vice President Stein would like to elaborate on, or if you have questions, we'd be glad to respond.

CHAIRPERSON BACHETY:
Does anyone have any questions you'd like to ask? Okay.

MR. GATTA:
Thank you very much.

CHAIRPERSON BACHETY:
Thank you, George. Thank you for coming. Is Budget Review --

MR. PEARSALL:
Yes, Gail is here, Gail Vizzini.

MS. VIZZINI:
Thank you, Madam Chairwoman. Basically, I'm glad to hear that the college and the Budget Office are willing to approach this informally and perhaps even on a pilot basis. I would be willing to do that as well, but I would just want to say up front that to meet the college's time frame of having their budget adopted in June, that is exactly when Budget Review is briefing and reporting to the Legislature and we are currently adopting the Capital Program. So if we could just approach this on a pilot basis, even moving it up two weeks or so. Budget Review would be running on concurrent tracks of briefing the Legislature as far as the Capital, making changes to it, and briefing the Legislature as far as the college's budget and making changes to it. But I would be willing to do it on a trial basis. I just don't know whether, you know, until we do that, I really don't know whether it will be effective or better for the Legislature and Budget Review.

CHAIRPERSON BACHETY:
Do you have any other suggestions to make it better for the college as well as for the people who have to do the analysis?

MS. VIZZINI:
You know, from the college's point of view I can absolutely see it, that, you know, that the problem of the bills and the readjustments of the bills would be minimized and probably almost eliminated. So from that point of view it might be worth it. Maybe Budget Review can change the number of people who are assigned to it. Perhaps there are things that we can do internally to make it beneficial to everybody. Perhaps we don't need to issue a 30 page report or something like that. These are things I'd want to talk to about the college, because I know not only do the Legislators benefit from the report, but the college benefits from the report as well. So we'll give it some additional thought.

CHAIRPERSON BACHETY:
Well, having read all the reports from Budget Review over many years, I would not want to see that shortchanged. It was always very important to Legislators to have that. On the other hand, I think the college does have a very legitimate problem. Chuck wants to join in.

MR. STEIN:
Yeah, just from a budget point of view. I don't think there's much disagreement among my office, the County Exec's Budget Office and Gail's Budget Review Office. I think everybody recognizes the situation in terms of the difficulties. And I think the suggestion about the three of us getting together to try and pull together a plan that might be beneficial, recognizing that it's very difficult to go much earlier. Without that State information, it's really a shot in the dark. So it's extremely difficult to go earlier. And the real question is can we shorten up the review process.

We've done this survey of the other community colleges. Practically all of them provide their local sponsor with the budgets either in May or June and have them approved by their local sponsor in either June or July. So, you know, the question is we also have to recognize that there may not be Legislative meetings in July in Suffolk, so that causes another dilemma. But I think the three of us can get together and talk about it. We might be able to try something, as Gail suggests, on a pilot basis.

CHAIRPERSON BACHETY:
Thank you, Chuck. Saul.

MR. FENCHEL:
It seems to me that the question here is how much funding you're going to be getting from the State, and that's what creates some of the confusion or conflict between the setting of the County budget and the setting of the education budget. That's really the problem?

MS. VIZZINI:
Yeah. The college has three major sources of revenue, the State funding is big. So, if we wait until after the State budget is adopted then we know what chunk of change is coming from the State. That helps the County determine what percentage increase, if any, the County needs to give to the college. The other is the tuition. And when the college knows what the State is giving it and what the County is giving it, then the Board of Trustees and the County can better get an idea of what the tuition need be.

MR. FENCHEL:
Considering that the -- I'm just wondering how this was dealt with in the past, since considering it's kind of usual for the State budget to ever come in on time. I mean, it's -- in fact, it's practically unheard of. So how do you deal with that when you have these State budgets coming in --

MR. STEIN:
In the past what we've done is, recognizing and in accordance with the

instructions of the County Executive, we submit our budget should there not be a State budget in place, with the amount that was proposed by the governor. The governor delivers the proposed State budget in January, and then there's a 30 day amendment. So at some point in February there's a governor's budget. You're absolutely right, there are very few times when the State has approved the budget on April 1st. But you also get an indication along the way as to where the State process stands. In many cases, when the bill is sent out for printing, depending upon the date, you almost can count that as something that is going to go through.

This is more of an art than a science. And I think that what we attempt to do, and there's constant discussions between us and the County Executive's Budget Office and the Legislature's Budget Review Office, hey, what have you heard, no, what have you heard, you know, those types of situations as we prepare the budget for submission. The situation that we face is, and have faced, if we were unsure of where we stood with the State aid, we established a tuition level not anticipating a growth of State money. And the Board of Trustees approved a resolution that stated, had resolved clauses in it that when the State resolved its budget, should there be more funding, it would be proportionately used to adjust the tuition. And that's the way it's been handled.

MR. FENCHEL:
Has there ever been a situation where the State, utilizing that system, has come in with less than you had proposed and then how do you deal with the tuition?

MR. STEIN:
I'm in the process right now of putting together the eleventh budget at the college and we have never faced the possibility of the State Legislature coming in with less than what the governor proposed except this year. We're hopeful that won't happen, but this is the first time that that's occurred.

MR. McCARTHY:
Chuck? Chuck?

MR. STEIN:
Sorry, is it something I said?

MR. McCARTHY:
Chuck, what is the -- maybe you can give us the breakdown of what the contribution is between the County, the State and the tuition?

MR. STEIN:
Yes.

MR. McCARTHY:
But by percentage.

MR. STEIN:
The original concept of community colleges, and Suffolk was formed in 1959, Suffolk Community College, and that concept was one-third support to come from the State, one-third from the students, and one-third from the local sponsor. That was subsequently changed when the community colleges became full opportunity colleges. The formula was changed where the State would provide

40%, the students one-third, and the local sponsor the balance. It's only happened once.

Every year the State Legislature takes a vote and exempts itself from its required level of support, which has ultimately resulted, and unfortunately resulted, in the student body picking up the bulk of the expenditures. Right now, in this current fiscal year, the students pick up 42% of the cost. The State is at 30.8%, and the County is at 25 plus percent of direct contribution, and then about 2 1/2% of other items. But the difficulty here is that the tuition ultimately serves as the balancing factor for the budget. So it's a challenge each year. My hair was dark when I started.

MR. FENCHEL:
I'm just curious about one other thing. Is there a federal component or any federal support of Suffolk County Community?

MR. STEIN:
Only in the form of grants and student aid, financial aid.

MR. FENCHEL:
There's no direct budgetary --

MR. STEIN:
No. Community colleges, if you look across the country, are funded in many different ways. In Pennsylvania, for example, the community colleges are funded by the students, the State and the local school districts. And the interesting thing is in the Harrisburg area community college, which I've looked at, they have 20 different school districts that provide funding. Boy, do they have a budget problem for approvals.

MR. FENCHEL:
I've got a feeling that's not going to work in Suffolk County either.

MR. KENNY:
Sondra, I just have one comment. It seems to me if we're talking about deadlines and we're reviewing the Charter at this point in time maybe this is a ridiculous idea, but we keep backing up the community college budget line against the Capital budget line, and I understand the problem there. Is there some logic to looking at the budget lines for other, so that there becomes a domino effect or reexamine the budget process in a way that might be more logical for the overall budget process, not just with respect only the community college.

MR. STEIN:
I'll talk to the community college. There really is no mandate in the Charter with specific dates for the community college. So it's really an issue of the other ones that you're discussing, and I will step back on that one.

MS. VIZZINI:
It certainly is something that the three offices can discuss while we're discussing this solution. Even if you push the capital to the beginning of the year where things are a little bit quieter, then you're preparing a Capital Program almost an entire year ahead of when it's going to go into effect. So the college budget is

the more manageable of the three major budgets. The capital is, you know, five year program; the Operating Budget is huge. The college budget is like one department, so it's probably -- although they're not a department, in terms of the magnitude of what you're looking --

MR. STEIN:
Entity.

MS. VIZZINI:
Entity, I like that. Just to give you a perspective of the magnitude. So the only thing that can be wiggled a little bit is, you know, is Capital, but it's not necessarily beneficial to move that up to the beginning of the year, so you have a down side to that as well.

MR. KENNY:
I just came away from South Hampton Town where we moved the Capital Budget to April 1st, and that has been working. We separated it from the Operating Budget to April 1st. And to me, Capital Budgets are long-term budgets. They're capital -- they're asset creation plans and, you know, I would think that maybe looking at the position of that timing might be fruitful in terms of creating some more room for the other aspects of the budget.

MS. VIZZINI:
Absolutely. That's exactly where we are. To my recollection we never had, thank God, the Capital and the Operating together, although I know many towns have done that. And the County Executives must deliver the proposed April 15th and we must turnaround our analysis within forty-five days is the way the Charter is currently constructed, do our report, and while that's going on, as Mrs. Bachety well knows, the Legislature is being briefed in every aspect of the process to determine if their priorities are different than those that are presented by the County Executive. So in a sense that works well, but we have concerns in regards to the college, so we'll continue to discuss it.

MR. KENNY:
Thank you.

CHAIRPERSON BACHETY:
Kathy.

MS. GIAMO:
I have a question of Chuck.

MR. STEIN:
Yes.

MS. GIAMO:
Can you tell us what 38%, 42%, 25% represent in terms of actual dollars?

MR. STEIN:
The County support is somewhere around 39 million. The State is somewhere around 49 million. And the students are somewhere around 62 million, somewhere in that vicinity.

MS. GIAMO:

Thank you.

MR. STEIN:
That's just off the top of my head.

MR. McCARTHY:
Chuck, how about the -- I don't want to get into Plan C either, but how about if you could just talk to us a little bit about what type of oversight you have now from the County in your area?

MR. STEIN:
Well, in my area, we --

MR. McCARTHY:
On that 39 million or whatever, you know.

MR. STEIN:
Well, it's in a sense the whole budget. We don't separate things out. We provide monthly reports, financial reports to the Board of Trustees. We provide that same report to the County Executive's Budget Office, we provide it to the Legislature's Budget Review Office. There's a constant flow of information as to our ongoing operations. We try and be as transparent as possible. We recognize the fact that we're stewards of funds that come from the County, from the State, and from the students. And we have nothing to hide. The -- I don't think any of that would change under any scenario. We would continue to be providing information. We would continue to provide a line item budget the same way we do right now. I don't think any of that would change. I'm not an attorney, so I don't want to get into the discussion about those legal aspects.

MR. McCARTHY:
I didn't want to get into that either, but I was just thinking about oversight as far as in the -- you know, as a -- the fact that you're not a department of the County, but there's a -- my understanding is there's a representative of the Comptroller's Office that is involved in the -- in accounting.

MR. STEIN:
Yes. As a statement of fact right now, every week a representative of the County Comptroller comes in and pre-audits every payment.

MR. McCARTHY:
Is that done in other departments? If you had been a department, in your experience as a Deputy County Executive, do you have that in other departments? Did you have that in Social Service? Did you have that in --

MR. STEIN:
As I recall, the County Comptroller actually has a unit, I believe, operating full-time at the Department of Social Services. And you know, certainly, the County Comptroller, under I think it's Article Five of the Charter, has the responsibilities of that office listed. The question that's come up in this situation and involves the college is what State law provides. And State law differs from the current interpretation at the County level.

MS. GIAMO:
I'd like to understand the State law. And I don't want to get into the Plan C either,

but I'm understanding that the County of Westchester in their lawsuit, which is now being appealed --

MR. STEIN:
It's gone to the highest court in the land and in the State, and the highest court in the State has said that Westchester County has no basis and the other parties to that lawsuit had no basis, that State Education Law and the SUNY regulations rule. And that's a very uneloquent way of saying it. I'm not a lawyer.

MS. GIAMO:
But I'm just trying to understand when it says they rule. In other words, this is regardless of what the amount of money on a local level is given to SUNY.

MR. STEIN:
Well, I think the interpretation of the courts was that the approval process at the local sponsor level is for the budget total, rather than the total budget. In essence, it's what is the contribution level of that local sponsor to the college and I think that, you know -- but those things are going to be discussed by whoever. I deal with numbers.

MS. GIAMO:
Thank you.

CHAIRPERSON BACHETY:
Okay.

MR. KENNY:
Sandra, if I could just make one more comment, maybe half point of disclosure and also to give you some personal experiences to the -- to some of the issues. I am currently a faculty member at Suffolk Community College so I should disclose that. I have clear bias as a result of that probably. I also served as an Executive Dean for seven years at the Eastern Campus.

It's more than just cutting checks back to students at the end of the year. It's a very -- we are a very different department than the other departments. One of the key problems I had as an Executive Dean was going through the hiring process, being in the position of hoping to offer someone a faculty position and then not being able to tell them yes or no until August and then having lost that very good faculty member at that point in time.

So there is a much more arbitrary kind of start of the year and hiring process and annual, you know, experience when you're managing the community college, and so I think wrestling with this problem is a good one. It will make us a more effective institution.

MR. STEIN:
And if I just might, the County Operating Budget is 2.8 -- 2.7 billion dollars. That's reviewed and voted on within a period of about seven weeks. The community college is just a mere fraction of that amount and it's submitted in mid-April and we don't know until the end of August.

CHAIRPERSON BACHETY:
It's a good point.

MR. McCARTHY:
Very good point.

CHAIRPERSON BACHETY:
It's a very good point. Yes.

MR. DEVINE:
Mr. Stein, just a quick question if I can. Dr. Kenny was my first college professor in Suffolk, as a point of disclosure.

MR. STEIN:
Did you get good grades?

MR. DEVINE:
I think got a B. It was an eight o'clock class. It wasn't easy. He was my first teacher at Suffolk Community in 1974, so point of disclosure of that. But just a quick question, and I'm not sure of the answer, obviously, but you said that Suffolk Community -- that Suffolk County gives -- the funding from Suffolk County to Suffolk is about thirty-nine million dollars the past year?

MR. STEIN:
It's somewhere that vicinity. Yeah, I don't have that.

MR. DEVINE:
Was it in that range the last few years? Was it always in that range or has it been historically that range?

MR. STEIN:
We received a 2% increase the prior year which is about $750,000. The year before I believe we received a 4% increase, which was about a million and a half dollars.

MR. DEVINE:
Is there any way, and this is a hypothetical, that some monies or a base amount of money can be approved where you have -- you know you are going to get so much and then you can work out the last 5% at a later date?

MR. STEIN:
Well, there is something called a maintenance of effort situation, which basically is the amount you received in the prior year is the amount you're going to receive. It's really a question of whether or not there are going to be increases. Traditionally that's the situation.

MR. DEVINE:
But it's been historically fairly constant all the way along year after year in the same range, there's no dips and valleys.

MR. STEIN:
Historically the County Legislature, which is the sponsor -- the local sponsor is the County Legislature and it's been the County Legislature that has determined where that funding level is.

MR. DEVINE:

I don't know if it's legal to do that. Maybe they can --

MR. STEIN:
Well, no. For example, the County Executive may send the budget over to the Legislature with no increase, but the Legislature in its deliberations has provided additional funding.

MR. DEVINE:
I'm just trying to get to more money faster.

CHAIRPERSON BACHETY:
Obviously the college budget is probably a very interesting one. I would think that if we could get a report back, we have a public hearing scheduled for May 15th, but if within that time frame or after that there could be a meeting of the three departments, so that we can get some idea of whether or not it is possible to make some changes in the budgetary process. I think that would be very helpful.

MR. STEIN:
Yes. And we've all agreed that we will get together and discuss it.

CHAIRPERSON BACHETY:
And you will let us know.

MR. STEIN:
Thank you. Thank you for your time.

CHAIRPERSON BACHETY:
Thank you very much, Chuck. Okay. Gail, did you have anything else that you wanted to add?

MS. VIZZINI:
No. I think that's a good time frame, and we'll get -- we'll meet and we'll get back to you.

CHAIRPERSON BACHETY:
Okay, that'd be great. I don't know if anyone has any questions for Budget Review. It's always been one of the best agencies I've ever worked with. No? Okay.

May 15, 2008

CHAIRWOMAN BACHETY:
Thank you. Our next speaker is John Cochrane, former New York State Assemblyperson as well of Treasurer of Suffolk County. It's nice to see you, John.

MR. COCHRANE:
Nice to see you all. Madam Chairwoman and ladies and gentlemen of the Commission, thank you for the opportunity to be here today and good afternoon. I will be brief and will limit my presentation to one of the items under consideration, which I believe is the possible consolidation of the responsibilities and functions of the Treasurer's Office, an elected position with the Comptroller,

an elected position.

I strongly urge you to not consider this consolidation for a number of reasons. First and foremost is that under the present system, you have checks and balances that are very clear, very distinct. The Comptroller borrows funds by virtue of the act of the Legislature and the County Exec. He is empowered to borrow the funds and he's empowered to audit the various departments of the County. The various agencies and activities of the County are audited by the Comptroller.

The Treasurer receives the revenues and invests those revenues under the supervision of the people that the Treasurer's elected to serve, namely all the voters of the County. When you combine those four responsibilities, as happened in Orange County, California, and also happened in Enron and it happened in Roslyn School District, when you have one person empowered with all of the duties and responsibilities, there's a great temptation. Albeit in the case of Orange County, good intentions, they had no checks and balances. And the elected official in Orange County borrowed the money, invested the money thinking that he had a super plan to make all sorts of investment returns for the County; the County went bankrupt.

Another example of my presentation is in two of my three elective efforts as Suffolk County Treasurer, my opponent ran on the basis that the Treasurer's Office should be dissolved. And two out of three times, in fact I should say, two out of two times, the people who voted, voted to keep the Treasurer as an elected position.

So I strongly urge you to consider that. And I will just quote very briefly from a report provided by Gail Vizzini who's the Director of the Budget Review Office, the date of the report is June 7, 2006. And I will just briefly take some of the report and give you a partial presentation. And I repeat now, this is a quotation: "The functions of the Treasurer and the Comptroller are separate and distinct and non- duplicative. Although the functions can be combined to achieve administrative savings, the internal audit system should remain independent of other functions. Having one elected official in charge of revenue, receipts, deposits, payments, payroll and internal audits relinquishes checks and balances, which may negatively affect the County's credit rating in the future. A lack of separation between the functions of revenue collection and audit staff could also cause increased cost if external audits are required. It should be noted that none of the savings would be attainable for four years." So that's just a brief commentary by Gail Vizzini and I end the quotation there.

Once again, I would conclude by responding to any questions that you might have or any thoughts. But in the meantime, I would urge you in considering that section of the Charter that you keep those two offices as elected offices.

CHAIRWOMAN BACHETY:
Thank you, John. I think we have a question.

MR. FUSCO:
How would compare the Suffolk model to the model in Nassau County where there doesn't seem to be two offices?

MR. COCHRANE:

Well, Nassau County, as you know, is more -- most recently under gone severe fiscal crisis. I'm not stating that that's because of there being a Treasurer and an appoint -- I mean, an elected Comptroller and appointed Treasurer, however, the state did have to appoint a Fiscal Control Board because of the financial situations that existed in Nassau County.

So again I would urge you to look at Nassau County, look at their financial records as opposed to Suffolk County's. And I think you'll find that the Suffolk County system is working very effectively compared to what happened in Nassau. Ladies and gentlemen, I thank you very --

CHAIRWOMAN BACHETY:
Dennis. No, no, we have one more.

MR. COCHRANE:
Yes, sir.

CHAIRWOMAN BACHETY:
Dennis.

MR. Mc CARTHY:
Thanks for being here, John, I appreciate your presentation. John, outside of the principals, the Treasurer and the Comptroller, are there any duplication of services in the lower levels of the office?

MR. COCHRANE:
No. In fact, the Treasurer's often -- that's part of what Gail's report says -- but the Treasurer's Office has a considerable spread of responsibilities that are not duplicated anywheres else. They do first all the receipts. People can come by in person or come or send their money in by mail, but they have a payment recording system there, it's a Tax History System that's not duplicated anywheres else. They have a Real Estate Division that follows through on properties that have unpaid taxes over a period of time, one year for vacant and commercial and three years for residential. That's not duplicated anywheres. The Treasurer's Office follows through on those nonpayments and eventually turns them over to the Real Estate Division in the County where they're cleared for sale.

Besides the Tax History System, there's also the Comptroller -- not the Comptroller, the Account Department, is not duplicated anywheres. They -- the Accounting Department or the accounting segment of the Treasurer's Office reviews and provides all the checks, payroll checks, and all the checks that are issued are issued through the Treasurer's Office and cosigned by the Comptroller. So in short, there is no duplicate of services as Gail Vizzini says in her report.

MR. Mc CARTHY:
Thank you, John.

CHAIRWOMAN BACHETY:
Anyone else? Yes.

MR. COCHRANE:
Oh, sure.

MR. FENCHEL:
Could I just ask a question, if I might. The -- as I understand it, the Treasurer, you make a decision as to where the surplus or currently surplus County monies are being invested in the interim. Is that one of the functions of the Treasurer's Office?

MR. COCHRANE:
That's correct. The Treasurer's Office normally would either through RFP or through negotiation receive from the banks that are authorized by the Legislature the depository resolution. They go to those banks that are authorized to hold County monies and then they negotiate the rate of interest. And it would be as a practical matter and as a matter of good judgement they would take the highest interest rate that's offered on the deposits of County monies. Those banks and depositories must also put up -- and that's monitored by the Treasurer's Office, put up collateral of 102% of the money that's on deposit. So if you put a million dollars with the XYZ bank, the XYZ bank must put up a 1,200,000 with a third party. So that in the event anytime that the initial bank holding the deposits has a problem and some of our banks locally -- not locally, lately have had problems, that third party collateral that's reviewed daily by the Treasurer's Office is a very important and very significant protection for the taxpayers and the taxpayers money.

MR. FENCHEL:
What power does the Treasurer's Office have right now to sort of -- to do oversight over the Comptroller's Office? Is there -- the concept here is that the two elected officials can keep each other under some control. And therefore it's -- it being elected officials, they're answerable to somebody. I mean, what's the --

MR. COCHRANE:
Well, first their duties are set forth either under the Charter or under other governmental documents. And the responsibilities are that as independent persons they can work together at the same time not be controlled by one individual. So what happens, they do confer, for example, the County just had its bond rating increased about, I guess, within the last week or ten days. It's because of these checks and balances that the rating agencies are comfortable that one person is not making decisions that impacts the whole County. So neither one of those has control over the other, but they have -- when I say oversight the checks that the Treasurer issues are countersigned by the Comptroller, the Comptroller audits the vouchers that the Treasurer uses to pay the bills, so there is an interface of that nature.

In other words, the Treasurer just can't say, I'm going to pay the XYZ Dairy Company so many dollars. That voucher has to come through the Comptroller's Office, be approved there that it's an approved vendor, that the material was received and so forth. Then it goes to the Treasurer, the Treasurer issues a check, Comptroller countersigns it and it goes out in payment of the voucher. So there's a great deal of interaction with one not overriding the other, but working together.

MR. FENCHEL:
Thank you.

CHAIRWOMAN BACHETY:
Anybody else? John, thank you very much.

MR. COCHRANE:
Thank you all very much.

CHAIRWOMAN BACHETY:
Thank you.

MR. COCHRANE:
And thank you as citizens for taking time to serve on this commission. I know that government does take a lot of involved people to make it work and I thank you all for your service and for your interest. Thank you.

CHAIRWOMAN BACHETY:
Thank you, John. Erica Chase from Touro Law School.

MS. CHASE:
Good afternoon. My name is Erica Chase and I am Director of the Smart Government For Strong Families Coalition, a project of the Health and Welfare Council of Long Island. The Smart Government For Strong Families Coalition represents a diverse group of community based organizations convened to address the contracting and payment issues they face as they do business with Suffolk County government.

To date, there are 75 community based organizations that are participating in this coalition representing more than $58 million in County contracts. The coalition is currently working with Suffolk County Legislature, the administration, and would also like to partner with this commission to ensure -- and to ensure all opportunities are explored to implement policies that would ultimately result in the most effective and efficient delivery system for programs and services that the not-for-profit sector delivers.

The coalition will be submitting objectives and recommendations to the administration and to the Legislature very shortly. The coalition understands fully that there will be or could be some Legislative action that will implement these changes. And we are hopeful that this commission will work with us if it is in the Charter that could be the means to implement this adjusted safeguards for the services provided for those organizations that deliver the vital services to Suffolk County residents. Working in partnership with Suffolk County officials, Legislators and this commission, the Smart Government For Strong Families Coalition is confident better policies and procedures can be implemented to benefit all partners involved.

I'd be happy to answer any questions that you have or to give you any background of why the coalition came to be if you don't know some of the contracting issues that our not-for-profit agencies face.

CHAIRWOMAN BACHETY:
I do have a question. Are you talking about certain departments within the County of Suffolk, perhaps Social Services, the Health Department, is that what you're referring to?

MS. CHASE:
Yes. The not-for-profit organization, they will contract with the different departments.

CHAIRWOMAN BACHETY:
Right.

MS. CHASE:
And then the contracts are then processed through the government through the Attorney's Office, the Budget Office, the County Exec's Office. We have found with this coalition it's a diverse base, that they have -- I have many coalition members that are contracted with Department of Social Services, Department of Health, Department of Youth. And there are problems within all departments and it's not particularly the department's fault. One of the -- like I said, there's going to be coming out recommendations. There's a lot of forms that need to be in place in the contracts. But it's possible that there could be a policy statement that could alleviate some of the duplicative processes that the County -- sorry, the agencies have to follow in order to get an executed contract.

We were suggested to look at the County Charter to see if there were any of the things that were written in there that could protect the not-for-profit sector when doing business with the County. If there are any statements in there as far as the vendor, County relationship, which a not-for-profit would then be a vendor because the County is purchasing services through a not-for-profit for the social services.

I don't know -- like I said this coalition is looking at the Charter for specific language that we could work with you or to recommend down the road. I don't know if we have another opportunity to address this commission.

CHAIRWOMAN BACHETY:
You will.

MS. CHASE:
Okay. But I just wanted -- as you're working through the Charter to keep in mind that the processes that are in place right now, they're pretty much in a broken state. There are -- there have been improvements over the last year, absolutely. The administration has given us their attention. The Legislature is working very closely with us. There's a prompt contracting bill that's out there that the Legislature is working with this coalition with.

So I feel we have good attention and this is just one more level that I think could be brought to the coalitions' needs that we -- in all partnership we could really make the system work and the business piece of contracting be the most beneficial for all of the partners involved.

CHAIRWOMAN BACHETY:
Thank you. Yes, Kathy. Question?

MS. GIAMO:
Thank you. Could you just reference some of the community based programs? My understanding is that some of the procedures are changing in terms of funds going directly to community based programs rather than organizations that distribute the funds. And that's something that's being looked at now. So I'm just wondering what type of community based organizations are part of your group?

MS. CHASE:
As I stated, it's a diverse group. We have some youth based organizations. I'm not sure if you are talking about those that the County gives towns the money and then distributes to the community based organizations.

MS. GIAMO:
Well, I'm thinking in terms of organizations such as the United Way, or the Family Service League. And then they also I know take the money and they distribute it to a lot of community based programs. So my -- I'm thinking are you now saying that you would like to see the organizations themselves be bypassed and that the community organizations directly are funded by the County or that you are doing that now and you want to have the process expedited?

MS. CHASE:
It's the process that needs to be expedited. It's simply -- say the Family Service League, which they are one of the members of this coalition, if they are contracted to do a service for Suffolk County, they typically start those services on January 1st. The negotiations, the contract process, the narratives, the budget, all of that starts the process sometime in December, which is too late to have an executed contract by January 1st.

So what has happened is the Family Service League or the other community based organizations will finally get their contract in June or July. This year it has been better. A lot of the coalition has received them in March, at the end of March. But even that, there's been a quarter of the year that has gone by before they can collect a penny for the services that they've provided.

That I'm -- the larger agencies -- for instance, Pederson-Krag, if you look at a quarter of their County contracts, only County contracts is close to a million dollars that they have outlaid for County services that -- what the impact on that agency was that their payroll checks bounced in that last quarter. And they were maxed out at their line of credit at $2 million and their bank told them go to another bank. And this is -- the County wants these services. We're not talking about if there are issues that possibly there's an agency that needs to be scrutinized. The coalition is not in support of agencies not doing the right thing. We're looking at agencies that have been contracted and have been contracting with the County for a longtime, get them their contract in a fast -- at a fast pace and get them the money that they need.

MS. GIAMO:
Thank you.

MS. CHASE:

You're welcome.

MR. FUSCO:
Question, I have a question.

CHAIRWOMAN BACHETY:
Yes.

MR. FUSCO:
I've heard the County Executive talking at not-for-profit conferences saying how much more economically they deliver the services for the residents than the County could ever do. What concrete proposal should be in there so that the contractors, in effect, on day one of the service period, what has to be done in your opinion?

MS. CHASE:
I'm not an attorney. My office is at Touro Law School. I'm not an attorney. However --

MR. FUSCO:
But what is the process that -- forget being an attorney or the writing of a contract, what is the process that's delaying that contract so you're not getting it till March or June? Where is the defect in the process itself?

MS. CHASE:
One of the things that it seems to be is that the Legislature and the County Executive can get a budget passed in, what is it, November that everything's signed, sealed and delivered, early November. Even with that stated, there isn't enough time to process what needs to be processed for the County's point.

MR. FUSCO:
When do the requests for the proposals go out and when do the responses to those requests go in? Even if you had the contract a year before, at some point they're saying, this is what we need in 2009, can you provide it and what are you going to charge for it? When does that happen?

MS. CHASE:
Typically that happens in December. The contract agencies will get a letter from the individual department stating the amount of the budget, the allocation that was in the past budget, we're going to be contracting with you again, in this amount, please get us your narrative and your budget explanation, of course, and all of that. That's December; December 15th.

MR. FUSCO:
So the department does it when they know what their budget is going to be?

MS. CHASE:
Not when they -- when they have -- they request their specific budget to the County Exec and then the Legislature.

MR. FUSCO:
Right. And they know what they're going to get when? In December?

MS. CHASE:

Not until there's a signed, sealed and delivered budget.

MR. FUSCO:
Okay. But they know what their needs are whether or not they can meet their needs prior to that time.

MS. CHASE:
That's correct.

MR. FUSCO:
They can base it -- I mean, a budget is, you know, an expectation of what's going to be needed and what's going to be spent.

MS. CHASE:
Yes.

MR. FUSCO:
Things don't always match up a hundred percent in the budget. Now, the County agencies that need to do the contracting, they know what their needs are, right?

MS. CHASE:
That's correct.

MR. FUSCO:
And your agencies know what it generally will cost, give and take, to meet those needs?

MS. CHASE:
That's correct.

MR. FUSCO:
So is there any mechanism that the agencies could come up with so that at budget time people have a good idea of what the contracts are going to be?

MS. CHASE:
We looked at other systems, which Nassau County does for their Health and Human Service agencies. Not all vendors, but their Health and Human Service agencies, which this coalition represents. Those are the vital services. A lot of this money, I just want to side-bar, is state money that comes from the state, pass-through the County. And they're mandated services that the County has to provide. That's it. If -- for instance, Nassau County what they do for their mandated services, their contracts that they have had a long term relationship, these are, you know, the tenth year in the works with these County agencies, is they'll start the ball rolling in early October based on last year's contract amount. They'll ask for their narrative, they'll ask for their plans. The not-for-profit agency, they'll get all of the paperwork set up. Once they have a signed, sealed and delivered budget, if it's a 2% increase, a 2% decrease, that's easy to take out of a line-itemed budget for a not-for-profit agency. They can take -- you know, they can back track or just add a little bit more money. But all of the paperwork is already expedited to that point --

MR. FUSCO:
The papers are in.

MS. CHASE:
-- and it's already been checked off.

MR. FUSCO:
The paperwork is in.

MS. CHASE:
Yes.

MR. FUSCO:
So it's -- at that point there it should be very easy for them to issue a contract to you.

MS. CHASE:
That's correct. There are some --

MR. FUSCO:
So why can't we do that here?

MS. CHASE:
That's a good question. And that -- the recommendation, what I can do is we met with the Ways and Means Committee, the coalition was asked to present. And we're going to be sending out recommendations and objectives of this coalition with clear points of what should -- what the County's process should look like. Some -- not all of it, I mean, certainly, you know, they have to follow certain legal steps and things like that. But realtime cost savings measures that we feel, and I'd be happy to give each of you a copy of those as we present them to the administration and the Legislature so we can look at possibly some of the recommendations could be embedded into the Charter.

CHAIRWOMAN BACHETY:
Okay.

MS. CHASE:
But your question, I don't know why we can't do that. A lot of it has to do with will. And that's one of the beautiful things about legislation, is that even if there's not will, there is protection.

CHAIRWOMAN BACHETY:
I see that Gail Vizzini, the head of the Budget Review is here. And she would be more familiar, I think, to -- and able to explain this to everyone. Because as I remember, we went -- when I was on the Legislature, we had to go through a whole process with all the departments and with all these agencies so I'm not quite sure why it takes so long myself. Gail, would you mind?

MS. VIZZINI:
Thank you, Madam Chairman. I really can only speak from the Legislature's portion and the Budget Review portion. And I think the speaker makes a lot of good points. First of all, the question in regards to the budget, it really is not an adopted budget until the latter part of November, so you have your precise dollar amounts. A lot of the leg work depends on the proactivity of the individual contract units in the departments.

And as the speaker indicated, they have gotten more proactive and they have gotten better. Often we receive inquiry from the Health Department, you know, what's in our budget for our contract agencies, you know, what happened between when it was recommended and what did the Legislature do. Because it does take a little while before you actually get the new year's information into the financial system. Sometimes that conversion, closing out '07 is still going on while you're entering in '08 so you have a little bit of that. But Budget Review has tried to be more proactive in providing the departments with listings in terms of what monies is changed in anyway by the Legislature.

I think you made a very good point in terms of if the departments can be acquainted with, you know, while they're closing out one year, can they get a leg up on the next year. I know Health is fairly proactive. Economic Development is fairly proactive. We also have a lot of requirements from our contract agencies, a lot of disclosure information. A multi-year contract is also, I think, an expedient way to approach this. I know we're going more towards that in the health area, but I don't know how many of our contracts are actually on a multi-year basis.

CHAIRWOMAN BACHETY:
Okay. Thank you, Gail.

MS. CHASE:
One of our recommendations is using multi-year contracting more and more. The County has been this last year, they have implemented that already. To the extent where it makes most sense, I don't know. Some of the things also I just want to be clear, that the -- the departments this past year have taken a much more proactive stance on getting their contracts out. And we at the coalition really, really appreciate their efforts.

Like it was stated, there are disclosure forms that -- for instance, there is a three page that needs to be in triplicate, notarized and signed with every contract. Every not-for-profit organization, a 501(c)(3), is exempt from this form, but they still have to fill it out and check exempt.

When you're talking about a Family Service League contract agency, that's 90 pieces of paper that do not need to be filled out because they are exempt because they're a 501(c)(3) agency. Things like that, I think, that the individual departments that -- they have to adhere to it because of something, if it's a law, if it's just an executive order.

MR. FUSCO:
Are you making the list of those redundancies?

MS. CHASE:
Yes.

MR. FUSCO:
Because there is a Paperwork Reduction Act in the Charter for many, many years. And years ago they said there's way too much paper in Suffolk County and they want to eliminate it. So perhaps under that section of the Charter you could point those things out that that violates the Charter, if you feel it does, that it's redundant unnecessary paperwork.

MS. CHASE:
Okay, I will. And the last thing I just want to point out is that -- I lost my thought and it was a good one --

CHAIRWOMAN BACHETY:
It's okay.

MR. CLAYMAN:
Can I ask her a question while she's getting her thoughts?

MS. CHASE:
Sure.

CHAIRWOMAN BACHETY:
Sure. Go ahead.

MR. CLAYMAN:
The problem I heard of is the people who are providing services, particularly child care providers, maybe out of pocket for money that they don't get reimbursed for a period of a large number of months, if you could detail what the dimensions of the problem are for the providers. Give us some examples then we know how deep the problem is and what the pain is that the problem causes. And then we'll know how to attack it better probably.

MS. CHASE:
There's two separate issues. The child care providers -- the child care industry is very different. They have -- and Vivian actually addressed this with her Prompt Payment Law. And I think that has been working well with the child care providers. The not-for-profit agencies, like I said, a lot of it -- they have multi-funding sources. So say they have a million dollars with the County, but they have $3 million coming in from state and federal programs, in essence the federal and the state governments are funding Suffolk County for a period of time. Their cash flow isn't as bad as, say, the child care provider community where their profit base is so much less. And their cash is flow is, you know, zero.

The not-for-profits sector, they take from one to pay the other and pay back and so on and so forth. They go into lines of credit. They have that ability. It still is a big problem like I pointed out with the Pedersen Krag. There are other agencies that are out $300,000, that's the last time I talked to her with no signed contract. And it's now May.

MR. FUSCO:
But the use of a line of credit means that they're basically spending resources on interest payments that should be going to Social Services.

MS. CHASE:
And that's right. There was an editorial done in Newsday, I would say about a year, a year-and-a-half ago. And they have taken a handful of agencies that do business with Suffolk County; a handful. And they had surveyed how much interest that handful had paid out in interest from using lines of credit. And it was somewhere about, $800,000 of their money. Now, again, this is really -- if

they're paying that out, it's coming from services that should be going to County residents. They can't get that money reimbursed by the County, but they're spending it out of their fundraising dollars or their other, you know, nondiscretionary spending. Where that money could be going into the quality of services that they provide. So it's a shame on all levels when you're talking about business policies and procedures that just don't work and don't work well.

CHAIRWOMAN BACHETY:
Thank you. Steve Kenny.

MR. KENNY:
Everyone hear me? Yes, okay. I -- very interesting discussion. I was actually sort of thinking of the multi-year contract idea before Gail mentioned it. And I think that is very much, you know, well worth exploring. If, in fact, multi-year contracts are possible, the staggering of the list of non-profit contracts have become part of it, I think would deal with part of the problem of attention of the Attorney's Office and the Comptroller's Office in terms of the number of contracts and renewals they have to do on an annual basis.

And I'm also wondering whether or not, and you know, I'm just thinking in the context of problems of multi-year contracts in terms of being able to forecast revenues and economic conditions and things like that, it seems to me that a solution to that would be to think in terms of a base contract or a base contract plus where an agency would be guaranteed if it was more of a, you know, ongoing permanent kind of revenue pass-through from another government especially and you knew it was pretty much reliable within some base. But that you would leave the final number for a more, you know, last minute or annual sort of review to change the detail of maybe the last 10% or last 20% of the budget so that the, you know, the preponderance of the work is done and agreed upon. And these non-profits have some assurance that they're, you know, their own employees and organization can expect, you know, some base to move forward on even though they might not know the final detail.

I just -- Gail, I just thought that that would be worth exploring and seeing whether or not that, you know, that might spread the review load out over years if you did it in a staggered way over many year -- over several years.

MS. VIZZINI:
Very good point.

MS. CHASE:
I did remember my thought and it was a good one because I know it's in your Charter. And I don't know how much leeway or -- what, you guys can figure it out, but there is something that I always hear from the departments and my heart goes out to them especially in the last few years with the current administration, are staffing issues. That is one of the biggest points that they think are -- they point their finger at when they say we can't, we can't, we can't, or it's just not going to happen or we're having problems getting a contract. It's staffing.

When -- as I understand it, that when the budget is passed there are positions in the budget for all positions or what it was supposed to be. If that person in the County gets promoted or leaves, it then gets frozen in the department where the department can't hire that person. They have to get approval from the County

Executive to rehire for that position that was just filled yesterday.

This slows down the process from my standpoint in a big way. It went -- last year there were many conversations I had with the Department of Social Services at the time. You know, I don't understand why you can't hire these people, you guys are so overworked and you have three people that you need to hire, what is the problem and they say, oh, well, the administration has to let go of the positions and there is a process there. And it didn't make sense. And I'm a big one, if it doesn't make sense, let's figure it out and make sense of it. So -- and I know there's some staffing things or processes that filled positions or something within the Charter that maybe you guys can look at and make sense of it.

CHAIRWOMAN BACHETY:
Dennis.

MR. Mc CARTHY:
Ms. Chase, thank you. You know, I'm sure, Gail, will affirm that this is not -- this is not a problem that just occurs in the area of Health and Human Services, you know. It's a Public Works problem, it's a Police Department vendor problem because of the time and the process of handling those, as Steve Kenny pointed out, of handling the contract and approval of the contracts. I know as a member of the College Board of Trustees that we had cases where architects were owed hundreds of thousands of dollars after performing work where contracts were still not in place because of not being approved, you know yet. And I think that's the -- you bring up very, very good points.

MS. CHASE:
You know, we --

MR. Mc CARTHY:
And we appreciate -- I certainly appreciate you making the presentation.

MS. CHASE:
You're welcome. Thank you.

MS. GIAMO:
I would like to know or -- I'm aware that there is a large degree of outsourcing that's being done now in Nassau County to private agencies. And I was wondering whether or not that's something that you're aware is happening in Suffolk County? Are there more outsourcing to the private sector of human services?

MS. CHASE:
I'm not sure if there's more or less than history shows. I do know that there are, as you pointed out before, there's a huge cost savings for not-for-profits to fill the needs of the residents for their health and human service needs. You know, historically the not-for-profit sector has taken on that role and has done it in a very productive way and at a much lower cost than -- you know, for instance the not-for-profit will have a 13% fringe benefit where the County has, I think, a 28 or a 30 something percent fringe benefit. So there's a huge cost savings. I'm not sure about the private sector doing work for the County. I'm only aware of

what my coalition represents as far as the services that they provide.

MS. GIAMO:
Thank you.

MS. CHASE:
Thank you very much.

CHAIRWOMAN BACHETY:
Erica, thank you very much for your presentation. Oh, is there someone else? Did I -- no -- okay. And if you get those recommendations together, if you could send us a copy, that would be wonderful.

MS. CHASE:
Yes.

CHAIRWOMAN BACHETY:
Thank you. Those are all the cards we have. Is there anyone else here who would like to -- Gail Vizzini. Gail.

MS. VIZZINI:
Madam Chairwoman, you had asked me to get back to you today in regards to your concerns about the schedule of the College Operating Budget vis-à-vis the other budget cycles. So just before I get into my plea that that not be changed, I just wanted to comment in terms of the last speaker. I would be more than happy to -- if you would also share some of those suggestions with me, and I can give you the benefit of the practicality of some of it. And if you direct me to, I can go over it with the budget office to see if there, you know, if that's something you would like us to look at.

CHAIRWOMAN BACHETY:
I think that would be very helpful. Obviously there's going to be a lot of other things involved with that, but that would help us if you could. Thank you.

MS. VIZZINI:
Be very happy to. I had the opportunity to talk with the Executive Budget Director. And from the -- although I don't want to speak for the County Executive's Budget Office, there is a parallel between what they do and what we react to in Budget Review. And from both their side and our side, we believe that the current schedule is probably best for the Budget Offices.

I know that it would benefit the College to have an adopted budget by no later than June. But that is not a possibility particularly for Budget Review and likewise for the Budget Office. We have a very small window with the College because the College wants to wait until the state budget is adopted in April. So now you're talking mid-April to the end of June to have the Budget Office issue their recommended budget, the Budget Review Office review that and the Legislature make any necessary changes, vote in the first meeting of June and override any vetoes in the second meeting of June. And there are no Legislative meetings in July. You know, this whole thing is about the tuition bills going out predicated on a tentative tuition rate as adopted by the Board of Trustees. And if anything happens in the budget process whether that -- the tuition has to go up or down and adjust and therefore some adjusting bills go

out.

So from the point of view of the demands of closing out one fiscal year, entering into the other, the demands of, you know, January, February for us to do our Charter required quarterly budget models, that's when the Budget Office comes forward with what is or is not a shortfall in the next budget and the Budget Review Office comments on the magnitude of that. They -- the Budget Office currently has to give the Budget Review Office the Capital Program by a targeted date in the Charter of April 15th. So the first part of the year, the Budget Office is fairly busy and we're right behind them getting ready to review what it is they're preparing.

This year is a very unique year. And we're very mindful of the College's concern. I have a commitment from the Executive Budget Director to give us the College's budget at least a week earlier than usual, but that's still the beginning of June. So although I have the College's request and their request is extremely modest, I could very easily say, oh, there's no increase in the Country contribution, this is not a problem, check. But that's not what the Legislature is accustomed to. And you do have the fact that there's only one more Legislative meeting at the end of June so even if they were able to adopt any changes, you still have to leave the opportunity for the vetoes and the overrides. Not that we promise to change anything this go-around, but we promise to be mindful of their concerns.

So I would ask you in terms of demands placed on the two Budget Offices, flipping the schedule would not be in, I think, the best overall interests of the County Budget Offices.

CHAIRWOMAN BACHETY:
I'm sure that's going to be a disappointment to College, but we have a College Trustee here so.

MR. Mc CARTHY:
Two of them.

MR. KENNY:
Gail, if I could, I -- we did have some discussions last time about, I understand and, you know, I fully appreciate the flipping issue. But I think we did have a discussion about staggering the present process in a different way so that it would give you more attention at the College Budget when the time came. Was there -- if I -- am I remembering incorrectly, is there a conflict with the Capital Budget and the College coming too close together? And we talked about well, maybe moving back the Capital Budget or moving, I mean -- I mean, I guess the other solution would be to recommend a July meeting of the Legislature but --

CHAIRWOMAN BACHETY:
I wouldn't recommend that.

MR. KENNY:
But I'm just curious, I mean, this is a domino effect obviously that your office deals with. And I'm wondering if you could backup the dominos in any way?

MS. VIZZINI:

Well, that's almost the worst suggestion because what happens --

MR. KENNY:
Okay, okay.

MS. VIZZINI:
Not that it isn't an option, but what happens is the -- you have the two most arduous processes back to back with little reprieve. And, you know, it seems like this -- the 2008 Operating Budget into 2009 has been consuming us all year, you know, since we announced the budget shortfall one thing or another has been consuming us. So I know the Budget Office staff as well as the Budget Review, we work six days a week on the Capital, we work seven days a week on the Operating. Not that I'm whining, I'm not.

But to have those two back to back like that, it's a concern. The College budget is a much more manageable budget. In Budget Review we divide it up so that we can get it done by many hands making light work. But it's -- you still need to review revenue and expenditures and enrollment. And at this stage of the game we're still reviewing position requests and trends and where we stack up in compared to other Community Colleges. And the Legislature has always been very supportive of the College.

So as Mrs. Bachety had said, I would hate to reduce what the Budget Review Office report covers even though that might not be an issue that particular year. But we still compare how we do to other Community Colleges in the SUNY system. And it's good information to have, you know, unless otherwise directed by the Legislature.

CHAIRWOMAN BACHETY:
Okay. Question.

MR. FENCHEL:
Doesn't this raise the plan C question? I mean, that's really what's being raised here that this thing could all get delayed in the Legislature while the Legislature wants to or the County Exec wants to knock out certain lines so that there's --

MS. VIZZINI:
I don't really think it's appropriate to discuss the plan C issue here. But to comment on that, it would be easier if the Legislature and the County Executive had less scrutiny over this. That doesn't necessarily mean it's legal or right. But, you know, to the budget people that gets down to the expediency of, you know, this is a reasonable line item or not; yes, no. But that's not the history that we have with the College. We have more of a shared commitment, you know, this is important to the College, this is a direction they want to go in, yes or no, County Executive, Legislature.

MR. FENCHEL:
All right. I just wonder I guess, if that's the case, why there's -- unless I missed -- I'm being misinformed, why this lawsuit is outstanding --

MS. VIZZINI:
Yeah.

MR. FENCHEL:

-- between the County and the --

MS. VIZZINI:
I can't comment on that.

MR. FENCHEL:
Right. I just --

CHAIRWOMAN BACHETY:
Okay. Anyone else? Gail, thank you very much.

MS. VIZZINI:
Thank you.

CHAIRWOMAN BACHETY:
I appreciate your -- I was going to ask you for it, so I appreciate you giving it. Thank you. Okay. Is there anyone else? Oh, Legislator Vivian Viloria-Fisher is here.

LEG. VILORIA-FISHER:
Actually I just happened to be here and I thought I'd drop in and see how it was going. You look good in that seat, Sondra.

CHAIRWOMAN BACHETY:
It's been a long time.

LEG. VILORIA-FISHER:
Actually, I justify wanted to make a couple of comments regarding Erica Chase's presentation. As many of you know, I have been working very hard for a long time on prompt payment and prompt contracting because I work with a lot of these not-for-profits and have felt their pain. And we had a very serious roll up the sleeves working meeting at the Ways and Means Committee. And many of Ms. Chase's points were very well received at that committee meeting. In fact, I personally suggested to the County Attorney that we might look to the agencies for the kind of paperwork and verification of the number of requirements that we have. And that the agency carry that application from one granting -- from one grant to another.

And what the County Attorney, Christine Malafi, explained at Ways and Means is that -- I'm talking about documentation such as the Living Wage compliance, documentation that came out of the County Executive's IR 2025 of last year where I-9 or documented worker requirements and proof of those is required. I asked, well, couldn't the agency simply have in its file that they comply with those statutory requirements. And the County Attorney explained to us that for example, Family Service League might be compliant and has one grant, which is for X number of dollars and they have to according to the statutes as they're written now and I'm looking at this with Counsel whether or not we can change some of those statues, has to say on that job, are the workers on that particular job, which is paid for by that particular grant, being paid according to our Living Wage bill, our Living Wage requirements? And are those workers on that job documented? Have they filed all of the I-9?

And so that was a kind of stumbling block for me because I thought I had this brilliant suggestion, but perhaps we could look at that Legislatively or the County

Attorney's Office can see whether or not they can bundle some of these together. We are trying to look at ways to expedite this.

There was also a suggestion that as -- I couldn't see which one of the members of the board made this suggestion, but beginning the process much earlier. When the County Executive is putting together the recommended budget, there is some sense of which grants are going to be needed, what kind of budgetary items are going to be there. And so perhaps the process could start being built before we reach that point when we do vote on the budget in January and the County Executive signs it into law. And then we can finalize that process so that we can move up the contract, the executed contract to much earlier in the year. Because it really is a shame. And I believe -- I find it ethically challenging to have a contract with someone and for that agency -- and sometimes they're small agencies that work on very, very little, very small margin of error. They will not see their first check until the end of the summer. And until that time, they've been borrowing money and it's a tremendous waste of money.

So we are -- as I said I just happened to be passing by, but you know public officials, we can't see a microphone and not say something. But I do want to say that we're trying to put our heads together. And we certainly welcome your work on this because there are some sections of the Charter which do deal with -- I just pointed this out to Gail and she said sometimes that's been tried and hasn't worked that well, which is sometimes having an advance on payments before all of the paperwork is completed, if it's a continuing grant or a repetitive grant, that's in one part of the existing Charter. We try to work that into the Prompt Property Policy with the childcare providers that didn't -- that particular piece of legislation didn't pass. But there is some precedent for looking at this with the Charter Commission. So thank you very much for your work. I appreciate it.

CHAIRWOMAN BACHETY:
Thank you very much for your being here today. I appreciate seeing you.

LEG. VILORIA-FISHER:
Thank you.

June 12, 2008

CHAIRWOMAN BACHETY:
We have a couple of members of the Commission who are in traffic on Route 111, but they should be here soon. So we're going to just open the meeting and get started.

Before we do that, I would like to enter into the record a letter that I received from County Executive Steve Levy.

"I wish to clarify my position that the separate elected offices of the Suffolk County Treasurer and the Suffolk County Comptroller should be consolidated. There are a number of large municipalities that do not have separate offices for the functions of the Comptroller and Treasurer. Consolidation into one office will not only save taxpayer dollars, but will also make government more efficient.

The one elected position should be that of the Suffolk County Comptroller. I

hope this letter provides clarification."

And this a letter that I have given a copy to each of the members of the Commission.

I also received an e-mail from Steve Kenny who is a member of the Commission. And I'm going to ask the Comptroller and the Treasurer if they would just address his question at the end of their remarks.
He's not going to be here today. "Assuming a system of financial checks and balances requires separate departments of Comptroller and Treasurer and assuming it is desirable to elect the head of one of the departments and professionalize the other" -- as a side note that's kind of implying one of them isn't professional -- you don't have to include that, that was my comment, "which of the two departments should be headed by an elected official?"

And that's it. So those are the two that we have. And although we do not have a quorum at this moment, we will hear the testimony because all members of the Commission will be receiving the minutes and will have an opportunity to review the statements. And since we have elected officials here today, I certainly don't want to keep them waiting long.

So our first speaker of the day will be Angie Carpenter, Suffolk County Treasurer. And she will speak first.

MS. CARPENTER:
Thank you Madam Chairman and members of the Commission. Listening to you recite that question I almost felt like a contestant for Miss America, but I'll get to that after the testimony.

CHAIRWOMAN BACHETY:
That's fine.

MS. CARPENTER:
I've asked -- we brought packets with some backup information on this issue of consolidation, elimination, if you will, of a myriad of elected positions as was presented in the testimony that we reviewed in the minutes.

As far as the Office of County Treasurer, this whole issue was brought to light again in the early part of 2006. There was a resolution introduced before this Legislature asking for a referendum on the issue of consolidating both offices under one elected position and eliminating the Office of the Treasurer.

The interesting part -- first of all, just for history, there have been two referendums on this issue in the past. It was in 1993 when the gentleman who ran against John Cochoran ran on a platform of eliminating the Office of the Treasurer. He was defeated. Mr. Cochoran was elected so in essence the voters spoke and felt that there should be an elected position of Treasurer. Again in 2005, the opponent that ran against me used that as part of their platform also, that the office be eliminated. So it seems to me that the voters have spoken twice on this.

Some of the testimony that I reviewed that the County Executive referred to, one of them being cash flow, that we're both doing cash flow, there's duplicative services and functions being performed, this is not the case. Everything that's

done in the Treasurer's Office needs to be done; and everything that's done in the Comptroller's Office needs to be done. There is no duplication. Even to the issue of cash flow, we do cash flow on a daily basis. We are the County's banker. We have to make sure that there's money in the bank to pay the bills, checks go out every week whether it's payroll checks, operating checks, bail refunds, whatever. It's a plethora of things that are addressed. We have to make sure that the money is there. So we are monitoring cash daily.

The County Comptroller monitors cash monthly in their cash status report, but they're doing it in an auditing function, making sure that what we're doing daily is, in fact, accurate and reflective of what's really happening.

The issue of eliminating or consolidating or putting under one roof the person that writes the checks with the person that has the authority to authorize the checks just is a recipe for disaster. And that's exactly what happened in Orange County, California. And when you have an opportunity and you can review all of this, I think it really clearly says it.

There are a number of facts in the very beginning that speak to this idea of eliminating the office in it not being right because it eliminates checks and balances. There's a quote there from our independent financial advisors. Internal management controls are weakened. The bond rating is in jeopardy. And I won't go down the list because I know you've got other speakers. And I know what it's like to sit behind there and listen to speakers drone on. So I'm really going to try and be as succinct as possible.

But the thing that is most telling and really, really in my mind says this is an issue that has been brought up before, has absolutely no merit, is the memo that comes from our financial advisors, Capital Market Advisors. They are there with us when we go with the rating agencies. They clearly, clearly state that this is not a good idea. These are the people that we're paying for financial advice. So are we going to disregard it? I don't think so.

They're clearly stating that the bond rating, the incredible bond rating that we enjoy right now in this tough economic climate Suffolk County got a bond rating upgrade. And this didn't happen just, you know, wishing it to happen. It happened because we have independent controls over our cash, over our finances. The Comptroller is the -- has his role to play and I have mine. He's the Chief Financial Officer. I am the Chief Investment Officer. And it plays well to the rating agencies to know that you have this separation, to know that you have this independence. That's what they want to see. That's what they want to hear. They don't want to hear that you're consolidating it and putting it under one umbrella because, again, it leads you down a path you just don't want to go.

I really, really would ask that you review it when you have an opportunity. We've gone through and clearly showed what the office does. In fact when the resolution was first introduced in 2006, that first couple of months, in fact I had just been sworn in as the Treasurer, I invited the Legislators to come out to Riverhead to see exactly what it is the Treasurer's office does. We have -- again, it's all outlined here, but it was an education process for them. And everyone from the Presiding Officer and everyone else that came out there were impressed with the work that we did and were enlightened by the fact that there really wasn't duplication. And because of that, after a number of months there was no action on the resolution and the issue was put on the shelf.

And the thing that I'm going to close with is ask that you review the quote, the County Executive in his very own words when he prepared his narrative for the 2006 budget, and this is in the very back of the pamphlet, he clearly commends and acknowledges the fact that we got a bond rating upgrade because of our strong financial team. And he clearly identified that team as four components: The Legislature, the County Executive, the Comptroller and the Treasurer. Those four independent bodies. Just as it's important to maintain that independence between the County Exec's branch of government, the executive branch of government and the Legislative branch of government, that kind of oversight, it's the same kind of oversight that you have in the separate Comptroller and the Treasurer. And there is no greater accountability as an office that reports directly to the people.

And I had a gentleman call a couple of months ago who was quite angry because he was paying interest in penalties on his past due taxes and didn't feel he should. And I wasn't giving him the answer that he wanted. And he wanted to speak to my boss. And I said to him, you know, you are my boss. You and the rest of the residents of this County are who I have to answer to.

And, again, if there are any questions, and I will answer that question as far as which of the two offices if there's only to be one, there shouldn't be one. There should be two: An elected Treasurer and an elected Comptroller. And I think when you review the material, I'm confident that that's the same conclusion that all of you will come to. Are there any questions?

CHAIRWOMAN BACHETY:
Let me see. Do any -- yes.

MR. FUSCO:
I have a few actually. Could you tell me if -- you said the Legislature came and evaluated the operations in your office. Did the County Executive ever come and look at the operations in the office?

MS. CARPENTER:
No, but certainly the invitation is there.

MR. FUSCO:
Could you contrast the situation in Nassau County where there is no Treasurer? That County seems to be operating.

MS. CARPENTER:
Well, it seems to be operating but it's also operating under a fiscal oversight agency because --

MR. FUSCO:
What about New York City?

MS. CARPENTER:
Pardon me?

MR. FUSCO:
New York City has no Treasurer, does it?

MS. CARPENTER:
I'm not quite sure of the structure of New York City. And I, you know, point to Nassau County. They have an appointed Treasurer. And it's interesting, one of the arguments for was, well, you know, you'd have less, you know, deputies if you had an appointed rather than an elected. Well, that's not the case in Nassau County. You know, they have the same amount of deputies as we have. And to think that the deputies don't play a role or do anything, that they're just there, you know, if the Treasurer is not, everyone clearly has their duties and are working everyday. I mean we are in the office everyday. There's no question about that. There is no duplication.

MR. FUSCO:
Is there any study showing which counties in New York follow the Suffolk County model and which have have the single financial officer, how many of each there are?

MS. CARPENTER:
We have -- there is a listing of which of the counties, and I don't think it's included but I certainly can get it to you, that have elected Treasurers. But remember we are operating a multibillion dollar corporation. We are bigger than 13 states. We have a budget that's bigger than a lot of states. You know, to compare us to some, you know, remote county in Upstate New York is not a valid comparison. The proverbial, you have to compare apples to applies, oranges to oranges.

MR. FUSCO:
Thank you.

MS. CARPENTER:
You're welcome.

MR. BRAUN:
Does the current oversight function of the Comptroller's Office include reviewing the investment that the -- the investments that the Treasurer's Office makes? Would --

MS. CARPENTER:
The investments that we make are very limited in what we can do. Every January when the Legislature meets and has their organizational meeting, they authorize the depositories that we are allowed to use to put the County's money in. They have to have a branch in Suffolk County. And it's very clear and very specific. And there have been times that depositories have been removed midterm. But we -- you know, some of the high risk investments that are -- lead people down a path that causes trouble is not something that is available to us.

MR. BRAUN:
Well, I mean for example in your presentation, you mention the situation in Orange County, California. Would that have been --

MS. CARPENTER:
They had the model that is being advocated if you eliminate.

MR. BRAUN:
I understand. But would that have been avoided if there had been --

MS. CARPENTER:
Absolutely.

MR. BRAUN:
Would their separate comptroller's function have stopped that investment under those circumstances?

MS. CARPENTER:
It does. It would. In fact the memo that the financial advisors produced in 2003 speaks very clearly to Orange County, California. And when they got themselves out of that brink of bankruptcy that they were at, they adopted a model that we have in place here in Suffolk County now.

MR. BRAUN:
So within the scope of those investments that the Legislature authorizes each year, would the -- does the Comptroller's Office currently have the ability to tell you we don't like our money being there, we want you to move it?

MS. CARPENTER:
No, because I'm the investment officer. He's the financial -- the Chief Financial Officer. So, you know, certainly there are communications between the two departments. And if there was some egregious, you know -- but there isn't that chance to do that because we really can only invest in the banks right now.

MR. BRAUN:
Okay. Thank you.

MS. CARPENTER:
And the moving that's done is basically to try to get -- maximize the interest. And that I watch like a hawk. Let me put it to you that way. From the day I first came in, I found that there were some accounts that perhaps were not earning interest that they should have been. In 2005 the year before I came into the Treasurer's Office, the County earned $11 million in interest. In 2006 we earned 23 million.

MR. BRAUN:
Was that on the relatively same amount of revenue?

MS. CARPENTER:
Yes. And in 2007, we earned even with the interest waning in the last quarter and even with the fact that we went out for a $50 million less than TAN borrowing, Tax Anticipation Note borrowing than we did the year before, we earned close to $20 million.

Now this year, all bets are off. It's bad. You know, every time the feds, you know, announce that they're lowering the rates, you know, I shudder. And I usually get a call within a day or two from the bank that they're closing the rates; but we whenever possible will move for, you know, a quarter of a point, a tenth of a point. I will, you know, move accounts just so that we can maximum our interest rates. But I do this, you know --

MR. BRAUN:

But again the thrust of my question is more whether the two separate entities now would have avoided the Orange County type of situation for them in advance under our current rules?

MS. CARPENTER:
Yes, because you have that separation. They didn't have it in Orange County, California. And that's why they -- the person that was, you know, making the investments and authorizing it all was all in one.

MR. BRAUN:
Okay. Thank you.

CHAIRWOMAN BACHETY:
Kathy.

MS. CARPENTER:
Hi, Kathy, how are you?

MS. GIAMO:
Hi, Angie. Can you tell me the Capital Market Advisors --

CHAIRWOMAN BACHETY:
Is your mike on?

MS. GIAMO:
Capital Market Advisors, is this firm -- at any time, were they hired to do this independent analysis of opinion? Or have they actually advised your office on investments?

MS. CARPENTER:
They do not advise our office on investments. They are --

MS. GIAMO:
So they were hired specifically to render an opinion on --

MS. CARPENTER:
Oh, no, no, no. They're the County's financial advisor. And when I say they don't advise on investments, again, the Legislature authorizes the banks that we can deal with and that's, you know, who we deal with. But when it comes to bonding, when we meet with the rating agencies, everything that's involved in that issue is advised by the Capital Market Advisors.

MS. GIAMO:
Could you tell me how -- was this -- in order to -- was this particular area, was this outsourcing through a bid process?

MS. CARPENTER:
What area?

MS. GIAMO:
Capital Market Advisors, how were they hired? Were they hired through an independent bid process or did they come in and give a presentation? Do they give monthly presentations or quarterly --

MS. CARPENTER:
They were the financial advisors in place when I took office. And it's my understanding that it was a bid process. But the County Comptroller can speak more to that than I because he works more directly with them than I do.

MS. GIAMO:
Thank you.

MS. CARPENTER:
You're welcome.

CHAIRWOMAN BACHETY:
Angie, thank you very much. I think you've answered most of the questions that everyone had and --

MS. CARPENTER:
And if there are any others, you know where to reach me. Thank you.

CHAIRWOMAN BACHETY:
I sure do. Thank you very much.

The next speaker, I guess, he almost could have come up and sat with her, is Joseph Sawicki, the Suffolk County Comptroller.

MR. SAWICKI:
Good afternoon everyone. Hi, Sondra.

There's an old saying. If it ain't broke, don't fix it. In the day of age of Enron and other corporate scandals, of Roslyn, of William Floyd and unfortunately on and on, in Suffolk County in comparison, in stark contrast is doing so well financially; not only in our long term credit ratings but in our achievement, the excellence and accounting awards, financial reporting awards from the GFOA of the United States and of North America. To tinker with the financial system that's in place that's already earned us a high distinction in the nation and on Wall Street, just makes no sense to me whatsoever particularly when there is no documentation, no evidence that we could gain anything, any efficiencies by doing this. And I just think it's -- I think what we have intact now works quite well. The separation of our duties, of the powers, if you will, is extremely important in any corporate or public entity when you're talking finances.

Right now in regard to some of the questions that were posed to the Treasurer, if the two offices were merged together, how would -- and if the Comptroller were to oversee both, both functions, how would you audit yourself? How would I audit myself? Right now I have the power and the authority to audit the Treasurer. We just performed a couple years ago an audit of all the bank accounts in the County and through the Treasurer's Office.

If that was under me, you know, again, it's a dangerous -- it's a dangerous situation where one has to audit themself. And we don't -- you know, we can just imagine what that could lead to if the wrong person is in that position. So, again, I don't think we should go down that road. And given the magnitude of Suffolk County, we're the 12th or the 13th largest -- larger than 12 or 13 states

in the nation, we're the 21st largest county in the nation, I just think financially and the rest, we would be going down the wrong road. So I would just urge you, you know, the status quo has worked for so many years, again, it ain't broke, don't fix it. And that's basically my, you know, my message to you.

I have a couple -- my thoughts that I'm sharing with you, rather. But I have a couple of other issues that I would like to ask your support of and your consideration of. And that would be the expansion of the authority of the Comptroller's Office. The Nassau County Comptroller has the authority to audit and review the accounts of the towns and special districts. The Suffolk Comptroller does not have that.

And the reason why this comes up and how this comes up is that often times I'm sure many of you have read that the District Attorney, Tom Spota and I have worked together on various investigations. Obviously he does the criminal investigation. He's called upon us, you know, my staff to do the auditing and the financial examination. And often times Tom will ask me to do a certain audit of a town or a district, or 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 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, in the grand jury testimony.

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

MR. BRAUN:
We do have it.

MR. SAWICKI:
You have that, okay. You have everything. Okay, thank you.

CHAIRWOMAN BACHETY:
Before you go on, Joe --

MR. SAWACKI:
Yes, Sondra?

CHAIRWOMAN BACHETY:
If that were to happen and you were to have the ability to go in and audit towns, on what basis -- because towns are audited by New York State now.

MR. SAWICKI:
Correct.

CHAIRWOMAN BACHETY:
So, what would be the purpose?

MR. SAWICKI:
Well, I don't think -- I don't think the Nassau Comptroller audits the towns per se because, again, you'd 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 that we'd like. But it's just

from time to time when -- for instance, the last -- to be very specific is, 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 Brookhaven Town thing. And I just didn't have the authority to go in and do that audit. So it would only be circumstance. It would be from time to time. It would be very, very -- we have our hands full and plenty to do auditing County agencies, contract agencies and County departments. But it would just -- the authority would be there just in case we needed it or we wanted to.

CHAIRWOMAN BACHETY:
But would there be a proviso that there had to be a specific reason or a special reason for you to go in and do that? Obviously, you know, I'm not -- certainly not implying you would do it but you might some day have someone who just wanted to cause a little difficulty.

MR. SAWICKI:
Audit a town just for the sake of auditing? Yeah, that's true. And you saw the way the 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 that -- because these special districts apparently weren't audited properly, if audited at all, you know, it begged the County Comptroller to go in there. I don't see -- I don't see any real situation currently existing in Suffolk County that I would want to go in to do any towns or any special districts. It would just be if called upon by like a District Attorney or the County Legislature or, you know, whoever. I mean for instance --

CHAIRWOMAN BACHETY:
You don't want the County Legislature, no.

MR. SAWICKI:
So.

CHAIRWOMAN BACHETY:
But you would say there could be -- if in fact we wanted to recommend something like that, we would have to have some kind of proviso --

MR. SAWICKI:
A caveat, sure, sure.

CHAIRWOMAN BACHETY:
-- some reason for you to do that.

MR. SAWACKI:
Yeah. I mean right now -- I mean the County Legislature does vote time to time to request that I do an audit of this agency or that department, blah, blah, blah.

CHAIRWOMAN BACHETY:
Right. Well, that's different, though. Those are not -- having been in a town myself for a longtime, I would have a little difficulty with that.

MR. SAWICKI:
And there's ten towns right now in Suffolk County compared to three in Nassau.

CHAIRWOMAN BACHETY:

I know. I don't think you have enough people to do that.

MR. SAWICKI:
No, you're absolutely right, Sondra.

CHAIRWOMAN BACHETY:
Go ahead, please, unless you have a question.

MR. BRAUN:
Are we up to questions? I don't want to interrupt.

CHAIRWOMAN BACHETY:
No, I was asking a specific question on that issue.

MR. SAWICKI:
Yeah. I just have one more area I just wanted to get into.

CHAIRWOMAN BACHETY:
Yeah, please, please. Sorry for interrupting.

MR. SAWICKI:
The Insurance and Risk unit of the County used to be under the auspices of the Comptroller for many, many years. And I believe it was only moved out of the Comptroller's Office and placed under Alan Schneiderman's (sic) Civil Service and Personnel back in 2001. And it probably had more to do with politics than anything else at that time. I know every once in a while it does creep into county government.

And looking at the size of Insurance and Risk, the fact that they process -- excuse me, let me find my notes here real quick -- they process roughly over 1300 vouchers weekly, over $450,000 weekly; to be in the Department of Civil Service and Personnel really, really is not a fit -- it's almost like putting a round -- a square peg in a round hole or a round peg in a square hole or something like that. And I would say that being that the County Charter currently gives the Comptroller the power to audit and approve -- and it's a charge -- audit and approve all bills, invoices, payrolls and other evidences of claim, what Insurance and Risk processes fits right into that. It's more of an administrative, more of a bookkeeping, more of an accounting function, ministerial, administrative function. And I would like to ask you to consider if -- to make a change in the Charter to move Insurance and Risk back to the Comptroller's Office where it's a much better fit, I believe, in County government than over in Civil Service and Personnel.

So in conclusion, I'd just like to thank you for listening to my side of the consolidation issue. Again, I know I'm being repetitive but the issue with checks and balances is so important that we maintain in our county. So, thank you. Yes, Mr. Braun?

MR. BRAUN:
Thank you. Yes, a couple of -- first, I guess, a little question. Does the County also employ outside auditors, independent accounting firms from time to time to --

MR. SAWICKI:
We are annually audited by Ernst & Young for the last several years. And we -- every three years we go out through the RFP process and, you know, retain an outside auditor, yes.

MR. BRAUN:
So it's not only the Comptroller's Office that's currently doing the -- the audit's being audited in other words?

MR. SAWICKI:
Exactly, exactly, exactly.

MR. BRAUN:
Okay. The other question is a little perhaps more speculative. The presentation that we got from Ms. Carpenter, which I guess you concur with, about keeping the offices separate includes a statement from Capital Markets Advisor that says that in April 2008 Fitch ratings revised the County's bond rating upward from stable to positive. But this -- are you attributing that to the independence of the two offices? I mean the County's been structured that way for a longtime.

MR. SAWICKI:
Yeah, yeah. No, that's part of it. It's a very integral part of it, sir. The County's financial foundation is in great shape. And it's -- that's part of it. It's all reflected in our bond rating, but they look at the County's proactive approach to mitigating any cash shortfalls, projected shortfalls in the next year or two ahead. It's really a teamwork, like I believe Ms. Carpenter summed up at the end, the County Executive acknowledges that it's teamwork between the County Executive, the Legislature, the Comptroller and the Treasurer's Office.

MR. BRAUN:
So it's some of the fiscal policies that have been in place more recently perhaps rather than the separation of the two offices at the moment that --

MR. SAWICKI:
I would say that adds to it.

MR. BRAUN:
Okay.

MR. SAWACKI:
That adds to it. It definitely is. I mean it's not -- you can't point to any one particular reason why we got the upgrade. It's everything all -- one thing is for sure, is that if you were to combine them, you would weaken the internal controls in the County's financial structure.

MR. BRAUN:
And would there be something, the equivalent of an inspector general or an auditor general who might have some separate function that could do the same thing without a separate department?

MR. SAWICKI:
But then if you do that, then you're -- then what are you saving? You have a Treasurer now who's elected by the people. I mean some counties have -- I think someone asked the question before, some counties have a Treasurer

under the County Executive, for instance, an appointed position. You still have the Treasury, you still have the same amount of administration. So the savings is what I question. You know, I don't know where any savings would be. Like you say, could you have an inspector general, well, sure; but now you're getting away from an elected position. An elected is the most independent because then they -- then you're resistant to the --

MR. BRAUN:
Well, we're very fortunate that the people we have elected are qualified, but you don't necessarily need to be elected to be qualified. Somebody appointed might be more qualified. No? Not in the current occupants of the office but in theory.

MR. SAWICKI:
I mean that's a speculative question, I suppose. I mean, you know, maybe you can get Donald Trump to come in here and be the Treasurer or Comptroller or something like that, you know. I don't know. Maybe you can get -- you know.

MR. BRAUN:
Thank you. I appreciate it.

CHAIRWOMAN BACHETY:
Kathy.

MS. GIAMO:
Could you tell me, and I'm very familiar with the firm Ernst & Young, I've sat through audits with them from a public company nature, but could you or is there a way that we could find out, what is the cost of that audit and --

MR. SAWICKI:
That audit is approximately $500,000. 380,000 for the County part.

MS. GIAMO:
Per year.

MR. SAWICKI:
Per year.

MS. GIAMO:
380,000. Could you also then tell me what the operating budget is for the Office of the Treasurer?

MR. SAWICKI:
Angie, what's your operating budget? I'm not familiar with that off the top of my -- in dollars or personnel or everything?

CHAIRWOMAN BACHETY:
The Treasurer or the Comptroller?

MS. GIAMO:
The Treasurer. No, the Office of the Treasurer.

CHAIRWOMAN BACHETY:
Well, she's still here. Angie's still here.

MR. SAWICKI:
Two million.

MS. GIAMO:
It's two million. Thank you.

MR. FUSCO:
Question.

CHAIRWOMAN BACHETY:
Yes.

MR. FUSCO:
Insurance and Risk, it seems to me that really should fall under the County Attorney, no? I mean, a lot of that is, you know, tort claim, Workers' Comp claims, things of that nature where, you know, there's a legal question involved and is the amount right? Wouldn't that more appropriately be under the County Attorney rather than the Comptroller?

MR. SAWICKI:
Well, the good thing that the -- the current system -- Mr. Fusco, right -- is that all claims that are between -- I believe it's zero to $10,000 can be settled with Insurance & Risk itself. The next level between 10,00 and 25,000 need the approval and sign-off the County Attorney. And anything in excess of 25,000 has to be approved by the County Legislature. So it's a good system of checks and balances there. I'm thinking of the ministerial side of the -- ministerial end of the department. I mean 363,000 vouches and sign-offs a week is a lot.

MR. FUSCO:
In Nassau County sometime ago we had a terrible morass with Workers' Comp claims. The County Attorney had to approve them. Nothing got settled. Okay. And then the Comptroller had to approve them. And as a result nothing got done. And the Comp system there just went into complete disarray. Some years ago, I don't know if at the time Suffolk County system was under the County Attorney or under your department, but I remember when Phil Bauccio was running the Comp end of it. And I can say at that time it ran pretty good. It ran smooth, cases were resolved. And it was a pretty tight ship from the standpoint of a consumer of that. Do you know at that point what department Insurance and Risk was under when Mr. Bauccio was running the Comp?

MR. SAWICKI:
Phil Bauccio, I believe, has been retired.

MR. FUSCO:
Yeah, a number of years.

MR. SAWICKI:
Yeah, so it would have been the Audit and Control then.

MS. MALAFI:
I think for part of the time -- hi, Christine Malafi, the County Attorney. I believe when Mr. Bauccio first became the -- is it called Director of Insurance and Risk Management -- the head of Insurance and Risk Management -- was in the County Attorney's Office.

MR. SAWICKI:
Yeah, it preceded my term of office.

MS. MALAFI:
It was in the County Attorney's Office. And then it moved to Civil Service -- the Civil Service Department. That I don't know why it happened, but it was with the County Attorney's Office. I moved up here so I can answer any question.

MR. FUSCO:
Well, since you're both there, can you answer my question on whether it really should be under the County Attorney as opposed to the Comptroller. And if so, why?

MS. MALAFI:
Okay. I work very closely with Insurance Risk Management, but I do not have the authority to change any of their procedures. And just as by way of example, they have procedures in place on how they handle, for example, flooding claims, sewer backups, things of that nature. And two years ago, I think, we had a hundred year storm. And when Insurance Risk Management instead of getting their usual five to ten flood claims a year got $4 million worth of flood claims, they did their usual procedure. If they -- and it was not -- it cost the County $4 million. Because it was a hundred year flood, if there were in my shop, I would have stopped that before they even started that because County did not --

MR. FUSCO:
The flood or the claims?

MS. MALAFI:
Well, if I could control the flooding, I would do that, too. So there were problems that if it was in my shop and I could direct them a little bit on how to proceed, could have been avoided.

MR. FUSCO:
Why couldn't that be done if it was in his shop, for example? I mean, it's not like you don't talk to one another. I mean couldn't you still exert a supervisory function from a legal standpoint even if it was under the aegis of the Comptroller?

MS. MALAFI:
As the lawyer, I do not direct any department heads. And I especially do not direct any elected officials who are my clients. So I pretty much don't -- I can give general legal advise but I'm supposed to wait until I'm spoken to. And I can lay things out there but people don't have to return a phone call or take my advice. So in order to actually run Insurance Risk Management and tidy up, for lack of a better word, they do a great job, they work very hard; but to tidy up some of the procedures, they would have to be in my department.

And also I -- for example, Workers' Compensation Counsel, under the Charter right now I retain all outside counsel. So I do the RFP -- I'm sorry, the RFQ that goes for the Workers' Compensation Counsel. And I -- all the bills that get paid, we have to approve them. But yet they're not in -- I don't -- the department that that lawyer functioned for -- I'm sorry, the division that that lawyer functioned for

is not within my department.

There are also several issues that arise frequently when you get a special type appeals from Workers' Compensation cases that require an additional outside counsel. Again, that all goes to my department but it takes a little longer for us to get up to speed on something because it's not in my department. And they're all legal issues. It's not a -- it's not really an administrative type of issues that they have.

Also, if Insurance Risk Management was in the Department of Law rather than in another department, the claims people could come to me and ask me or my torts division questions on a regular basis. It would be more like an every day occurrence. We have this claim, is there any liability on the part of the County, little questions that they can ask that can avoid the payment of what seem like nominal sums, a thousand claim; but when you add together, let's just say a hundred $1,000 claims, that's a significant amount of money.

And if the Law Department had the one on one with the employees of Insurance Risk Management because we would all be in the same department, that would, I believe, aid them in doing their job, also. And you can do it in such a way where the claims settlement authority that presently rests with Insurance Risk Management can still rest there. So that the head of Insurance Risk Management would still have the authority to settle claims under, I think it's $5,000 without needing my approval but yet they're in my department to aid. It's sort of like in the Charter right now, the Human Rights Commission is in my department. And we give them -- we work with them on a daily basis, whenever they have questions on discrimination claims and things that come into their, office but in no way do I direct or control what they do on a daily basis.

MR. FUSCO:
Could I get Mr. Sawicki's response to what you said?

MR. SAWICKI:
Yeah, I didn't know we were going to get any kind of debate here between -- I just thought --

MR. FUSCO:
Neither did I. I just asked a simple question.

MS. MALAFI:
I didn't know either. I thought you were asking questions.

MR. SAWACKI:
Don't I have the floor? I mean I'm an invited -- I mean don't I have the floor?

MR. FUSCO:
If you have a response.

CHAIRWOMAN BACHETY:
I don't really think that that's kind of appropriate at this moment. I think that Mr. Sawicki just mentioned a department that in the eleven years I was here was in the Comptroller's Office; and frankly I preferred it. And the attorneys used to assign attorneys from the department to work with Risk Management. But that's an internal thing that would have to be done. And I don't think we want to have

a debate back and forth today.

MR. SAWICKI:
Yeah, exactly. I mean you asked me for testimony. I'm done. I appreciate the opportunity to be here but the last thing I was going to do was debate my good friend Christine Malafi.

MR. FUSCO:
I wasn't looking for a debate, I just wanted to see if there was --

CHAIRWOMAN BACHETY:
But you can't have a lawyer in the room and not have a debate.

MS. MALAFI:
And there's a lot more than one here. I just answer questions. My office was brought up so I figured I would sit here in case anyone has anything.

CHAIRWOMAN BACHETY:
No, I appreciate very much your comments. I thought it was helpful. But I also think that basically the question we were addressing today was the whether or not there should be a consolidation of the Comptroller's Office and the Treasurer's Office and if there should be an elimination of an elected official. And I think that was answered. And if anyone has any other questions about that, I think it would be important.

MR. SAWICKI:
I would just like to add, Ms. Chairwoman, that, you know, here I am -- think of it this way -- here I am. I could potentially gain financial authority, if you will, if this were to go through. And here I'm saying I don't want this extra authority because I don't think it's good. I mean from an egotistical point of view, a financially egotistical point of view, I'd say, you know, wow, this would great, look at all the financial powers, look at all the banks I can deal with, look at all the investments I could make. And what I'm saying to you is, you know, please, you know, please, listen to me a little bit, and just, you know, where I'm coming from is that I don't think it's good to put all that power in one person.

CHAIRWOMAN BACHETY:
That's perfect. Thank you. Anybody else? Thank you very much for being with us today. I appreciate it very much. Christine, thank you. That was very interesting.

Our next speaker is our Suffolk County Sheriff, Vincent DeMarco. Judith, I'm sorry, you're last on the list. What is it, the last shall be first? So, you'll be next.

MR. DEMARCO:
Good afternoon, everyone. Thank you for inviting me to today's meeting to -- and affording me the opportunity to share my thoughts on the elected office of Sheriff.

At your April 3rd meeting County Executive Levy made a few comments about the need for a separately elected sheriff. And he pointed out that Nassau County has an appointed Sheriff and really with shocking lack of documentation or justification somehow suggested that some cost savings or efficiencies could

be gained here in Suffolk County by having an appointed Sheriff. And I was actually a little confused after I read his testimony.

CHAIRWOMAN BACHETY:
He complimented you.

MR. DEMARCO:
What?

CHAIRWOMAN BACHETY:
He complimented you.

MR. DEMARCO:
Well, I know. But he didn't even try and make a case for, you know, efficiency or effectiveness, how that could affect county government. And, you know, he did say that I was doing a great job and following a philosophy of being a taxpayer watch dog and fabulous. I want to compliment him on the record because there is a record here -- thank him for his compliments. But it's my opinion that a government system should not allow for the concentration of power in the hands of a few. And with County Executive Levy's suggestion of replacing elected official with appointed officials, that's the road we're heading down.

And, you know, without a doubt it's been the long standing practice in this country to elect local, state and federal officials. And when someone or some agency questions the Office of Sheriff, you know, I want to point out that the Sheriff is a New York State constitutional officer. And it's my opinion that in order to remove an elected Sheriff, you would have to change the state constitution. And I know there are varying opinions on that, but I disagree.

And, also, that -- I want to point out that I am directly answerable to the taxpaying voters in Suffolk County. And I'm not controlled by another County officer. And that affords me the ability to speak freely on issues without the fear of offending an appointing authority. I can come to this Legislature and answer questions freely, give testimony freely. And I was a union official before I was the Sheriff. And in my time of coming to the Legislature as both, I witnessed a lot of testimony by elected officials and appointed officials. And I can tell you there's a big difference when an elected official comes up here and gives testimony and answers questions from the Legislature as opposed to an appointed official. And, you know, I'm just going to say an elected official answers questions directly. And I'm just going to leave it at that.

It's my opinion that we need courteous, accommodating, honest elected officials. And most importantly they have to be accountable to the taxpayer. Electing a public official assures that. I am directly answerable to the voters of Suffolk County. And I have my finger on the pulse of my constituents. I'm accessible. If a constituent has -- calls and wants to speak to me, they get to speak to me. You know, if you ask the residents in this County if they've ever spoken to -- had the opportunity to speak to an appointed commissioner when they've called, I think we all know what the answer's going to be.

You know, a pretty prominent economist, Milton Friedman, said that nobody spends someone else's money as carefully as they spend their own. And elected officials are closer to the taxpayers and the taxpayers' money than

anyone else. We're accountable to them and we know it. And that is why in my opinion elected officials operate more cost efficiently than appointed officials.

Appointed officials have to serve two masters. They have to serve the appointing County Executive in this case; and they also have to serve the policy making Legislature. And that just leads to conflicts, waste of time and a waste of taxpayer money.

Across the country popular election is the means of selection of the Office of Sheriff. And over 99 percent of 3,088 jurisdictions throughout the country, the Sheriff is elected. The Office of Sheriff provides checks and balances as an elected law enforcement officer who is directly responsible to the citizens. Elected Sheriffs themselves are subject to numerous checks and balances. Local voters can remove a Sheriff through the electoral process. The County Legislature ultimately has oversight over the Sheriff's budget. And the governor in an extreme case can remove a Sheriff for a malfeasance or a nonfeasance of duty.

County Executive Levy also mentioned in his testimony that he would like to see the Sheriff send out his own tax bill. I'm not necessarily opposed to that. But if that were the case, I feel that I would have to have more control over filling my vacant positions so I can operate my office the most effective way I can. And, you know, while I'm not opposed to that, I just don't think it could be justified because my budget is only 4 percent of close to a $3 billion budget. It probably cost more to print and mail the tax bill out.

I'd like to return to County Executive Levy's perception that Nassau County and their appointed Sheriff is somehow a good thing. Nassau has had an appointed Sheriff for quite a while. And because there is no direct accountability to the taxpaying voter, it's probably the most inefficient operation in the state. And recently they came out from under federal oversight because of their poor management.

Appointed officers have more patronage and fat than elected officers and that's a fact. And Nassau's no exception. I'd to also point out that Nassau County has less inmates than Suffolk County. We have about 300 more yet their budget is a $155 million and ours is a hundred -- probably around 120 this year. And we're probably going to come in $2 million under this year. That's a $35 million difference. That's a big hole to plug.

I would also like to point out that Nassau spends about $22 million in overtime. Again, with a similar amount of personnel I have 300 more inmates. We're probably going to spend around 16 million this year. So there's another big difference. Nassau County has 41 cooks. I have 25. Cooks are appointed positions. They can be called patronage positions. And we're cooking for 300 more inmates.

The Suffolk County Sheriff's Office has two appointed Under-Sheriffs. That's it. That's my top management, me and two other people. Nassau County has an appointed Under-Sheriff, four appointed Deputy Under-Sheriffs, an appointed Commissioner of Corrections. You know, and history has shown that in those jurisdictions in which the Sheriff is appointed, there's a decrease in quality and efficiency. When the Sheriff is subject to the whims of another County official, the office becomes more politicized; not less.

I'm summing up here. Citizens should have the freedom to choose their public officials and direct election is the best means to accomplish that. In my opinion elected officials are more creative, innovative, stable, cost-effective than officers run by appointed officials. And that's because the public demands that of us.

The County Clerk's Office has been cited numerous times as the best Clerk's in the State of New York. My office is the only law enforcement agency in the northeast that is using innovative iris scan technology. We're a show case agency for that. And any agency -- agencies from around the region come to us to consult with us about moving towards this technology. We also have a model council for unity anti-gang program that's a model for the country and soon may be a subject of an HBO documentary.

And just being directly accountable to the taxpayers forces us to be on the cutting edge and run the most efficient office possible. Because I'm directly accountable to the 1.5 million citizens here in Suffolk County, the Sheriff's Office is the most cost efficient component of the criminal justice system.

CHAIRWOMAN BACHETY:
Thank you. That was a wonderful presentation. Do we have any questions?

MR. FUSCO:
Just a comment. As appointed commissioners I want to say how much we appreciate your remarks.

One question. Before you became Sheriff, there was some tension between Sheriff officers and Correction officers. Has that been resolved?

MR. DEMARCO:
Yeah, between the Deputy Sheriffs and the Correction Officers. I was [there for|therefore] 12 years before I became Sheriff. And in my opinion, the relationship's never been better. And there's actually harmony for once.

MR. FUSCO:
Good.

MR. DEMARCO:
Thank you.

CHAIRWOMAN BACHETY:
Thank you very much.

Our next speaker is our Suffolk County Clerk Judith Pascale. Thank you and welcome. Thank you for being here.

MS. PASCALE:
Thank you. Thank you for the opportunity to come before you and address you and talk to you a little bit about the County Clerk's Office.

You've just introduced me but for those of you that have not met me before I am Judy Pascale. I am the Suffolk County Clerk. I was appointed by Governor Pataki in March of '06 to fill the vacancy left by Ed Romaine when he left office prior to the expiration of his term. I was subsequently elected to the office in

November of '06.

The Office of the County Clerk dates back to the year 1683 when it was established by the general assembly of the colony of New York. And since 1821 County Clerks have been elected by the voters of their respective counties. As many of you may be aware I not only serve as the County Clerk of Suffolk County but I'm also the Clerk of Supreme and County courts which falls under the jurisdiction of the New York State unified court system.

The New York State constitution clearly states that the Clerk of each County shall be chosen by the electors once in every three or four years. Additionally New York County law also states that there shall be elected a County Clerk. All 62 County Clerks in the State of New York are elected. Those clerks within New York City are appointed by the governor, not the locally elected mayor or a borough president.

The scope of the County Clerk's Office goes beyond local capacity. Through judiciary law and as the Clerk of Supreme Court, the County Clerk is considered a quasi state official. In fact past case law states that because the County Clerk serves a state function as Clerk of the Supreme Court, and courts have in the past held the state liable for acts of the County Clerk, state law, not local law, shall be controlling in regard to the Office of the County Clerk.

Those are my comments. They're very brief. I would like to thank the Sheriff for the kudos to the office. And I am available to answer any questions you might have.

CHAIRWOMAN BACHETY:
Questions?

MS. PASCALE:
That was very easy.

CHAIRWOMAN BACHETY:
Well, we thank you for coming and sitting through all the other testimony.

MS. PASCALE:
That's quite all right. Thank you for inviting me.

CHAIRWOMAN BACHETY:
And being with us this afternoon. Thank you.

MS. PASCALE:
And for sending us the minutes of the meetings. That's very, very helpful to us, by the way. And it was nice to get the verbatim minutes. Thank you again.

CHAIRWOMAN BACHETY:
Okay. Thank you very much.

And our last speaker today is an appointed official, Thomas Isles, the Director of the Suffolk County Planning Department. And this is on the official County map.

DIRECTOR ISLES:
Thank you very much. Thank you very much.

I'm here today to provide you with an update on the County Official map which was referred to in the last review by the Charter Review Commission. And subsequently there were certain steps that were taken. And I believe the purpose of my presentation today or appearance today is to provide you with what happened as a result of that last consideration.

The official map in Suffolk County was first referred to in 1970 in the County Charter that stipulated that a map should be prepared and adopted by 1974. That was never done. It was then readdressed in the late '90's and here again included in the recommendations of the Charter Revision Commission at that time. And then reflected in County law in 1999 with the passage of a resolution and signature by the County Executive at that time directing that the official map be completed. That duty was directed to the County Planning Department. We were given until January 15th of 2005 to complete the map. And then it was presented to the Legislature with a date of completion or adoption by the Legislature December 31st, 2006.

I can inform you at this time that the County Planning Department did complete the map project. I have with me today our Chief Cartographer of the County Planning Department Carl Lind. We do have a copy of the map or copies of the map here today along with an accompanying report that described the methodology for preparing the map.

The map, as you probably know, the official map is a planning tool is what it is. And they've been in existence in the country for over a hundred years. They do have a certain purpose, most particularly in undeveloped or more rural areas of the world. And in the case of an official map, it requires in the mapping that we did in accordance with both county law and state law was to indicate all federal roads, federal facilities, properties and so forth, all state facilities, state roads and facilities, drainage, parks and so forth as well as all County roads, County facilities and so on. It was not an easy task to assemble this information but we were able to do it with the assistance of the cartographic staff and other departments in county government.

It also requires the mapping of the drainage systems. And, here again, not to get in to much detail today but rather exhaustive requirements in terms of district boundaries -- just looking at the map right here -- water courses and drainage systems, anything that's mapped on a capital program at the federal, state or county level of government. So all of that was done, here again, with this process.

We were able to comply with the deadline as established in the 1990 law. And the map was submitted on January 15th as I indicated. The first legislative action taken on it was by resolution 803-2005. That action was taken on August 18th, 2005, which directed the County Planning Department and the Clerk of the Legislature to begin the formal review process for the official map. And that was a referral to the federal and state governments that had a role, here again, in the map; and also to all the municipalities of the County, the towns and villages, all 42 of them, to give them an opportunity to review the map and provide comment back to the County. There was also referral to the County Planning Commission as well as to the County Commissioner of Public Works. In addition that resolution also authorized a public hearing to be held by the Legislature.

So those steps then proceeded. We received actually through the Clerk of the Legislature 8 municipalities provided comments back with relatively detailed type of corrections and updates. There was also a resolution passed by the County Planning Commission at that time and also a detailed letter submitted by the Commissioner of Public Works.

The next Legislative action was then taken in a bill that was introduced under Introductory Resolution 2531 in 2006. That map was -- pardon me. That resolution was to adopt the official map. That was the subject of an initial Legislative review at the committee level, the Environment, Planning and Agriculture Committee in February of 2007. There was discussion at that level. Subsequently the resolution was withdrawn in March of 2007. So that's the current status and history of it in terms of the process that was triggered by the Charter Review Commission in 1988, I believe, it was, the law in 1999 and then the subsequent actions.

I think the overall conclusion in my reading or interpretation of it is that we did a search of other counties in New York State that had official maps. And we found very few out of the 62 or so counties that we have. It appears at this point in the development stage of Suffolk County a map would not offer great benefits in the sense that we're not an area of a lot of undeveloped land, where new highways are needed to be set aside and so forth.

It's also noted, here again, an official map is one of the earliest planning tools to go into effect, but since, you know, over the course of years going back to 1930's and so forth, other tools have come into more common use such as zoning codes, subdivision regulations, site plan regulations and so forth, permit authorities, bi-highway authorities and so forth. That the primary intent of protecting land for future public facilities and highways is less necessary, here again, in the case of Suffolk since we are predominantly developed. And then secondly due to the other tools, planning tools that are available to provide for, here again, these public facilities, set backs from roads and so forth.

I'll just close with some of the comments -- specific comments that were noted by the Commissioner of Public Works that I think are important in terms of that department's administration of the County highway system. They indicated that there would be concerns about its impact on the dedication of land meaning that when a developer goes to develop on a county roadway with access to a county roadway, it's not uncommon for the developer to make an offer of dedication for a strip of land in order to accommodate both the needs of the development but also to the highway needs. So there might be a strip of land to put a side walk in along a County highway that's going to help that development.

The Commissioner of Public Works expressed concern that if that then constituted an amendment to the official map, it would create a burdensome time consuming encumbrance to actually making that happen. Similarly to changes to the County Capital Program, where a new project is anticipated to do a highway intersection improvement, that here again that may be complicated, compounded, made more difficult by having to then do an amendment to the official map.

So those are some of the points. And I do have a copy of the Commissioner of Public Works memorandum that he had prepared with his comments that I think were very significant to the Environment Committee of the Legislature. That's

where we sit at this point.

The only other point I'll make is that although we put a lot of effort into this map, here again, if you care to look at it later on, it was not a -- I do not consider it a waste of time as far as the department's concerned because the map has been used for a lot of other projects in terms of it gave us a lot of base information that we use regularly and we share this information with other agencies and county government as well as the municipalities of the County. But certainly if you have any questions on the official map and the process we follow, I'll do my best to answer those.

CHAIRWOMAN BACHETY:
But I think the main question is, it had been recommended to the Commission that we recommend the elimination of the word official map in the Charter. And from everything you're saying, it seems as if you concur with that.

DIRECTOR ISLES:
Yes.

CHAIRWOMAN BACHETY:
You do?

DIRECTOR ISLES:
I do concur.

CHAIRWOMAN BACHETY:
Okay. That's what I thought. Anyone have any questions? Yes.

MR. BRAUN:
In the absence of an official map, this information is more easy to update, I take it, then? You said that the Commissioner of Public Works indicated that a dedication along the right-of-way of a county road might require the map to be -- I assume you mean officially updated?

DIRECTOR ISLES:
Correct.

MR. BRAUN:
And in this case -- in this -- under these circumstances if there is no official map, it could be simply be updated.

DIRECTOR ISLES:
Right, exactly, without having to go through a public hearing or amendment process, whatever that may entail.

MR. BRAUN:
Thank you.

CHAIRWOMAN BACHETY:
Well, that's simple enough. Thank you very much.

DIRECTOR ISLES:
Okay. Thank you.

September 18, 2008

Mr. McCarthy called the meeting to order at 7:00 PM. Three speakers addressed the Commission.

Mr. Raymond Corwin, representing the Suffolk County Parks Trustees was the first speaker.

Mr. Corwin explained to the Charter Revision Commission that the Suffolk County Parks Board of Trustees has one member for each of the ten towns and one member at large. The Presiding Officer and County Executive are both ex-oficio members with voting rights. The Presiding Officer and County Executive do not actually attend the meetings of the Parks Board of Trustees, instead they send representatives. Currently, these representatives vote; however, the Charter does not specify that the Presiding Officer and County Executive can appoint representatives to vote. Mr. Corwin and the other members of the Parks Board of Trustees want the language regarding the Parks Board of Trustees changed to explicitly state that the Presiding Officer and County Executive ***or their representatives*** are voting members of the Board.

Mr. Braun asked if ex-oficio members vote

Mr. Corwin said that yes, they do.

Mr. McCarthy said he thought it was practice for representatives to go.

Mr. Corwin said the Commissioner and Deputy Commissioner of Parks do not vote, but they attend every meeting.

Mr. Fusco asked if there are any down sides to this proposal.

Mr. Corwin said no, this would codify what they are already doing. He also said that the Board has better communication with the Legislature and County Executive's office now than in the past, since they began allowing representatives to vote.

Mr. Fusco asked if other Boards and Commissions have representatives from the Presiding Officer's and County Executive's offices with voting rights

Mr. Pearsall said the County Executive and Presiding Officer have appointments to other boards, and their representatives having voting rights on those boards; however, for many of those boards and commissions the resolutions that create them state the Presiding Officer or his representative shall be a member.

Mr. Braun suggested a catch all provision authorizing the County Executive and Presiding Officer to designate representatives with voting rights.

Ms. Gordon asked if the representatives have voted.

Mr. Corwin said for the past six years representatives have been voting, but they have few split votes.

Mr. Fusco asked if the same people go to represent the Presiding Officer and County Executive each month.

Mr. Corwin said the representatives change maybe once a year. He is not recommending terms for the representatives, just formal appointments. He said the representatives were less involved when they did not vote; now they do more research and speak.

The next speaker was David Hegermiller from the Town of Riverhead, SCCOPA.

Mr. Hegermiller spoke about the different police funds and charge backs. He said the 01 fund should fund county-wide programs, such as communications, not just programs for the Suffolk Police District.

Mr. Cliff said resources are getting tight for everyone; the Charter doesn't specify what the funds pay for, it's the County Executive's decision

Mr. Fusco asked if this should be spelled out in the Charter.

Mr. Hegermiller said he spoke to the County Attorney, who said it is in the Charter. As an example, he said the Marine Unit was in the 15 budget this year, but next year it will be in the 01 budget.

Mr. Fusco asked Mr. Hegermiller what input the town and village police departments have in this process, Mr. Hegermiller said they have no input, but would like to have input.

Mr. Hegermiller said there is uniformity among police districts, as they all stand alone and do not use county services. Amityville was just told they can no longer use Suffolk Detectives.

The third speaker was Councilwoman Barbara Blass from the Town of Riverhead.

Councilwoman Blass spoke about the Suffolk County Planning Commission. She said the Charter does not define what a "full referral" is, so the Planning Commission defines this term subjectively. This creates confusion among the towns and a lack on uniformity.

Mr. Braun said the Planning Commission is currently re-writing definitions, and will adopt new rules on October First, 2008.

Councilwoman Blass asked if the Sewer Stabilization fund is mentioned in the Charter

Mr. Pearsall said that is in the Administrative Code.

Mr. McCarthy scheduled the next meeting of the Commission for October 30, at 2:30 PM in the Legislative building in Hauppauge. Mr. McCarthy asked if anyone else wanted to address the Charter Revision Commission. Seeing none, the meeting was adjourned at 7:30 PM.

October 30, 2008

CHAIRPERSON BACHETY:
Thank you, seconded. All in favor? Okay.

I did have distributed to everyone a list of thoughts and things that had come up while we've been attending these meetings. I'd like you to look at it to see if we can start to wrap up some of the questions that have arisen and perhaps get rid of them and get them on the way to being done and to see if there's anything else that we really need to talk about. At the top of the page I included deletions to the Charter, and these were represented -- these were recommended by George Nolan, Legislative Attorney. If you have any questions about them, we can go over them.

The second one was the question on the Division of Risk Management.
As we all know, the County Executive would like to move it to the Department of Law; the Comptroller back to Audit & Control where it was for many years, it's currently in the Department of Civil Service. Alan Schneider of Civil Service was invited to come and discuss it with us, he declined. I don't know if we have anyone here from the department to discuss this today.

MS. KESSLER:
Sondra, the head of Insurance & Risk was on vacation until yesterday and I was not able to get in touch with her at all about this. I left her messages.

CHAIRPERSON BACHETY:
And she works under Alan Schneider?

MS. KESSLER:
I believe so. I believe she's physically located --
MS. BAFFA:
I'm here.

MS. KESSLER:
Oh, you're here.

MS. BAFFA:
Yes.

MS. KESSLER:
Sorry about that.

MS. BAFFA:
That's okay, I didn't call you back. The first day back from vacation is usually crazy.

CHAIRPERSON BACHETY:
Okay. Thank you very much.

MS. BAFFA:
You're very welcome.

CHAIRPERSON BACHETY:
And your name is?

MS. BAFFA:
My name is Leslie Baffa. I am the Administrator for the Division of Risk Management and I work for Alan Schneider and I have been working for him for seven years.

CHAIRPERSON BACHETY:
Would you mind spelling the last name for me?

MS. BAFFA:
B-A-F-F-A.

CHAIRPERSON BACHETY:
Baffa. Thank you.

MS. BAFFA:
You're welcome.

CHAIRPERSON BACHETY:
Okay, obviously you're aware of the question that's arisen. Perhaps you could explain to us exactly what your department does and do you have a position on the moving of the department?

MS. BAFFA:
I'll start with what we do first.

CHAIRPERSON BACHETY:
Okay, I figured you would.

MS. BAFFA:
We handle the self-administered claims for all of Workers Compensation for the County; we handle the general and auto liability claims for the County; we purchase various insurance policies for the County; we also have the Safety Officer in our group and we handle the Contracted Disability Benefits Insurance Program.

CHAIRPERSON BACHETY:
Do you have an attorney assigned to your department or one that works with you on any of these questions?

MS. BAFFA:
Yes, we have -- through the RFP process we have an attorney's firm contracted with us that handles the Workers Compensation, goes to the board for the hearings, whatever represents the interest of the County. We do have a Workers Comp Investigator that also happens to be an attorney so, you know, we'll log questions to him, too.

CHAIRPERSON BACHETY:
Okay. Do you use the office of the County Attorney on any of these questions as they come up?

MS. BAFFA:
Absolutely, we use any department. Alan's very big on "Talk to whoever you need to talk to." We deal with all the departments in the County. We do, of course, deal with the Law Department on certain issues like, "How do you want handle this? Do you want to handle the property damage? You handle the BI," you know, "We'll put it into arb, you don't have to go to court," that kind of stuff. So we work together, their people talk to me about insurance requirements for certain contracts. But we do that with all the different departments, whether it's DPW or Health or whatever.

CHAIRPERSON BACHETY:
How many people are in your division?

MS. BAFFA:
Twenty-three.

CHAIRPERSON BACHETY:
Twenty-three; mostly Civil Servants?

MS. BAFFA:
All.

CHAIRPERSON BACHETY:
All Civil Servants, okay. Does the department have any recommendation as to where you should be, whether you should be attached to the Department of Civil Service, Department of Law or back in Audit & Control? Were you there when they were in Audit --

MS. BAFFA:
(Shook head yes).

CHAIRPERSON BACHETY:
I thought so.

MS. BAFFA:
Yes. Originally, before my time it was in the Exec's Office, then it went to Audit & Control for like eleven years, and then we went to Civil Service for the past

seven. But actually, for five months we were with Joe Sawicki, but then we were -- I don't know if you were aware of that.

CHAIRPERSON BACHETY:
Yeah. Okay.

MS. BAFFA:
Yeah, so five months and then we went back to Alan.

As far as an opinion, all I can say is no matter who I work for I'll just continue to do my job and so will my people.

CHAIRPERSON BACHETY:
Do you see any advantages or disadvantages, or do you want to say?

MS. BAFFA:
I'd really rather not say.

CHAIRPERSON BACHETY:
I didn't -- okay. All right, does anyone have any questions?

MS. GIAMO:
I do. I am going back to the -- originally the County Attorney, Christine Malafi, spoke before us and she mentioned that the connection between the Law Department and the Risk Management was it was important to be in the Law Department because there are a lot of cases that need reference to the legal department and there's, you know, a direct connection between whatever suit is being handled at that time. And I would -- you know, from my opinion it would be certainly easier and probably less time-consuming as well as financially easier to be where these cases are negotiated.

MS. BAFFA:
If it isn't suit, if it is litigation it is handled by the Law Department. We're basically -- in those situations, they're representing the County in court. They're defending us for the false arrest or for the injured party or whatever and we are basically -- we pay the bills for that. And we're kind of like the checkbook which is two departments, as per the Charter Law, two departments kind of agree; one who's not making the settlements doesn't also have the money to, so I think that's why it's been split up. And then if it's over $25,000 and you have a third layer of the Legislature approving any kind of settlement.

MS. GIAMO:
But right now you're with the Civil Service Department.

MS. BAFFA:
Correct.

MS. GIAMO:
And what's the relationship between Risk Management and the Civil Service Department in terms of daily working together? I mean, what's the -- do you interact with one another, are your duties similar? You know, I'm trying to get why -- I mean, where Risk Management from a corporate point of view to me

was always very involved with the legal departments and, you know, there are a lot of attorneys here and maybe they would -- maybe I'm not -- it's not generally done, but in my experience it was. So I'm not understanding why you would be with the Civil Service as opposed to legal.

MS. BAFFA:
Well, I can tell you that Workers Compensation, really that is the majority of my people, that really is an employee benefit type of thing. I mean, you get hurt on the job, it's not, you know, a lawsuit, you just need to have your benefits paid and your medical bills paid and we've got to make sure that you really are hurt, so there's a little bit of investigating going on. So that's really -- that really is a Civil Service function.

I must also say that most of the counties in the State have the Risk Management within the Civil Service or Personnel Department, but obviously there's nothing our size; I mean, our budget is bigger than some states, so.

MS. GIAMO:
But, I mean, in your opinion, from a budgetary point of view, would it be more cost effective to be in Risk Management -- in Civil Service or it doesn't matter with the attorneys, or it doesn't really make any difference, there's no cost savings?

MS. BAFFA:
No, there's no cost savings.

MS. GIAMO:
Okay. Thank you.

MR. FUSCO:
I have a quick question.

CHAIRPERSON BACHETY:
Sure.

MR. McCARTHY:
Ms. Baffa? I don't know if this is working.

MS. MAHONEY:
Yes, it is.

MR. McCARTHY:
Ms. Baffa, would you say that then the majority of the work of Insurance & Risk Management is one of claims handling or risk management as far as loss control?

MS. BAFFA:
Claims handling.
MR. McCARTHY:
Claims handling.

MS. BAFFA:
Uh-huh.

MR. McCARTHY:
Okay.

MS. BAFFA:
I mean, claims handling you manage the claim, but the majority of my budget is Workers Compensation. It's much more hands-on claims handling, managing the claim, trying to get the person back to work or the person's car fixed that we inadvertently rear-ended or that kind of thing.

MR. McCARTHY:
Right, okay. Because it's a -- the County is on a self-insured both on the Workman's Comp side and on the liability side. So investigations, any serious investigations would be done by investigators in the County Attorney's Office and what your office would do would be to set up the file and refer that to the County Attorney's Office for handling?

MS. BAFFA:
If it's litigation. If it's not litigation --

MR. McCARTHY:
You'll handle it to a conclusion.

MS. BAFFA:
Absolutely. We are self-insured, but we do have -- we do have an excess casualty policy, we have a $3 million self-assured retention, but we do have insurance for that cap loss if there's, you know, something that blows.

MR. McCARTHY:
Now, do you also handle claims at the college?

MS. BAFFA:
Yes.

MR. McCARTHY:
You do. And how does that work; do you charge them back for that service?

MS. BAFFA:
Correct.

MR. McCARTHY:
You do.

MS. BAFFA:
Yes, the budget does their magic and whatever proportion that they charge to our budget, then they kind of get back in the pot, back in the General Fund. It's a chargeback.

MR. McCARTHY:
How much oversight would you say that the Director has of your office, or do you interact more with the County Attorney's staff than you do with -- you know, under the direction of Mr. Schneider?

MS. BAFFA:
Oh, I meet with Alan every week.

MR. McCARTHY:
Uh-huh.

MS. BAFFA:
I talk with him just about any day and if there's anything that pops, obviously I get in touch with him. And he's always in the building.

MR. McCARTHY:
Okay, thank you.

MS. BAFFA:
You're welcome.

MR. McCARTHY:
Thank you very much.

MR. FUSCO:
Question. You indicated that the outside Counsel was hired through an RFP?

MS. BAFFA:
Yes.

MR. FUSCO:
How many people responded to that?

MS. BAFFA:
Three, companies.

MR. FUSCO:
And this Counsel gave the best bid? How was that Counsel chosen?

MS. BAFFA:
This Counsel was chosen -- we did the RFP process, but it was at the request of the County Attorney, altered so that we did the RFP process and we scored it and we had an apparent successful bidder and then we kind of gave it all over to her and then she picked the company.

MR. FUSCO:
So no political considerations?

MS. BAFFA:
Not as far as I'm concerned.

MR. FUSCO:
Not that you know of.

MR. BRAUN:
Is this thing on, can you hear me?

CHAIRPERSON BACHETY:
Yes.

MR. BRAUN:
With respect to the Workers Comp function as opposed to the claims by someone who had a bus run into their car or something --

MS. BAFFA:
Exactly.

MR. BRAUN:
Is there a reason those two functions need to be administered out of the same office? In other words, if one is more closely related to Civil Service and the other is more closely related to third party claims, is there an economy in keeping them together?

MS. BAFFA:
I believe so. I mean, it's all been -- it's all part of Fund 38 which is the Self-Insurance Fund and it's always been budgeted that way. You know, we've got our appropriation for bus, for auto, for Workers Comp, so I do believe it's all claims handling. And many times it's related because the guy that rear-ended the bus is probably going to have a Workers Comp claim, too, so we really kind of like to keep the files together to say, "Okay, so now he's suing Mr. Bus and we've got a Workers Comp lien on him and we kind of want to keep track of that," so we can recover as much money back to the County as possible

MR. BRAUN:
Okay. Thanks.

MS. BAFFA:
You're welcome.

MR. FUSCO:
I have another question. In terms of your litigation posture on Workers Comp cases, who determines that, your outside Counsel or you folks within the bureau?

MS. BAFFA:
Within the Bureau and it's also the claimant's right, too, to request a hearing.

MR. FUSCO:
No, I'm saying once you're in a defense position on the hearing, who's the determining litigation posture, the outside Counsel or the inside folks?

MS. BAFFA:
Like -- you say most of you are attorneys; you give your advice and your client tells you how they want you to proceed, if I'm being clear.

MR. FUSCO:
So you would be the client.
MS. BAFFA:
Yes, just like any major insurance company. I mean, they hire attorneys, "This is the way I want the claim handled."

MR. FUSCO:
So that comes from you folks.

MS. BAFFA:
Correct. Correct.

MR. FUSCO:
Okay.

CHAIRPERSON BACHETY:
Anyone else? Thank you very much for being here today, we appreciate it.

MS. BAFFA:
No problem. Thank you.

CHAIRPERSON BACHETY:
I don't know if anybody -- everybody or anyone -- oh, yes.

MS. ALLONCIUS:
Sondra Bachety, may I?

CHAIRPERSON BACHETY:
Yes.

MS. ALLONCIUS:
Thank you.

CHAIRPERSON BACHETY:
Please do.

MS. ALLONCIUS:
Good afternoon. Thank you for letting me speak before the Charter Revision Committee. My name is Debra Alloncius and I am Suffolk County AME's Legislative Director.

We had taken a stand very early on with this same scenario, this argument last year, and we are -- we would like it to stay in place where it is. We feel that there needs to be checks and balances and where it is now is better than putting it over into Audit & Control. We really don't want to see a mix. I have nothing prepared for you because I did not know that this was going to be on the agenda, but if you would like a written argument on it, I can prepare something for the committee.

CHAIRPERSON BACHETY:
Well, I --

MR. FUSCO:
A question came up --

CHAIRPERSON BACHETY:
Go ahead.

MR. FUSCO:
-- Debbie, what if it went to the Department of Law, the County Attorney's Department. So you would -- we'd want you to address that, too?

MS. ALLONCIUS:
The -- again, it's all part of checks and balances. We felt that not to move it around again, that we would really like it kept with -- under Mr. Schneider's guidance things have been fine and we just feel that there needs to be a balance here and it would not be achieved if it does not stay there.

CHAIRPERSON BACHETY:
I don't believe that we're going to make a decision today on the question. So if you could submit something for us, I think that would be very helpful.

MS. ALLONCIUS:
I would be glad to do that.

CHAIRPERSON BACHETY:
Does anyone have any other questions that you'd like to ask? Okay. But I just want to make -- you're making it clear that you'd like it to stay in the Department of Civil Service.

MS. ALLONCIUS:
Yes.

CHAIRPERSON BACHETY:
Okay. Thank you. We'll look forward to getting your argument.

MS. ALLONCIUS:
Thank you.

November 19, 2008

CHAIRWOMAN BACHETY:
Oh, here -- okay, we got a quorum. All right, we now have a quorum. So we'll open the meeting officially. Judy, thank you.

MS. PASCALE:
Thank you. I'd like to thank you for providing me the opportunity to once again address this Commission regarding the Office of the Suffolk County Clerk. As I stated at your June 12th meeting, the New York State Constitution clearly states that the Clerk of each County shall be chosen by the electors once in every three or four years.

Additionally, New York County Law is specific that there shall be elected a County Clerk; therefore, it's important to note that since the County Clerk is deemed a state constitutional officer and serves as the Clerk of Supreme Court, an amendment to the State Constitution would be necessary to change the status from elected to appointed. Excuse me.

Upon review of the minutes of your October 30th meeting, I'd like to correct and clarify some misinformation. The Nassau County Clerk is elected as are all the County Clerks in New York State with the only exception being in Counties of the New York City region, i.e. Bronx County, Kings County, New York County, Queens County and Richmond County who are appointed by the Appellate Division of the Supreme Court in the Judicial Department in which the County is located. These Clerks serve solely as Clerks of the Supreme Court.

Additionally, for purposes of recording land records in the same New York City region, there are officials called {remasters} and they're elected every three years. While it may be the opinion of some that the County Clerk's Office is strictly ministerial, I'd like to take this opportunity to enlighten the members of this Commission who may not be fully aware of the scope of responsibilities that fall under the Clerk's jurisdiction.

The Suffolk County Clerk's Office affects and services more residents of Suffolk County than any other County agency. Every deed, mortgage, lien, judgement, business certificate or incorporation, UCC document, civil and criminal court record, notary public and domestic registry is filed or recorded with my office.

The Clerk's Office is a major revenue provider for the County of Suffolk as well as a primary revenue collection vehicle for New York State. We collect mortgage tax for the State of New York, Suffolk County, the MTA, New York State Mortgage Agency and each of Suffolk's ten towns.

In addition, my office is responsible for collecting real estate transfer tax for the New York State Department of Taxation and Finance, court revenue for the New York State Comptroller, Commissioner of Education fees for the Commissioner of Taxation and Finance, New York State Cultural Fund fees for the Commissioner of Taxation and Finance, equalization and assessment fees for the New York State Equalization and Notary Public fees for the New York State Department of State. In addition, we remit the following fees to the Treasurer: County Clerk's fees, Real Property Tax Map Verification fees, Court Fund fees and Community Preservation Fund fees, which as you now only affects the five east end towns.

Through my office's use of innovative computer technology all towns, villages assessors have realtime access to County Clerk deed data and images for use in their respective offices. This is a significant process improvement over past practices whereby the former cumbersome paper process added significant latency to assessment workflow. Some towns, such as Brookhaven are now downloading the data into their computer system thereby eliminating the need for the double keying of repetitive data. This is another example of government agencies working together for the common good of the people.

Additionally, many prestigious awards and nominations have been bestowed on the Clerk's Office from prominent players in the information technology field. The Suffolk County Clerk's Office was nominated for the 2006 Computer World Honest Program Award, Federal Computer Week E-Government Institutes 2006 Knowledge Management Award, and we received the 2006 Best of New York Award for the Center for Digital Government for bringing government closer to the people.

The County Clerk also serves as a Records Management Officer for the entire County and is responsible for the safekeeping of over 60 million of the County's records housed in two facilities: Westhampton and Riverhead. As the County RMO, my office has been successfully aggressive in being awarded two SARA grants totalling $150,000 for two consecutive years, enabling us to accomplish further back file conversions of our records from paper to electronic format at no additional cost to Suffolk's taxpayers.

A critical area of responsibility that does not fall under the ministerial is the issue of protection of personally identifiable information on public documents. With the exception of certain sealed court documents, most filed and recorded documents are deemed public information in County Clerk Offices across New York State. The increase use of optical imaging and the internet, while technologically progressive, also raises the potential for identity theft.

As the Suffolk County Clerk, I have been the leading proponent in New York State both by direct personal contact with our state representatives and through the New York State County Clerk's Association to amend Real Property Law by granting County Clerks the authority to reject documents containing personally identifiable information such as social security numbers. While lobbying for these efforts in Albany, and we're hopeful that something will pass in January, as an interim safety precaution my office has taken the initiative to electronically mask any such information prior to document viewing by the public.

There are several important issues that this Commission must take under consideration. Valid points have been made as to the merits of revising the Charter to address those issues that undoubtedly affect the efficiency of government. And it's my understanding that the Presiding Officer charged this commission with eliminating contradictions and correcting things that aren't working.

Well, I'm happy to say that the County Clerk's Office is working just fine. And that there is no redundancy with other County departments or lack of efficiency. I've had the opportunity to listen to the testimony before this commission and review the minutes of its meetings. And I've yet to hear how appointing a County Clerk as opposed to electing a County Clerk would benefit the residents of Suffolk County. I hope I provided you with a better understanding and appreciation of the role of County Clerk and believe the responsibilities of the Office are as important as any other countywide elected official.

Additionally, it is critical that the County Clerk's Office continue as an independent countywide elected voice, thus allowing the Clerk to speak freely to the needs of the department, which is relied on heavily by both the real estate industry and the New York State Court System without restriction.

I also sincerely hope that after hearing a more detailed description of the myriad of responsibilities that fall under the County Clerk's purview, I have altered some who may be of the opinion that this is a dumb job. For 365 days a year, the Suffolk County Clerk is held accountable to the 1.5 million people of this County, and not just one elected official to run an efficient and cost effective branch of government while protecting their documents and doing everything legally possible to prevent instances of identity theft. I consider the mandate given to me by the residents of this County a privilege. I don't have one boss. I have one and a half million bosses. And for every minute of those 365 days a year, I do my utmost to make each and every one of my bosses confident that their government, particularly the Suffolk County Clerk's Office, is working for them and only them. Thank you.

CHAIRWOMAN BACHETY:
Thank you very much, Judy. In listening to you and since I do know the duties of the office, when you ran for office, were there any qualifications for you to run required by law?

MS. PASCALE:
I -- no. You know the answer to that, no.

CHAIRWOMAN BACHETY:
Well, I know I --

MS. PASCALE:
There are no qualifications. I mean, I think the qualifications that I ran on were the fact that I had been in the County Clerk's Office for almost 20 years.

CHAIRWOMAN BACHETY:
I understand that. I'm certainly not in any way questioning your background or the fact that you ran and have been doing a very lovely job.

MS. PASCALE:
Thank you.

CHAIRWOMAN BACHETY:
My question really is, or when a person runs for office, you don't need any qualifications. You don't need anything. You need the public to like you, to think you can do a good job, variety of reasons. So in listening to the things, and I may be in the minority, that you did, I would like to know what would be wrong with having a set of requirements for the person after you to run that office; a background, an educational career path, something that would make them when you're gone qualify for that job.

MS. PASCALE:
Is that the caveat? After I'm gone? Is that --

CHAIRWOMAN BACHETY:
Well, not that you're going to your heavenly reward, but when you decide that you're not going to do it anymore.

MS. PASCALE:
I think that -- I can only speak for my personal experience. I know prior County Clerks, the County Clerk that I worked for for almost 20 years happened to serve as a Legislator.

CHAIRWOMAN BACHETY:
Yeah, I know that.

MS. PASCALE:
You know, does that make you qualify to be an administrator? I can't answer that question.

CHAIRWOMAN BACHETY:
I can.

MS. PASCALE:
All I can say is that I, you know, I spent 16 years in the County Clerk's Office. I was the Chief Deputy for a good portion of those years.

CHAIRWOMAN BACHETY:
But you see, you're answering me on your personal qualifications, which I'm not disputing. I guess what I'm really trying to say is, and for my opinion, having been a Legislator myself, I'm not confident that we always run the most qualified people to run for office. And I'm talking about the future. And that's really what I'm asking you. Are you telling me that someone who had to meet a requirement, had to be endorsed by the County Executive as well as the Legislature, that would not be a good idea if in fact we changed -- had a change to the New York State Constitution?

MS. PASCALE:
I can only tell you that I'm not going to change the political landscape in this County or in this state or in this country, okay.

CHAIRWOMAN BACHETY:
No, I know that.

MS. PASCALE:
I'm not in a position to do that nor do I think this body is. I can only tell you that I think that when you run for public office, as you know, from personal experience whether you run locally or countywide, I think you're held to a much higher standard. I think that the people of this County are very, very smart. I think that they understand that if you -- and if you don't do a good job, you don't get reelected.

I don't think there's a big difference between if you're appointed and, you know, just because you're recommended by the County Exec and then you get -- you go before the Legislature and answer some questions, you know, does that make you more qualified or does that make you, you know, does that encourage people to run for office? I can't answer that question. And I think what you're saying is do we want to change the landscape. You know, there -- the only thing that I think we have a qualification for is the District Attorney who must be an attorney. So I mean as far as any of the other -- you know, unless we're going to start writing job specs like Civil Service jobs specs for elected office or for Legislator or for Councilman or for anything else, I, you know, I can't answer that question.

CHAIRWOMAN BACHETY:
No, no, no, absolutely not. Obviously I'm talking about a different kind of a job. But I appreciate your coming and telling us. Does anyone else have any questions? Okay. Thank you very much for being with us today.

MS. PASCALE:
Thank you.

CHAIRWOMAN BACHETY:
Okay. Debra McKee from AME.

MS. McKEE:
Good afternoon, Madam Chairwoman and members of the Charter Revision Committee. My name is Debra McKee. I'm the second Vice-President of the Suffolk County Municipal Employees Union and I speak on behalf of Cheryl Felice, President of SCAME.

Thank you very much for the opportunity afforded to the Suffolk County Association of Municipal Employees to address the issue regarding the possible transferring of the funding and responsibility for the Division of Insurance and Risk Management. Let's go back a few years. Had it not been --

MR. BRAUN:
Would you bring the mike a little closer?

MS. MCKEE:
Sure. Had it not been for a dispute between a prior Comptroller and a prior Deputy Presiding Officer of the Suffolk County Legislature, the Division of Insurance and Risk Management would still be part of the Comptroller's Office. Since the Workers' Compensation Program is an insurance program that provides for the benefits of our employees who are injured on the job, and the Comptroller's Office had the expertise necessary to administer the job and the realtime banking data, they were the perfect fit for the administration of the division.

But the administration of the unit was transferred to the Department of Human Resources, Personnel and Civil Service six or seven years ago and has faired well ever since. We don't see any reason to move it at this time unless that move is back to the Comptroller's Office. AME supports leaving it where it currently is and not causing any unnecessary uprooting of personnel or sustaining any cost that would be associated with it. Thank you.

CHAIRWOMAN BACHETY:
Thank you very much. Does anyone have any questions about that? Okay. Thank you for coming.

Okay. I know the Sheriff is supposed to be here shortly. Well, I guess we -- I know, I guess we could start with that.

THE AUDIENCE:
He'll be here momentarily.

CHAIRWOMAN BACHETY:
Momentarily.

MR. CARACAPPA:
Are there any other speakers, Madam Chair?

CHAIRWOMAN BACHETY:
I beg your pardon?

MR. CARACAPPA:
Are there any other speakers?

CHAIRWOMAN BACHETY:
Well, I wondered if we should have Department of Corrections speak prior to the Sheriff? Want to?

MR. FUSCO:
Well, Vito's here. He's been waiting.

CHAIRWOMAN BACHETY:
Yes. We'll start with someone. We'll start with Vito -- make me say it right -- Dagnello.

MR. FUSCO:
Dagnello.

CHAIRWOMAN BACHETY:
Dagnello, who is from the Department of Corrections. The unit of. Yeah, can't say department. Hi.

MR. DAGNELLO:
Good afternoon.

CHAIRWOMAN BACHETY:
Hello.

MR. DAGNELLO:
I want to thank you for allowing me and asking me to come down and speak on Department of Corrections. My name's Vito Dagnello. I'm President of the Suffolk County Correction Officers Union here in Suffolk. A number of years ago, there was a committee formed by the Legislature and the County Executive to study a Department of Corrections. I was on the record back then and there were professionals coming and speak on the issue. Not being a hypocrite, I'm still in favor of the Department of Corrections. I think it would add to transparency in government, being able to get a corrections professional, someone who's worked as a Correction Officer up through the ranks and knowing the corrections' law and administering the responsibilities of the Correction Officers.

I believe also it would streamline the department and save the taxpayers money. But under this current administration and this County Executive, I cannot other than what I've been on the record in the past of saying, recommend allowing this County Executive to pick the Commissioner of Corrections. I feel he would bastardize this department and jeopardize my men and women and put their lives in jeopardy.

I'd also say that in my 26 years as a correction officer, the department given the limited resources that we have from this County Executive, the Sheriff is doing the best he can with what he has been given. But this association and its member we are in favor of a Department of Corrections. So, being that said, I'd answer questions.

CHAIRWOMAN BACHETY:
Vito, how many Correction Officers are there?

MR. DAGNELLO:
830. Eight hundred and thirty, approximately.

CHAIRWOMAN BACHETY:
830.

MR. DAGNELLO:
And they've been working five years, 11 months without a contract. Okay.

CHAIRWOMAN BACHETY:
Okay. I can understand you getting that in.

MR. FUSCO:
Vito?

MR. DAGNELLO:
Yes.

MR. FUSCO:
Even under the present circumstances --

MR. DAGNELLO:
Yes.

MR. FUSCO:
-- if there were to be a change, isn't the idea of having a Corrections Commissioner having somebody who's close to the job that would really serve as an advocate with the County Executive that you as a union official, really kind of an adversary -- in an adversarial position; whereas you kind of need an advocate, too. Would that person -- do you conceive it being an advocate?

MR. DAGNELLO:
I'd be in a similar situation now as being, you know, but what that -- what it would bring is my members, they go through training to be a peace officer in the State of New York and in Corrections Law. And they're not being utilized in our opinion to the best of the ability that they're training. You have redundant in service -- you have Deputy Sheriffs who are Police Officers doing corrections work in our opinion. And Correction Officers not doing all the jobs that they're trained to do in other counties in this state. You have Department of Corrections in the City of New York, you have it in Westchester County also. And we just -- it would better serve the taxpayers, I believe, we believe, in the studies that we have done and looked at. I'm also the Chair of all the County Correction Officers in the State of New York and I speak with all their members, so.

CHAIRWOMAN BACHETY:
Could you just tell us some of the duties that you feel that the Corrections Department should be doing as opposed to Deputy Sheriffs?

MR. DAGNELLO:
Well --

CHAIRWOMAN BACHETY:
I know you're not patrolling the highway.

MR. DAGNELLO:
No, no, no. And don't want to.

CHAIRWOMAN BACHETY:
I know you're not doing that.

MR. DAGNELLO:
Care, custody and control of the inmates are what we receive our training for

and that's our mission and our responsibility. We have the courts. You have transporting of prisoners. Not to say that, you know, at the time that was instituted the way it was -- the department was put together that that's what was called for. We feel like Nassau County, which has an appointed Sheriff, their Correction Officers are doing transporting and all those responsibilities I said. New York City, who has a Commissioner of Corrections does and has all those responsibilities and so does Westchester County. So those are some of the jobs that Corrections would be doing.

MR. FUSCO:
Vito, from a structural standpoint, it would seem that there is going to be a Commissioner of Corrections other than, like you said right now. Put right now aside and look towards the future, because everything we're doing is looking down the road really. We're just chatting up here off the mike and really can't envision how you could have a Commissioner not appointed by a County Exec like the Police Commissioner's appointed by the County Exec. Some people like him, some don't, but it's an appointed position. What would you envision would be the best of all possible worlds? How would you do it?

MR. DAGNELLO:
I would have more than one person deciding who that person is going to be. Okay.

MR. FUSCO:
The Legislature would have to confirm, but even so --

MR. DAGNELLO:
But confirming and having input into that is two different things. Okay. Having input of --

MR. FUSCO:
So how would you do it? How would you recommend we write it up if we were to recommend that, how would you do it?

MR. DAGNELLO:
Putting the committee together and putting, you know, requests out there for background, conducting hearings to determine if the person is qualified and the best person for that position.

MR. FUSCO:
Should that be a Civil Service position then with criteria as opposed to an appointed position like the Police Commissioner?

MR. DAGNELLO:
Well, you would hope that that individual had the knowledge of working through the ranks, whether it's this department or a different department. But has worked all the positions as a correction officer up through the ranks and had different responsibilities in the departments that they worked for.

CHAIRWOMAN BACHETY:
I know Artie Cliff has some questions.

MR. CLIFF:
Yes. Vito, my thoughts along this in conjunction with the Police Commissioner was as, you know, the Legislature in the past, you know, maybe some 30 years ago, the Legislature would appoint a Commissioner of Corrections in addition to, again, for a separate topic, Police Commissioner appointed by the Legislature for a fixed term.

MR. DAGNELLO:
Right.

MR. CLIFF:
To allow some autonomy and independence. Would that solve in your mind some of the problems that you think would be, you know, currently facing?

MR. DAGNELLO:
Just like I said, you would have more than one person looking into criteria of the person plus you're putting a term to it so they would have to produce and do the best they could at that job and be held accountable for the time that they're there.

MR. CLIFF:
All right. So, you know, that's something we certainly could look at. But getting back to the size of Corrections, 830 you said. And what is there --

MR. DAGNELLO:
800 and -- right, approximately 830.

MR. CLIFF:
How many Deputies? You're saying about 250, 230, something like that also?

MR. DAGNELLO:
Right around there, yeah.

MR. CLIFF:
All right. So that in my vision I think what you would like to see with it is that to have the current promotional ladder in the Department of Corrections, you know, Deputy Warden, Warden continue, where that person could possibly, you know, become the Commissioner of Corrections, you know, depending on the criteria written into the --

MR. DAGNELLO:
Criteria set up by the body that is a --

MR. CLIFF:
By the Legislature or this committee recommending it to it.

MR. DAGNELLO:
Yes, yep.

MR. CLIFF:
Okay, good. Thank you.

MR. FUSCO:
Vito, the Commissioner's not always a panacea though. I mean, right now if you

talk to the PBA they're not exactly in love with their Commissioner. How would that, you know, solve --

MR. DAGNELLO:
In a real world you're always going to have that clash between the union president and management. Okay. Very rarely do you have the opportunity to enjoy the luxury of all being on the same page.

MR. FUSCO:
How would you be better off?

MR. DAGNELLO:
Management has a job to do and we have a job to do, so.

MR. FUSCO:
Right now if there was a Commissioner, how would you be better off?

MR. DAGNELLO:
My members would have more of a career ladder. There would be a light at the end of the tunnel. Right now there are four walls. That's where their job is, inside a jail. If I happen to be working inside the facility, my 26 years would still have me sitting watching inmates wake up, play cards, watch TV, tell them to mop the floor, got to go to court. For the most part my members, the senior officers that have been there 15 years, that's what they're doing. And, you know, when you work a job you try to better yourself and get to a position where you're not doing that and you're doing something more productive, if you want to say, so.

MR. KENNY:
Would part of that ladder be transport? Is that what you're suggesting?

MR. DAGNELLO:
It could be, yes,

MR. KENNY:
Okay.

MR. FUSCO:
In which direction?

MR. DAGNELLO:
Up. Well, when you're sitting there watching society's castoffs and most of the time when they wake up in the morning, they take their do-rags and most of the time it's underwear, cut up and wrapped around their heads, so they can have something to keep their hair in place, that's what we do. We maintain the care, custody. We stop fights between themselves.

CHAIRWOMAN BACHETY:
I don't think anyone ever thought --

MR. DAGNELLO:
It's not a glamorous job and it's a dangerous job.

CHAIRWOMAN BACHETY:
No, it certainly isn't. No. And you still get locked in if you don't get relieved; right?

MR. DAGNELLO:
That's right. Still got forced overtime. And that's, you know, this Sheriff is doing the best he can with the resources that he has in keeping the peace out there.

MR. BRAUN:
With the same level of resources, why would a -- having a separate department alleviate those very same problems? Why would that be different?

MR. DAGNELLO:
Not to say -- there might be better answers or communications between the Commissioner of Corrections, cooperation between other departments. You always have, you know --

MR. BRAUN:
In other words, you think that Corrections is treated like a stepchild in some ways now?

MR. DAGNELLO:
Absolutely. There's no question Corrections, our profession, is the stepchild of law enforcement.

MR. KENNY:
Could you explain the role of the -- of an appointed Sheriff if that's the model in Nassau?

MR. DAGNELLO:
I'm not advocating an appointed sheriff at all here.

MR. KENNY:
Well, tell me how you envision, then, we now have 250 Deputy Sheriffs, is that correct, who do the transport? Is that correct?

I'm sorry, I thought it was on. The button's on. Here we go.

So the ladder, to me, the only way I could envision it is a merging between the Deputy Sheriffs and the Corrections Department so that there would be a ladder from Corrections to Deputy Sheriff or to transport.

MR. DAGNELLO:
Deputy Sheriffs are trained Police Officers.

MR. KENNY:
Yes.

MR. DAGNELLO:
Okay. Correction Officers are trained peace officers. Okay. And there's different jobs that each can do. I'm not looking to do any type of job a Police Officer does. I'm not trained in that.

MR. KENNY:
Yet, you're suggesting that the ladder include transport, which is now the responsibility of the Deputy Sheriffs.

MR. DAGNELLO:
In Suffolk County.

MR. KENNY:
Suffolk County.

MR. DAGNELLO:
Nassau County it's Correction Officers. New York City it's Correction Officers. Westchester County it's Correction Officers.

MR. KENNY:
Right. And that's my question.

MR. DAGNELLO:
Rockland County --

MR. KENNY:
What happens to the Deputy Sheriffs if then that becomes your ladder? Do you envision an integration --

MR. DAGNELLO:
There are many jobs that --

MR. KENNY:
-- an integration of the Deputy Sheriffs with Corrections so that there is a ladder?

MR. DAGNELLO:
In some Counties you do have that, but in -- here in Suffolk you don't. There are jobs Police Officers are trained to do and in my opinion and -- they should be doing more police stuff.

MR. KENNY:
The Sheriffs should be.

MR. DAGNELLO:
Yes.

MR. KENNY:
And less transport.

MR. DAGNELLO:
In my opinion, yes.

MR. KENNY:
Okay.

MR. DAGNELLO:
I mean, I've testified at hearings before on my opinion and in light of this County and this administration now, I'm not sitting here advocating that this should be

done right now.

MR. FENCHEL:
If I may ask a question. Is -- are the Correction Officers a separate bargaining unit right now?

MR. DAGNELLO:
Yes, we are.

MR. FENCHEL:
For purposes if you will, economic purposes, you have a separate bargaining position from the Sheriffs?

MR. DAGNELLO:
Yes.

MR. FENCHEL:
Are the pay scales different?

MR. DAGNELLO:
Extremely different right now. Well, my members are working under '03 salaries.

MR. FENCHEL:
I mean, other than the fact that, you know, these contracts go on --

MR. DAGNELLO:
Prior to that, yes, they were comparable.

MS. GORDON:
This opportunity for upward mobility that the transport would provide, aside -- one, how many positions or how many levels would this provide, one?

Two, is there any other aside from transport and then a Commissioner, what other levels like -- I need to -- I'm not getting the big picture. I'm not getting exactly what -- how beneficial or what the benefit that you're looking for outside of mobility to, you know, to increase your level maybe in Corrections.

And the other thing too that I think you have to --

MR. DAGNELLO:
It --

MS. GORDON:
-- keep in mind -- hold, just let me finish this thought, is that this Commission looks at the Charter over ten-year periods so right now this administration's there, but we can't really make decisions based on the current administration. We have to make decisions based on what's good for the County because, you know, in the next election there might be different administration and four years after that, however, the Charter might still be in place.

So we can't really look at the current administration. We need to look at what would benefit the citizens of the County.

MR. DAGNELLO:
I'll just say this, Correction Officers go through approximately a three month academy. Deputy Sheriffs, they go through a six month academy. They have training to be Police Officers. We have training to be Peace Officers and Correction Officers. Right now you have Police Officers in my opinion doing Corrections work, transporting prisoners. And they receive a higher level of training than we do. So, you have to correlate that there is a cost savings there on doing that. There's no way you can say it's not.

MR. FUSCO:
I have a question, Vito.

MR. DAGNELLO:
Yes.

MR. FUSCO:
In the city, you know, it's Correction Officer then Corrections Captain, and Deputy Warden, then Warden. What is the career path here?

MR. DAGNELLO:
Correction Officer One, then you have Sergeant, have a Lieutenant, Captain, Deputy Warden and then Warden.

MR. FUSCO:
So it -- Wardens generally come out of the ranks?

MR. DAGNELLO:
Yes. Promotional exams through Civil Service. All of those positions are.

MR. FENCHEL:
I just have a question, who would coordinate the difference between the Sheriffs's duties and the Correction Officers? At some point there has to be a separation. Who would make that decision? Is there somebody that you propose would actually make that determination? There has to be some coordination.

MR. DAGNELLO:
On the job duties?

MR. FENCHEL:
Day to day, on the ground.

MR. DAGNELLO:
Oh, the Warden is in charge of the Corrections Division. And you have a Chief Deputy who's in charge of the Deputy Sheriffs. And you have two Under-Sheriffs that oversee those two functions and the Sheriff who oversees all of that.

CHAIRWOMAN BACHETY:
Who does the Warden report to?

MR. DAGNELLO:
The Under-Sheriff and the Sheriff.

CHAIRWOMAN BACHETY:
The Undersheriff, okay.

MS. GORDON:
Is there a special -- is there train --

MR. DAGNELLO:
I mean, you have the Department sitting behind me.

CHAIRWOMAN BACHETY:
I know, I see.

MR. DAGNELLO:
I'm hoping I'm not getting things too messed up. We do have a decent relationship and I want to continue that.

CHAIRWOMAN BACHETY:
It's never personal.

MR. DAGNELLO:
Okay.

MS. GORDON:
Is there any specific training that the Sheriffs receive as far as transport as opposed to guard? Is that why Sheriffs transport because maybe Corrections are only trained to do static guard as opposed to transport guard?

MR. DAGNELLO:
There's additional training that would be needed, but not extent of more than a week if that. That could be incorporated into the amount that we have. I mean, the basic guarding of prisoners and care, custody we receive that training already.

CHAIRWOMAN BACHETY:
Okay. Anyone else? Thank you very much. Do you --

MR. BRAUN:
Yeah, I'm still not clear on why other than for budgetary reasons and expanding the role of the Corrections Officers, perhaps to include transport, why a separate department would solve that issue rather than being within the department it's already in?

MR. DAGNELLO:
You would -- the person that would be in charge would be more accountable, more transparent, I believe. You would have more people watching the job you's doing.

MR. BRAUN:
Okay. All right. Thank you.

CHAIRWOMAN BACHETY:
Thank you very much for coming and being so honest.

MR. DAGNELLO:
All righty.

CHAIRWOMAN BACHETY:
Thank you. I appreciate it.

MR. DAGNELLO:
That gets me in trouble.

CHAIRWOMAN BACHETY:
It always does. Okay. I see the Sheriff has arrived. Sheriff DeMarco.

SHERIFF DeMARCO:
Good afternoon.

CHAIRWOMAN BACHETY:
Hi.

MR. DeMARCO:
It's my understanding we're here just addressing the Department of Correction issue and not necessarily appointed Sheriff. Is that correct?

CHAIRWOMAN BACHETY:
No. We took a vote on the appointed Sheriff.

MR. DeMARCO:
Okay. I just wanted to be clear because reading the minutes it wasn't super clear.

CHAIRWOMAN BACHETY:
No, no. I think we defeated that idea.

MR. DeMARCO:
Okay.

CHAIRWOMAN BACHETY:
Okay.

MR. DeMARCO:
Let me start by saying that the concept of the Department of Correction is not new in Suffolk County. In 2000, the Legislature did a feasibility study and the conclusion was that a Department of Correction would result in significant duplication and be a considerable expense. But I'll talk about that a little more later.

In these uncertain economic times, it is important to have a clear and precise understanding of the fiscal consequences of a Department of Correction in Suffolk County. We are at a time when consolidation, mergers, downsizing and civilianization are commonplace in New York State as well as the country. A Department of Correction would create another layer of government and tear apart one of the most efficiently run and distinguished Sheriffs Offices in New York.

The Suffolk County Sheriff's Office is a professional law enforcement agency.

And the management staff has over -- has a combined 250 years of correction experience. Warden Ewald is here, has been here 23 years, Deputy Warden Rubacka, 31, Deputy Warden Hervan, 30, Warden Murphy 20 and Deputy Warden Conover, over 30 years.

And our Correction Officers are some of the most professional in New York State. They receive more than two times the required training that New York State mandates. And they do a lot more than just watch prisoners in cells and watch them put their do-rags on and the stuff that Vito said. I think they do a lot more than that. We have a gang intelligence unit that's staffed by Correction Officers. That every inmate that comes through the doors is -- that has a possible gang affiliation is interviewed by this unit and it's recorded and put into a database that's shared with the County Police Department and the District Attorney's Office. We have a Security Unit -- also, let me tell you, the gang people have the -- the title of investigator, which is a designation that affords them more money and it's a plainclothes position.

The Security Unit has the same and they're responsible for the safety and security of the facility when it comes to, you know, they develop jailhouse rats or informants, so to speak and develop intelligence to prevent escapes. They also get information from inmates that could solve a possible crime that the Police Department is working on or the District Attorney's Office and that that information is funneled over to them.

We also have a Correction Officer who's assigned to a joint tax force with Rikers Island, New York City Corrections and the New York City Police Department. We have a -- this actually is the same investigator that's also assigned to the Suffolk County Police Department Intelligence Unit to work over there with their detectives.

And there is also under my administration more and more -- we're trying to find more jobs for Correction Officers to do that get's them out of the facility. We're working on a program right now to have Correction Officers bring inmates over to the Calverton National Cemetery to take the veterans that are in a facility and bring them over to Calverton and work with the understanding that the national cemetery is going to give them first crack at a job when they get out. And most inmates that are in a jail -- in jail don't have jobs and that's the one thing they need when they get out to get their lives back on track.

We also have Correction Officers assigned to our Internal Affairs Division, our Medical Evaluation Unit, the County Attorney Unit that works with the County Attorney to work on lawsuits against the Sheriff's Office. I mean, we have a canine -- Corrections has a Canine Officer and that's going to be expanded to two because the facility in Yaphank is growing, as you all know.

But anyway, I would put my Corrections management staff against anyone in the country. And the Suffolk County -- in New York State there are 62 County jails. And the Suffolk County Correctional Facility is one of only 20 to have earned accredited status from the nationally recognized New York State Jail Accreditation Program in which 121 standards of excellence are met.

The Sheriff's Office runs an Alternative DWI Rehabilitation Program that has become the standard for the rest of New York State. We have innovative, proactive and widely emulated programs. And the Sheriff's Office runs a very

professional and progressive correctional facilities and we are recognized for it.

And I've read the minutes of this Commission. And I have yet to see anyone put on the record a good reason why Suffolk County should dismantle the Office of Sheriff in favor of a Correction's Commissioner, an appointed Sheriff or any combination of the two. And I think that's because there's no evidence that any of these proposals would be efficient. And we can look to our -- as a matter of fact, the evidence points that it be more expensive, and we can look to our west and north for proof. Nassau has an appointed Sheriff for all intents and purposes is a Corrections Commissioner. There are only 40 Deputy Sheriffs in Nassau and over a 1000 Correction Officers.

New York City has an appointed Commissioner of Correction as does Westchester. The three Counties I just mentioned have the highest cost per employee, per inmate and per capita population in the state. And they're all run by appointed Commissioners. They're the three most expensive correctional operations in New York State. And they are three of the most expensive in the country. In the late -- oh, with the exception of New York City, which has more inmates than some states, these other places have less inmates, more officers and they cost more money than Suffolk.

In the late 1990's Westchester was run by an appointed Commissioner who ran the place into the ground. There were incidents where inmates locked Correction Officers in jail cells. On any give day, one-third of the staff scheduled to work did not show up. They were 35% above the national average in regard to comp cases, yet they never implemented a system to monitor and manage sick leave abuse or Worker's Comp abuse. And a few years later, when a new County Executive came in and realized the mess and dysfunction he inherited, he replaced the Commissioner with the Director of Probation. And one of the first things that he did was come to Suffolk County -- to the Suffolk County Sheriff's Office for help. And they adopted our model for sick time and Comp abuse and they're now moving in the right direction.

In Nassau in 2004, the person appointed to run the Correctional facility was the former Chief of the New York City Department of Correction. In his first four years, overtime increased by 100% and an audit uncovered a pattern of uncontrolled cost and an overall failure to supervise personal time and vacation leave. The report said there was serious administrative failure at the Correctional facility. And that the -- Nassau's financial health depended on the Correctional facility being well managed.

After seeing the audit, the County Executive admitted that his own handpicked Commissioner did a poor job of dealing with the issues. And this is at a time when Nassau was under a financial control board. The gentleman should have lost his job, but the County Executive let him continue until the day he retired. If he was elected by the voters he would have been put into retirement a long time ago. The appointee before him swept everything under the rug in order to avoid criticisms that might make the County Executive who appointed him look bad. And what they wound up with were federal criminal indictments, federal civil rights violations. And similar things have happened in New York City and Westchester. They have all at one time been under federal consent decrees. The feds come in and tell the appointed Commissioner how to run the jail because they either didn't know how or they didn't -- they weren't independent enough to tell the appointing authority, this is how we have to do things here.

You know, this is not what I want to see in Suffolk County.

Orange County, California did a feasibility study on a Department of Correction and it was concluded that there would be considerable expense and no economic benefit to a Department of Correction. In San Diego County, a similar study was done and the conclusion was that there would be a negative fiscal impact on the County and Department of Corrections are not a panacea for correctional programs.

And right here in Suffolk in 2000, the Legislature did a feasibility study on a Department of Correction. And it was concluded that there would not be a cost savings in the breaking up the department because it would require significant duplication and that duplication tends to be expensive. Around the same time of the study, Legislator Steve Levy, who is now County Executive who's quoted in the newspaper article about a Department of Correction, he said creating a Department of Correction would be duplicating services.

In New York State, only three Counties out of New York City have a Department of Correction and the trend is moving away from them and putting everything back under the Sheriff. In Erie County, they used to have an appointed Corrections Commissioner and an elected Sheriff. A few years ago when Joe Giamba become the County Executive, Erie County taxpayers paid one of the heaviest cost per inmate in the state. Erie was on the verge of a financial control board and the County Executive was looking for ways to streamline government and cut costs. He said there would be significant savings in consolidating the Department of Correction back into the Sheriff. And he admitted that the Department of Correction had been a failure and now all Corrections are under the Sheriff.

In Onondaga County there is an appointed Corrections Commissioner and an elected Sheriff. And the past two County Executives have asked the Sheriff to take control of the Correctional facility, but the Sheriff has refused fearing that there's a lack of political and financial will to clean up all the problems that were created by the appointed Commissioner.

The New York State constitution says that every County outside of New York City must have a County Sheriff. Suffolk will still have to have a Sheriff's Office, which means that any new department that is created will have to have its own Internal Affairs Unit, Medical Evaluation Section, Quartermaster Section, Administrative staff, Budget Section, Payroll Section, Accounting Section, Grants Section, Public Information Section. The Sheriff's Office would have to relocate its current building so that the Department of Correction could move in so you'd have to adjust capital cost, construction cost as well. You know, I can go on with the duplication of stuff like that, but, I think, you know, I think I made the point.

And since simple economics tells us that by having a single administration, the Sheriff's Office can provide the most cost effective service. Cost effectiveness increases the likelihood of tax stabilization, which is of the utmost importance in these extremely grim economic times.

And I just wanted to go back to my previous testimony when I was here in May or June and just point a few things out. The Suffolk County Sheriff's Office budget is approximately $122 million, which is only 4% of the County's $2.7

billion budget. About 101,000 of that is strictly inmate related and for Corrections. Nassau County's budget, about $150 million is -- goes for Corrections. So that's about $48 million difference. And remember they have less inmates than we have. Westchester's budget is about 128 million that goes for Corrections. And so that's a $26 million difference.

And one other thing I want to point out, NYSAC, which is the New York State Association of Counties, has been lobbying for the last few years to create consolidation of everything, of departments, special districts, everything, not breaking things apart. So we'd be working against the trend in New York State.

CHAIRWOMAN BACHETY:
Okay. Let's have questions. Artie.

MR. CLIFF:
Yeah, I have one. Vinny, it was a great job. A good summation of all of it and it brings a lot of numbers into play. Did you testify before that committee in 2000 by any chance?

MR. DeMARCO:
I did not, no.

MR. CLIFF:
No, okay. Who was the president then that did?

MR. DeMARCO:
I was the president, but I wasn't the voting member on it. It was actually Joe {Miracs}. Probably you? I don't even remember if it was him to be honest with you.

MR. CLIFF:
Nobody wants to say. Okay, yeah. All right. In the Westchester cases that you speak about, those are appointed by the County Exec, Westchester Commissioner of Corrections?

MR. DeMARCO:
I believe he is.

MR. CLIFF:
Yeah, well, the concept we were talking about was somebody that perhaps would be appointed by the Legislature to a fixed term. So it would not be one individual that would be making a decision on who the Commissioner of Corrections would be, which is one of --

MR. DeMARCO:
Right. But actually my point in all that was, which I forgot to bring out, was that you don't always know what you're going to get. The Westchester Commissioner was actual a 27 year Correction professional who -- resume would have looked impeccable to the Legislature or County Executive, whoever the appointing authority was and the same with Nassau. You know, on paper it looks wonderful.

MR. CLIFF:
But that looked the same way for the Police Commissioner here, too, but that's a

different story.

MR. DeMARCO:
Right, right. Well, yeah. Well, my thing is that elected officials are more accountable. And, you know, the public should decide whether this guy's more qualified or this guy's more qualified. And that's the whole part of elections. And I think it should be up to the voters to decide who's doing these jobs. I mean, Thomas Jefferson called the Office of the Sheriff the most important executive office in the country.

CHAIRWOMAN BACHETY:
Did he? Were you there?

MR. DeMARCO:
I was not there, but I read it. And also another little tidbit, Grover Cleveland, was actually the Sheriff of Erie County before he became the President of the United States.

MR. BRAUN:
And look where they are today.

MR. DeMARCO:
Who's that?

MR. BRAUN:
Erie County. I do have a question, though.

MR. DeMARCO:
Yeah.

MR. BRAUN:
A point was made by the union earlier that their transport function should be theirs, the Correction Officers rather than the Sheriff's Officers. How are -- first question is, why isn't it? And second question is, how is that kind of a decision made; what's it based on?

MR. DeMARCO:
The Civil Service really made the decision a longtime ago if you read the job specifications for both jobs. It spells out what their specific duties and its tasks are. And as far as -- also I forgot to do -- one thing I forgot to do is the career ladder for a Correction Officer, because I actually have the specific number so you have a better idea, we have 78 Correction Sergeants, 23 Lieutenants, five Captains, three Deputy Wardens, two Wardens of which I created another Warden position because the facilities are so big now that we -- I felt that when the new facility comes on line we should have one for each. And the Chief of Staff position is competitive between -- it's a competitive Civil Service test that Deputy Sheriffs and Correction Officers can take. And it's done both ways. It's been a, you know, Correction Officers who have been promoted to that position and Deputy Sheriffs.

MR. BRAUN:
So if there were a separate Corrections Commissioner, the Civil Service requirements for the job wouldn't necessarily change?

MR. DeMARCO:
Well, no. I think they might be able to rewrite them and then there'd be -- I'm sure there'd be labor disputes and PERB and everything else that was --

MR. BRAUN:
Are there currently salary disparities between people doing the transport and the people in the facilities?

MR. DeMARCO:
Well, actually Correction Officers have been out of a contract for five and a half years, which I want to go on record here and say that that is a travesty. And I will say that for people who have been without a contract that long, they show up to work everyday and do a professional job and it's really amazing the job that they do under these conditions because it's frustrating. And there's been other places in the country and the state where a labor dispute like this has been dragged out and the officers have either slowed down or done sickouts, but our Correction Officers are a lot more professional than that.

I already forgot your question. Say it again.

MR. BRAUN:
The question was other than the fact that--

MR. DeMARCO:
Oh, oh, the salary. Okay, yes.

MR. BRAUN:
-- the salaries.

MR. DeMARCO:
Yeah, well they've been out of a contract for five-and-a-half years. But I suppose when they do catch up and get to the same year that the Deputy Sheriff's are, Correction Officers usually make a little more than Deputy Sheriff's and their hourly rate is actually a little bit -- more significantly higher than the base salary disparity. That's because that -- they work a 75 hour work and the Deputies work an 80 hour week. So their hourly rate's higher. So when they work overtime it's worth a lot more.

MR. BRAUN:
Thank you.

MR. KENNY:
If I could.

CHAIRWOMAN BACHETY:
Steve Kenny.

MR. KENNY:
I have a few comments. First of all, Mr. DeMarco, I thank you for a very informative presentation. In thinking about you and the previous speaker, Ms. Pascale, I sometimes wonder having run for office myself, why people are so anxious to run for office. When I think, at least, my intent in reviewing a reorganization would be to professionalize. I do admit that I'm an academic and I look at the research. And most of the tendency in terms of improving

professionalization is, is to eliminate the number of elected positions below those that are directly involved with the executive or legislative branches except in those instances where you need a check and balance or independence that sort of justifies it.

So I, you know, to me in both cases if I'm thinking of professionalizing through appointment and both for Ms. Pascale and yourself, you know, to me it would be a situation where we've got two great people and let's professionalize those offices and let those two people do their job without the necessity of elections and be able to continue over the long-term doing that great job. So to me it's not an issue of, you know, removing people from a position and -- it's trying to create a better functioning and more professional department.

But what I get out of your discussion a little bit, I mean setting that aside, I mean that's kind of my bias. My confidence in terms of -- and again the research shows this, my confidence in terms of the electorate, being able to make choices in professionalized positions like yourself, to me is once they get passed the legislative positions, there's a tendency for people to vote horizontally across the line. They don't have knowledge -- I know when I get to the judges, I don't know any of the judges. I mean I'm a victim of that my -- you know, I'm guilty of that myself. So, you know, that's what most of the research says, give the accountability to the elected officials who make the policy, set the policy and allow those people to make some judgements about the professional departments and positions. And that's why I lean in that direction. But I think both and you Ms. Pascale are representatives of very professionalized offices and would prefer to see that continue. Although my preference would be as an appointed position.

But you did raise the issue of consolidation. And I'm wondering if there isn't an alternative position in terms of more integration and merging of the Corrections Department and the Sheriff's Department.

MR. DeMARCO:
Well, we don't have a separate -- you mean -- merging of what? Because we don't have a separate Corrections Department. Right. I mean I'm not quite -- right.

MR. KENNY:
Well, okay. Well then creating more of a seamless transition from the Corrections positions to the Deputy positions.

MR. DeMARCO:
I'm actually a hundred percent in favor of something like that. Logistically it is a little more difficult than just saying that because you have two different labor contracts, you have civil service hurdles to get over. And you'd have to have an additional -- a mechanism that you have additional training. It's not something that hasn't been thought about and isn't thought about, you know, on occasion. And some research is done here and there on it. And, you know, I think in the future, you know, I don't know when that that's probably going to be addressed somewhere because it does give you a lot more flexibility as a manager and --

MR. KENNY:
Isn't that our role, to address reorganizational --

MR. DeMARCO:
Yeah, but that's not something for the Charter Commission to -- that has nothing to do with the Charter. That would be a function inside of the Sheriff's Office.

MR. FUSCO:
Do you envision one core, one department in Suffolk County where Corrections and Sheriffs are really one department as a career path?

MR. DeMARCO:
Well, they are one -- they are under one --

MR. FUSCO:
Between them, though? A career path between --

MR. DeMARCO:
I could envision somewhere down the road having one title of just Deputy Sheriff and --

MR. FUSCO:
But Vito is saying one's a peace officer, one's a police officer.

MR. DeMARCO:
Well, that's why I also said you have to, you know -- actually if you just -- by law if they became Deputy Sheriffs, they would become police officers and they'd be a training -- a mechanism to make up whatever training that they needed to catch up. And that's where -- you know, that's an issue that would have to be thought of.

MR. FUSCO:
Would that be streamlining then?

MR. DeMARCO:
We actually -- there's actually an internal report done two Sheriffs ago but that and there's some issues. But would it be streamline -- not necessarily streamlining, but you'd get more flexibility. Like I said, that's more of an internal mechanism that's talked about amongst us.

CHAIRWOMAN BACHETY:
Ron Devine.

MR. DEVINE:
Yes. One quick question, if I can. Or maybe two. This is the first time I've learned of so many little assignments that the Corrections Department -- division has within the career ladders, the gang and the canine and things of those natures. If there were Corrections Commissioner in addition to yourself and your executive staff, and let's say the Corrections Commissioner didn't share the same vision that your staff does, would that cause a lot of hard feelings within both departments in order to get the job done properly? In other words you work closely with the -- the Correction Department is under your direction.

MR. DeMARCO:
Right.

MR. DEVINE:
Correction Division, I should say.

MR. DeMARCO:
Right.

MR. DEVINE:
If there was a Corrections Department, a Corrections Commissioner or some other separate agency to run the jail outside of yourself or yourself and your staff, and they didn't agree with the things that you wanted to do, wouldn't it be more difficult to work within them? Right now you have the operations of the whole function. And it works -- it seems like it works very well. If you had another division or another Corrections Department there, you're saying and I think you're right, I'm agreeing with you --

MR. DeMARCO:
Well, I think the more personalities you add at that level, you have more egos involved and --

MR. DEVINE:
That's what I'm saying to you.

MR. DeMARCO:
There could be issues. But --

MR. DEVINE:
Well, that's exactly what I'm saying, if you have a Corrections Commissioner that doesn't share the goals that you want to accomplish as the elected Sheriff, that may cause problems for you to function in your responsibilities as the Sheriff. That's what I'm saying. I'm saying at your benefit. I'm saying it seems like you're running it well and you're doing a good job. And --

MR. DeMARCO:
Listen, I'm against it so, I mean it's pretty clear so.

MR. DEVINE:
But it seems like the transition is more seamless between your Corrections Division and the Deputy Sheriffs now than it would be if there was a whole other department.

MR. DeMARCO:
I would think so.

CHAIRWOMAN BACHETY:
It would be more seamless if he can settle the contract, too.

MR. DeMARCO:
But before -- I'd just like to address something Mr. Kenny said before we get too far away from it. You feel that the County Executive or a Legislature appointing somebody would professionalize an operation. I take the position I totally disagree because the people who oversee the daily operation are the professionals who have been in the field for 30 years or more. And I don't think that you're giving the electorate in Suffolk County the credit that they deserve. I don't know how it is in other parts. It's very easy to say that people just go down

the line, or, you know, you tail off on the judges. And there's been talk about appointing judges because judges can't really campaign anyway. They can't say what their thoughts are on an issue so it's very -- in that case. But when it comes to a Sheriff, a District Attorney, a Treasurer, Comptroller, those are real things where issues are talked about between two or more people. And the message is out there. And people make a choice. And you can look at the election results and see that people don't just vote down the line.

When I ran in 2005, I was on the same lines as a couple other elected officials. And you can see some people got -- I mean the exact same thing. People didn't go across the line. They picked and choose. And you can just see by the results. Maybe that's different in other parts of the country but I think you have to give the voters in Suffolk County a little more credit. They do pay attention when it comes to things like that and they just don't vote across the line. It's not as if it's an issue where we entered a campaign --

CHAIRWOMAN BACHETY:
I can't imagine that anyone here doesn't think that that was a wonderful presentation and that you're doing a great job, but I have a question which has nothing to do with the Charter.

In all the years that I was here, they always said they weren't enough Deputy Sheriffs to do the work that was necessary for the jail. How could you put these guys out on the highways now and who's doing that work?

MR. DeMARCO:
It's difficult. We -- this is not something that was asked for, not something that was expected.

CHAIRWOMAN BACHETY:
I didn't you requested it. I'm just -- are you suffering by not having enough Deputy Sheriffs now? It's just in informational question.

MR. DeMARCO:
Are we suffering? It's making it difficult and straining us but we're getting the job done. And we're just at this point lucky because we did get -- last Year 2007 we had record jail population. The population was very close to 2000. We were shipping inmates out almost daily to other facilities because we could not house them. We blew all our variance caps. And we got lucky because as I was able to negotiate with the state to give us more -- 152 extra beds. And we dropped off so the work load as far as that went dropped off, you know, if there -- if there was another spike in the jail population it could be some issues. And we're lucky -- we're also lucky because at the time like in September we expected to see things start creeping up again. And they've kind of stayed kind of static. And, you know, you always --

CHAIRWOMAN BACHETY:
Do you oversee the highway patrol now?

MR. DeMARCO:
Yes.

CHAIRWOMAN BACHETY:
So that's added to what you do.

MR. DeMARCO:
But that corresponds with the drop in some of the other things we were doing.

MR. BRAUN:
Well, wouldn't those be Corrections Officers who are freed up by reducing the jail population rather than Sheriffs Officers?

MR. DeMARCO:
No, because the amount of transports we were doing --

MR. BRAUN:
Oh, because the transports are down?

MR. DeMARCO:
Right.

CHAIRWOMAN BACHETY:
The transports for the deputy sheriffs.

MR. DeMARCO:
Right, right. We actually have more corrections posts because of when the jail population goes up because we -- when we got those 152 variance beds, we actually had to create, I believe, 12 more? 12 more posts per shift. Is it per shift or --

MR. DAGNELLO:
Total.

MR. DeMARCO:
Total for a 24 hour period.

MR. BRAUN:
The question I wanted to ask a minute ago, with the amount of attention that you're required to put into this, would you say that you would -- your primary responsibility as Sheriff is more running corrections? I mean is that what gets most of your focus or --

MR. DeMARCO:
It's a larger part of our budget but the responsibilities of the Sheriff are much broader than that, but that by far is the larger part of our budget.

MR. BRAUN:
Well, we've been talking about what Corrections Officers do. Tell us briefly what Sheriff Officers do.

MR. DeMARCO:
As Mr. Dagnello said, they transport prisoners, they serve orders of protection, they do criminal contempt warrants when they're violated. There was a unit formed by the Legislature in early '90's to go out and do criminal contempt warrants. They work -- they do evictions, properties executions, they do criminal warrants that are generated from east end courts by arrests from Deputy Sheriffs, they do vehicle and traffic enforcement, they get -- they participate in the Governor's Traffic Safety Council, enforcement grants. They're assigned to

the DEA, Customs, District Attorney's East End Drunk Task Force.

MR. BRAUN:
But in terms of the allocation of your --

MR. DeMARCO:
I'm just trying to go off the civil service thing but --

MR. BRAUN:
Okay. And in terms of the allocation of your own time in a given week, what percentage of your time would you say is more corrections and more the other?

MR. DeMARCO:
That's tough for me to answer because it depends on the day, week or time. You were very lucky on the correction side to have the experience that we have there. And I think we've had some prior sheriffs who tried to micromanage the Corrections Division. I put my faith in my management team and they do a wonderful job. I was a deputy sheriff so I tend to micromanage that side a little more, so, which I'm sure they're not happy about.

MR. BRAUN:
Okay. Thanks.

CHAIRWOMAN BACHETY:
Okay. Well, I think we've kept the Sheriff here long enough unless somebody has something really important.

MR. DeMARCO:
If I could just end on this, just when people leave the Sheriff's Office, they get an exit interview; any county employee leaves they do an exit interview with Civil Service. And it's anonymous and they can give their comments about their supervisors, their administration and everything. And I just happened to pull two out just from -- I think they're both from the spring of this year. And I just wanted to read them to you. And these are both from Correction Officers.

One is "Sheriff DeMarco and his administration are the best we've had in 26 years and 10 months and I could not ask for better supervisors than I have now."

And the other one is "I've been through a number of Sheriffs' administrations in my tenure with the Sheriff's Office. Sheriff DeMarco under your stewardship of the office this has been by far the best administration and most correction officer friendly to work for. Thank you for that. If there's anything I can do to help, please call me."

And I'm really reading that because at the last time I remember that Mr. Fusco asked how we were getting along because there's been things so that was just to help answer that question.

CHAIRWOMAN BACHETY:
That was great. Thank you very much.

MR. DeMARCO:
Okay. Thank you.

CHAIRWOMAN BACHETY:
Thank you so much for being with us this afternoon.

MR. DeMARCO:
Have a Happy Thanksgiving.

CHAIRWOMAN BACHETY:
Thanks. You, too. Okay. How does everybody feel?

MR. DEVINE:
Good job.

CHAIRWOMAN BACHETY:
Yeah, he did a great job. All right.

Okay, you all have the memo that I sent to you. We have a variety of questions in front of us. And I would just ask if any of you are ready to vote on any of these? I would like to go immediately though to number two which was the budget time frame on the college budget. Since the courts have just decided that the County Executive is not going to be able to review their budget any more, I think we ought to just drop that and let it go. Does everybody agree on that? Okay, so that's out. We're not changing the budget time at all.

MR. FENCHEL:
Well, I would have another reason for that simply because it is under litigation at this point. It's not something that the Charter Review should be --

CHAIRWOMAN BACHETY:
Well, no, we were asked to talk about moving the time frame. We had received information from both the County Executive Budget Office and the Legislature's Budget Office that they just can't do it. So it seems to me that should be ignored. They wanted it moved to --

MR. FENCHEL:
I know they wanted to flip it essentially.

CHAIRWOMAN BACHETY:
It's not going to work.

MR. FUSCO:
Can't do it because they don't get state money in time.

MR. KENNY:
And it becomes less of a problem if in fact plan C is -- the court case is upheld because it will be less line item review.

CHAIRWOMAN BACHETY:
Well, we don't even know that they're going to appeal it yet.

MR. KENNY:
We don't know that yet.

CHAIRWOMAN BACHETY:
We don't know that the County's going to appeal it.

MR. FENCHEL:
Well, the County's not a party. It was Westchester county that was involved in that one, I believe.

CHAIRWOMAN BACHETY:
No.

MR. KENNY:
No, this was Suffolk County Community College against the County of Suffolk. That's been decided. Supreme Court has decided.

CHAIRWOMAN BACHETY:
Yeah, I thought that was --

MR. FENCHEL:
I thought it was Westchester County.

CHAIRWOMAN BACHETY:
Terry, didn't the supreme court -- didn't they just make a decision on that?

MR. PEARSALL:
They made a decision; however the County has not --

CHAIRWOMAN BACHETY:
They haven't decided whether to appeal it.

MR. PEARSALL:
-- decided whether it would appeal or not appeal.

CHAIRWOMAN BACHETY:
Correct.

MR. PEARSALL:
You have 30 days from, I think, from last Friday.

CHAIRWOMAN BACHETY:
Except that that's not going to change the problems of the Budget Review and the Executive's Budget Review. So it doesn't seem possible that we'll be able to do that. Does anyone have a problem with that?

MR. FENCHEL:
No.

CHAIRWOMAN BACHETY:
You sure?

MR. FENCHEL:
Positive.

CHAIRWOMAN BACHETY:
Okay.

The Suffolk County -- I'm going to take the easy ones first. The Vanderbilt Museum, currently the County Legislature and the Executive do not have designees on this board. And it has been requested that there should be. And in light of recent information about the Vanderbilt it might be a good idea to do that, to expand their board. So is there any feeling on that?

MR. FENCHEL:
I agree.

CHAIRWOMAN BACHETY:
So would you suggest one from each body? One from each body, okay. And we -- do we need a roll call vote on this? Do we all agree? If anyone doesn't agree, I want to make your voice is heard. Okay, so that's a unanimous. We'll support that. Okay, one of each.

All right. Do you want to address the correction department?

MR. FUSCO:
I have an opinion on it. Vito said he didn't really want it now anyway even if it was a great idea.

CHAIRWOMAN BACHETY:
Right.

MR. FUSCO:
I think Vinny was very convincing. I don't think the whole operation is all that big that we need all this management although I agree that departments of correction are separate distinct are in the broader scheme of things good for the reasons that were stated. I don't think we need it here given that, if you look at the whole size of Vito's union, it's 830 guys. They seem to be getting on good with the Sheriff. Vito said they have a good relationship. And he has trepidations about about it right now. And since we can't do things for right now or later, assuming that we could do something, there's so much negative on it I would not support it.

CHAIRWOMAN BACHETY:
Okay. Anyone else? Ron?

MR. DEVINE:
I agree with Mr. Fusco. The system seems to work well now; seems to be as I said before there's this synergy between the two divisions. It's working well together. Why change it now?

CHAIRWOMAN BACHETY:
Okay.

MR. FENCHEL:
I have the same feeling.

CHAIRWOMAN BACHETY:
Okay. Anyone else? Bob.

MR. BRAUN:
Just as a general proposition, we look at the current office holders and their management skills and we seem to be making decisions based on who's in office now. The County Clerk is doing a wonderful job. Why shouldn't she continue? The Sheriff is doing a wonderful job with his two divisions, if that's how you want to look at it. So why shouldn't -- and all of that is true but I think it's more perhaps our responsibility to look at this from the perspective which is a better way to run the government in the first place, not whether -- and I think it's interesting, too, that both of those individuals who are elected to those positions in the current situation were people with long-term experience in both of those departments, which may very well go toward the argument that people need qualifications for these jobs. We just happen to have elected officials who do have the qualifications in this instance.

MR. FUSCO:
It also goes to the argument that the voters aren't stupid.

MR. BRAUN:
Well, true.

CHAIRWOMAN BACHETY:
Let's really not get into whether the voters are --

MR. BRAUN:
But I think part of the point to be made is that it's a fact that they have the experience that makes them able to do this job. And not every person nominated for office by political party necessarily has that experience.

MR. FUSCO:
Not every appointee has that experience.

MR. BRAUN:
Well, that's why there's a vetting process and a nomination process and approval process by the Legislature and so forth.

CHAIRWOMAN BACHETY:
I agree with the concept that you're talking about because I feel strongly one of the positions should be appointed. But it seems to me that over the years, and I've known a lot of the sheriffs, I think by and large the majority have tried very hard to balance a very, very difficult job with the jail and the correction officers and the Deputy Sheriffs. And I think the Sheriff made beyond just his term, which is obviously very good, a really strong case for the one administration for both areas. Personal opinion. That's my personal opinion.

MR. BRAUN:
I think that would be more so if he had the flexibility to use all of his officers in any of the positions that he needed them.

CHAIRWOMAN BACHETY:
Well, I think that -- to be honest, you heard me bring up the question about Deputy Sheriffs doing highway patrol. I have a little bit of citizen problem with that, that that is an extra burden, I think, on the Sheriff's department. And if he starts to unfortunately or hopefully not get more prisoners, it's going to cause a problem. I think it is. But I don't think that the Charter at this point should be

changed to create an extra department that will bring in a commissioner -- because it would have to be a commissioner to have any weight and importance, a Commissioner of Corrections; and then have the Sheriff with all the duties that he outlined that they cover in the different divisions. I personally don't think it's a good idea. That's my opinion.

MR. FUSCO:
Sheriff DeMarco has made the point, at least the last time he was here, that being an elected member he's got the freedom to go up against the County Executive or whoever and make his case, the reason he's not an appointed official. And since he is a politically elected official, he has that independence to say, okay, stop, enough, enough already, you know, you can't do that, which, I think, speaks a lot for being an elected official, where he is accountable to the taxpayers. And not only to the taxpayers as payors but as people --

CHAIRWOMAN BACHETY:
You're dying there, aren't you? The Sheriff is having a slight stroke. We're very informal, Vic.

MR. DeMARCO:
I'm not here -- I'm just obviously speaking about the position of Sheriff and, you know, I just want to go back to my testimony and show that around the country an appointed Commissioner of Correction is very, very rare. And the examples I cited just in New York State show what happens when you have an appointed Commission of Correction so I ask that you go back and look and just look at the raw numbers and the issues that you have where the appointed commissioners -- when it comes to corrections. It's mean there's a record and it shows that it's inefficient. And that's -- I just wanted to remind you to go back, you know --

CHAIRWOMAN BACHETY:
And that's your last word? For now?

MR. DeMARCO:
It depends on how much more you're going to --

MR. KENNY:
I want to support Bob's comments. I think they're very much to the point. You know, although the reality is -- I mean I can feel the drift of the board, I mean I'm very happy with -- in both occasions, the administration of the Clerk's Office and the Sheriff's Department. And I think we have the professionals that we seek for, you know, in a professionalized appointed office.

That being said, I mean I think one thing I did learn is that it does make sense to have -- I know you're already part of the same department but there seems to be some artificial division and, you know, between Corrections and the Sheriffs Department. And I think at least a consolidation in spirit -- again, and I think you spoke to that. And I think the idea of --

MR. DeMARCO:
But that's just the way it is around the country.

MR. KENNY:
I understand.

MR. DeMARCO:
Actually there are some places like Los Angeles and stuff where they are all -- one you start in the jail and eventually you work your way up. And that's sort of what -- the way I'm thinking, that that's an internal mechanism with me working with the Legislature and Civil Service to make that happen.

And if I just could, there was something I did forget to say, and I can't speak for the history of the Clerk because -- beyond Ed Romaine and Judy Pascale, I don't remember who the other Clerks were, but as far as the Sheriff goes, going back since -- from the '90's, the Sheriff -- we've always had Sheriffs who have been qualified. And even some of the candidates who have lost in the election were qualified. Sheriff is very unique, very similar to District Attorney, always have people who have qualifications to run. Sheriff Mahoney was a Legislator and he was also a detective.

CHAIRWOMAN BACHETY:
Retired detective, right.

MR. DeMARCO:
My predecessor Alfred Tisch was Assistant District Attorney. He was a county district court judge, a county court judge; very well versed in the law and the criminal justice system. And I was a Deputy Sheriff for 12 years. So I think when it comes to the Office of Sheriff, you always get very qualified candidates. The candidate that ran against Pat Mahoney was a deputy warden from the County Correctional facility. The candidates against Al Tisch, there were two; one was a police officer from the police department. And another one was a retired New York City police officer. So everybody's always had some type of law enforcement background that has run for the office.

MR. CLAYMAN:
This undoubtedly won't lead to another wanting to speak again. We were chatting before the session began about ballot initiatives and the whole idea of trying to resolve complicated questions of legislation by putting it out to a vote which, I think, has been shown to be a horrible idea. But just thinking about it philosophically I think, though, the leadership is a different thing. And that we gain a lot as a society by electing people to lead and depending upon them. And it seems as if events within Suffolk County recently just tend to give that a lot more credence to the value of accountability, of holding somebody -- accountability and that the election process accomplishes that. So I think without being much of an expert about the way the department runs, that putting more in the hands of appointed department heads may not service so well and give us the answers that we need about for accountable government.

CHAIRWOMAN BACHETY:
Well, we did already take a vote on the position of Sheriff, that that would retain as an elected position. So right now we have to discuss the Department of Corrections. Is there anyone on the board who is in favor of recommending creating a Department of Corrections?

MR. FUSCO:
It was your idea Artie. You better say --

CHAIRWOMAN BACHETY:
I mean --

MR. CLIFF:
Well, you know, given all the information that Sheriff DeMarco brought to us, and, you know, certainly the state of the economy as it is today, I know we're looking to the future and ten years down the road, should there be another Charter Revision Committee, we're not sure about that yet, no, I don't think I'm going to further pursue Commissioner of Corrections.

CHAIRWOMAN BACHETY:
All right. So I think we have a unanimous consent that we will not recommend that. Thank you for a wonderful afternoon.

MR. DeMARCO:
Thank you.

Suffolk County Charter Commission
December 18, 2008

(*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:
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 then 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 overt he 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 the 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 od 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 Viloria-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.