

## **ERIE COUNTY CHARTER REVISION COMMISSION**

### **Summary of Recommendations as of May 24, 2006**

Following is a brief overview of the tentative recommendations of the Commission for changes to the county charter; these recommendations are subject to revision by the Commission after the three public hearings scheduled for May 31 – June 6. The Commission's final recommendations will be submitted to the County Legislature in late June. The Legislature will then decide whether to adopt the Commission's recommendations, in part or whole. All charter changes adopted by the Legislature that alter the powers of any elected officials must then be submitted to the voters for approval in a referendum.

The recommendations are listed below, grouped according to the committee in which they originated.

#### **Committee on Administration & Legislature**

##### *Strategic planning process*

*(adopted at May 3 Commission meeting)*

Requires adoption of:

1) A four-year strategic plan for the county, to be reviewed and revised annually. The plan would articulate the long-term objectives of the county with respect to environmental quality, economic development, human services, public safety, fiscal policy, changes in collective bargaining agreements, capital improvements, and inter-governmental cooperation, and describe programs of action to achieve those objectives.

2) A six-year capital program, identifying proposed capital improvements, and their estimated cost, amortization period and annual debt service.

3) An annual management plan, stating specific objectives and performance measures for each county department.

4) An annual management report and review, assessing the year's achievements against the annual management plan and the four-year strategic plan.

5) Quarterly management reports, assessing interim progress toward objectives in the annual management plan.

Also establishes a Citizens Planning Commission, to review and make recommendations on the proposed four-year plan (and its annual revisions) before adoption, and evaluate the annual management report and review.

##### *Codification of County law*

*(adopted at May 10 Commission meeting)*

Recommends that the county contract with a commercial publisher to consolidate the county charter and administrative code, and to codify and publish the county charter and the county's local laws, to make them more accessible to public officials, private parties dealing with county government, and interested citizens.

*Public hearings on local laws*

*(adopted at May 24 Commission meeting)*

Requires public notice and a public hearing before a committee of the Legislature prior to passage of a proposed local law, except in case of necessity for immediate action, as certified by the County Executive and affirmed by a two-thirds majority of the Legislature.

*Redistricting commission*

*(adopted at May 24 Commission meeting)*

Modifies the decennial redistricting process to:

1) Include on the redistricting commission an equal number of members selected by both major political parties, with a tie-breaking member selected by the other members, to prevent the party in power from driving the redistricting process for partisan gains.

2) Establish detailed procedures of operation for the redistricting commission, and specific goals to be met by the redistricting plan, including partisan fairness, responsiveness to voting shifts, and accountability.

3) Allow the Legislature to approve or reject the redistricting plan, but not to amend it. Upon rejection of a plan, the commission would produce a second, and if necessary, a third. Should the Legislature reject all three plans, a judge would pick among the three according to the criteria established in the law. This procedure should prevent both the protracted process and unusual weighted voted arrangement of the last redistricting process.

Also recommends the Legislature consider additional electoral reforms, including non-partisan primaries, proportional representation systems, choice voting and other methods of counting votes.

*Restrictions on political solicitation*

*(adopted at May 24 Commission meeting)*

Prohibits county officers and employees from knowingly soliciting a contribution to a political campaign or committee from any person who has business pending with the county, and from soliciting such a contribution or campaign work from a subordinate employee, with two exceptions: 1) a general solicitation to a broad class of persons of which such a subordinate employee or person doing business with the county merely happens to be a member (for example, a mailing to registered party members in a district), or 2) requests from elected officers to civil service-exempt members of their own staffs to participate in their campaigns.

**Committee on Fiscal Affairs**

*Renaming of Department of Finance*

*(adopted at April 25 Commission meeting)*

Eliminates the Commissioner of Finance (the position has been vacant for many years, and the duties are performed by other officials). Establishes a Director of Real Property Tax Services, pursuant to New York State Law, and renames the Department accordingly.

*Enhancement of Comptroller's duties*

*(adopted at April 25 Commission meeting)*

Authorizes Comptroller to review countywide revenue projections and recommend to the legislature that any inflated projections be cut. Assigns Comptroller control of all county bank accounts, including the vendor bank account currently controlled by the County Executive. Makes Comptroller responsible for collection of accounts receivable due the county.

*Budget and capital plan*

*(adopted at May 10 Commission meeting  
and revised at May 24 Commission meeting)*

Includes a statement of intent to ensure that transparency, programmatic budgeting, quantification and cost accounting are included as elements of the county budget. Clarifies the need for the Legislature to vote on each individual line item proposed less than 48 hours prior to the approval of the annual budget. Includes mechanisms with checks and balances between Administration, Comptroller and Legislature to ensure that if deficit arises it can be addressed immediately. Eliminates Citizen Budget Review Commission. Authorizes independently elected officials to submit their budgets unaltered by the Administration to the Legislature and to manage their budgets within the fiscal year. Prohibits the use of bonded capital for paying salaries, utilities, supplies or other recurring expenses unless authorized by state law.

**Committee on Form & Scope of Government**

*County manager*

*(adopted at April 25 Commission meeting  
produced jointly with Committee on Administration & Legislature)*

Establishes a hybrid County Executive–County Manager form of government, to provide both strong political leadership and professional management.

1) The *County Executive*, as “chief policy officer” of the county:

- Initiates policies and programs and, where appropriate, associated proposals for legislative consideration;
- Prepares the county’s four-year strategic plan;
- Reviews the County Manager’s tentative annual budget and submits it to the legislature.

As the “chief political officer” of the county, the County Executive also:

- Represents the county in intergovernmental relations, and in all meetings involving economic development
- Signs all contracts and agreements on behalf of the county.

And the County Executive retains the veto power over the Legislature, as part of the existing check and balances between the branches of government.

2) The *County Manager*, as “chief operating officer” of the county, is responsible for the day-to-day operation of government. The County Manager:

- Supervises the non-elected units of county government;
- Hires and removes department heads;

- Prepares and implements the annual budget;
- Implements the four-year strategic plan;
- Works closely with the Legislature, attending all legislative sessions and selected committee meetings, and reporting extensively to the Legislature on management initiatives and the county's financial condition.

The County Manager is hired through a national search. The search committee consists of appointees of the County Executive and the County Legislature's Chair, Majority Leader, and Minority Leader.

3) Accountability is enhanced by requiring an *annual performance review* for the County Manager and all the non-elected department heads, including both quantitative and qualitative assessments of performance.

4) The position of *Deputy County Executive* is eliminated, with all the duties transferred to the County Manager.

5) It is anticipated that the changes will be *revenue neutral*, costing no additional money, due to elimination of positions in the County Executive's office and transfer of duties.

*Effective and efficient governance*

*(adopted at May 24 Commission meeting)*

States the need for the county to encourage inter-governmental cooperation among the municipalities within the county, and to coordinate economic planning and development.

Also commits the county to provide services in the most economical manner that maintains the level of service established by the county strategic plan. In the case of NYS-mandated services, requires the county to explore alternative methods of implementing those mandates, as allowed under state law, that may be more cost effective.

*Open government*

*(adopted at May 24 Commission meeting)*

Requires meetings to be held at times and places that will maximize the opportunity for citizen participation.

Establishes an open meetings officer for the Legislature (named from among its members), to ensure compliance with NYS Open Meetings and Freedom of Information Laws, and requires that meetings of both majority and minority political caucuses in the Legislature be open to the public if public business is being discussed.

*Future charter reviews*

*(adopted at May 24 Commission meeting)*

Requires future charter reviews once every ten years, beginning in 2010.

## **Committee on Human Services**

### *Emergency medical services (EMS)*

*(adopted at April 25 Commission meeting)*

Alters status of EMS from a department reporting directly to the County Executive to a division of the Department of Health, with its director reporting to the Commissioner of Health and also assisting the Commissioner of Public Safety with formulating plans for disaster response.

### *Office of Public Advocacy*

*(adopted at May 10 Commission meeting)*

Reorganizes five entities that have long existed, mostly updating the charter to reflect present practice: in order to enable better sharing of resources, the county executive has already created the Office of Public Advocacy and placed within it the Office of Equal Employment Opportunity, the Commission on the Status of Women, the Office of Veterans Services, and the Office of the Disabled, which had been freestanding units. A fifth formerly freestanding entity, the Consumer Protection Committee, would now also be placed within the Office of Public Advocacy.

### *ECC, ECMCC, Library*

*(adopted at May 10 Commission meeting)*

Clarifies the status of three self-governing institutions: Erie Community College (ECC), Erie County Medical Center Corporation (ECMCC) and the Buffalo and Erie County Public Library (BECPL). These autonomous institutions are all established under and governed by New York State laws, while supported in part by Erie County taxpayers.

1) Recognizes ECC as a component of SUNY, established under Article 126 of the NYS Education Law, and acknowledges that its board of trustees has all the powers set forth in that Article and other applicable state laws. Authorizes the county to obtain periodic audits of ECC's financial records. Encourages cooperation between ECC and the county in training county personnel.

2) Recognizes ECMCC as a public benefit corporation organized under the NYS Public Authorities Law. Provides that, should ownership of the hospital revert from ECMCC to the county, an interim board of directors appointed by the County Executive would operate the hospital for up to one year, while a new organizational structure is developed and implemented.

3) Recognizes BECPL as a corporation chartered by the NYS Board of Regents, governed under Chapter 768 of the NYS Laws of 1953, and funded under Section 259 of the NYS Education Law, and acknowledges that its board of trustees has all the powers set forth in all applicable state laws.

### *Human Services / "Blueprint for Change"*

*(adopted at May 24 Commission meeting)*

Introduces structural changes needed in order to implement the "Blueprint for Change," a plan for delivering social services in a more outcome-focused, integrated, and cost-effective

manner. To offer a single point of entry to those requiring assistance, and to provide an integrated package of services spanning various funding sources, several departments are being merged. (Bringing about these service improvements will require further operational changes after the merger, but at issue here is simply the charter revisions needed to clear the way for those further reforms.)

1) Renames Department of Social Services (formerly Department of Social Welfare) to Department of Human Services, containing three divisions: Children & Families, Self-Sufficiency, and Senior & Adult Services;

2) Folds Department of Mental Health, Department of Youth Services, and Coordinating Council on Children & Families into new Division of Children & Families;

3) Folds Department of Senior Services into new Division of Senior & Adult Services;

4) Changes Department of Probation and Youth Detention to Department of Probation, with oversight of youth detention shifted to Division of Children & Families.

*Default rules for advisory boards*

*(adopted at May 24 Commission meeting)*

Establishes a default set of rules for advisory boards, to render unnecessary the repetition of nearly identical language throughout the charter, everywhere an advisory board or similar body is described. The default rules cover such matters as the number of members on the board, the procedure for appointing them, the length of their terms, a minimum frequency for meetings, and annual reporting requirements. Wherever in the charter the default rules are suitable for a given board they can be incorporated by reference, and any necessary departures from the defaults can also be indicated.

**Committee on Public Safety**

*(all provisions adopted at May 24 Commission meeting)*

Establishes a Department of Public Safety which results from a merger of Central Police Services and Emergency Services with the Commissioner nominated by a fifteen member Board of Directors and confirmed by the Legislature. Recommends that District Attorney and Sheriff submit unaltered budgets through the Administration to the Legislature and that these independently elected officials manage their own budgets with legislative oversight. Recommends the elimination of Citizens' Committee on Rape and Sexual Assault and the Narcotics Control Board.