

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
HELD IN ROOM #318
PUTNAM COUNTY OFFICE BUILDING
CARMEL, NEW YORK 10512**

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday **6:00pm** **August 19, 2021**

The meeting was called to order at 6:06pm by Chairman Sullivan who requested Legislator Castellano lead in the Pledge of Allegiance. Upon roll call Committee Members Albano, Castellano, & Chairman Sullivan were present.

Item #3 – Approval of Minutes – July 20, 2021

The minutes were approved as submitted.

Item #4 – FYI/ Fund Transfer 21T157/ County Attorney/ Purchase New Computers for Law Department

Chairman Sullivan made a motion to approve Fund Transfer 21T157 to go to the Audit & Administration Committee; Seconded by Legislator Albano. All in favor.

Item #5 – Approval/ Fund Transfer 21T159/ Board of Elections/ Purchase 5 Additional Electronic Poll Books

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Castellano. All in favor.

Item #6 – Charter Review Commission/ Recommended Changes
a. Approval/ Local Law to Amend Section 2.06 of the Putnam County Charter Entitled “Clerk of the Legislature”

Chairman Sullivan stated a redlined copy is included in the backup material which shows what changes are recommended. He stated the appointment date was changed from January 1st to December 31st, which makes more sense procedurally.

Legislator Albano requested an explanation of the changes being recommended.

Legislative Counsel Robert Firriolo stated the most significant change is that the existing Charter requires that on January 1st, or as soon thereafter as practical, the Clerk is appointed. He stated this revision would have this appointment made by December 31st, therefore the Clerk would be appointed prior to the Organizational Meeting rather than simultaneously at the Organizational Meeting.

Legislator Castellano questioned if this appointment would then be voted on at the Legislature's Year End Meeting.

Legislative Counsel Firriolo stated as long as the appointment is made by December 31st, it would be in compliance with this revision.

Legislator Jonke stated his support for this revision, and he is glad to see the term is remaining at three (3) years.

Legislator Montgomery stated she has requested the schedule of when the Charter Review Commission meetings were taking place and a copy of the minutes from those meetings. She stated she has not received any response.

Chairman Sullivan stated there are currently no Charter Review Commission meetings scheduled. He stated once the next meeting is scheduled he will make sure Legislator Montgomery is notified. He believed a notification was sent out for the last meeting, which Legislator Jonke attended.

Legislator Montgomery questioned if there has only been one (1) Charter Review Commission Meeting since the Commission's inception.

Chairman Sullivan stated there has been multiple meetings held; however there has only been one (1) since the request for the notification of those meetings was made.

Legislator Montgomery stated she has been requesting minutes and transparency from the Charter Review Commission meetings since changes are being made to the Charter which will affect the County. She stated she understands these are small changes, but small changes can have a great effect. She stated as she has mentioned in previous meetings, the Charter is the constitutional framework for County Government. She stated the Charter Review Commission should be reflective of the democratic system we are here to uphold. She stated as mentioned there are no minutes from previous meetings. She stated the Commission should represent the representative government that we are. She stated instead, it is exclusively made up of individuals from County government representing one (1) party and she believes it is dangerous.

Chairman Sullivan stated there are minutes from all Charter Review Commission meetings. He stated there have been other Charter changes in front of the Full Legislature for consideration that were voted upon by all Legislators, which proves that the Charter Review Commission is in fact meeting.

Legislator Montgomery stated a schedule of the Charter Review Commission meeting has not been provided. She stated the public should be aware of what is changing in the laws.

Legislator Albano stated the Charter Review Commission meetings are work sessions; anything proposed is brought to Committee where it is discussed and open to the public for comment. He stated that is open and transparent.

Legislator Addonizio questioned how Legislator Jonke knew about the Charter Review Commission meeting he attended.

Legislator Jonke stated an invitation was extended to all members of the Legislature.

Legislator Nacerino agreed with Legislator Albano. She stated there is no action taken during the Charter Review Commission meetings, the actions are taken on the floor of this Committee. She stated red-lined copies of all proposed revisions are provided.

County Attorney Jennifer Bumgarner stated in looking back in her calendar, she sees at least six (6) Charter Review Commission meetings, and each one had minutes drafted.

Legislator Montgomery stated she sent a memorandum a few months ago requesting the meeting schedule and minutes and she is not sure why she has not received it.

Chairman Sullivan stated he would make sure Legislator Montgomery received a copy of the minutes.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Castellano. All in favor.

b. Approval/ Local Law to Amend Section 2.10 of the Putnam County Charter Entitled "Auditor"

Chairman Sullivan stated the biggest change to this section is outlining the qualifications for the position because there are currently no specific qualifications. He stated this is a very important position within the County and the Commission believed adding these qualifications would be for the best. He stated they include: a bachelor's degree in auditing or accounting and four (4) years of experience in auditing or an associate's degree and at least 21 credits in auditing or accounting and 10 years of experience in municipal auditing.

Legislative Counsel Firriolo clarified the changes on the red-lined copy. He stated the existing (a), (b), & (c) that are crossed out appear in the new version as (a)(1), (a)(2), & (a) (3). He stated the duties of the Auditor have not changed. He stated the only real addition to the proposed change is the qualifications section.

Chairman Sullivan stated it is critical that the person in this important position has the appropriate experience.

Legislator Castellano requested further clarification on the changes to the qualifications.

Chairman Sullivan stated the qualifications section (b)(1) & (b)(2) is not currently in this section of the Charter, the Commission is recommending adding it.

Legislative Counsel Firriolo stated the qualifications were included similarly to other positions such as the Commissioner of Finance or Director of Purchasing.

Legislator Nacerino stated the current Auditor is great and meets these qualifications.

Legislator Montgomery stated she was unable to locate the email where all Legislators were invited to the Charter Review Commission meeting and requested a copy from the Legislative Clerk. She stated correspondence was received from the public regarding the Charter Review process. She stated specifically, the League of Women Voters wrote to the Legislature stating their belief that the process would benefit from the input from citizens. She questioned why a Commission is needed if the work is being done in Committee, which is a great open environment. She stated when commissions are appointed, it is usually to complete one (1) document to be provided for approval and she questioned why this is being done in piecemeal.

Chairman Sullivan stated appointing a Charter Review Commission every 10 years is a requirement within the Charter.

Legislative Counsel Firriolo stated in response to Legislator Montgomery's question, in past Charter reviews, the process was always done on an item-by-item basis. He stated there was never a single document provided to the Legislature. He stated providing the recommendations in a single document would be very cumbersome. He stated the Charter Review Commission has always worked section by section and recommendations have always been made on an individual basis. He stated providing one (1) document would not be feasible.

Legislator Montgomery thanked Legislative Counsel Firriolo for his explanation. He stated last time a Charter Review Commission was formed it included citizens, businessowners, and was bipartisan. She stated she has spoken to members of the former commission and they are disappointed that this process is so closed.

Chairman Sullivan stated this Commission was formed during COVID when it was unclear what the future would hold.

Legislator Albano stated he contacted the person who wrote the email from the League of Women Voters. He stated in their discussion, he explained that the Charter can be amended at any time and the Legislature is always open for suggestions from members of the public.

Legislator Addonizio stated the last commission that was formed 10 years ago included members of the public, however the commission formed 20 years ago did not.

Chairman Sullivan stated before the Charter Review Commission was formed he researched the past commissions to find how it was done and what members were included. He stated each time it was done differently. He stated the Charter is open to interpretation in terms of how to do a Charter Review Commission.

Transportation Manager Vincent Tamagna stated he was Chairman of the Charter Review Commission both 20 years ago and 10 years ago. He stated this Charter Review Commission is doing what needs to be done. He stated in his experience, this was not done with a large Commission. He stated 10 years ago, they did not even review the entire Charter; rather they took sections they believed needed to be addressed. He stated as mentioned earlier, changes can be made at any point. He stated great improvements are already being made through the Commission.

Legislator Montgomery stated she is trying to make the Legislature more transparent because the belief is that it is not transparent. She stated she understands this has been a difficult year and a half because of COVID, however things are still getting done in government. She stated for example, acts of Congress have been passed, the County appointed a Police Policy Review Panel, and members of the administrative staff have been appointed. She stated more people could be included remotely as well. She stated her requests have been made with all due respect since the beginning.

Legislator Jonke stated this agenda item speaks to the substance of a Charter change. He stated if there are concerns about the process, a request can be made to have the process discussed as an agenda item. He stated his support for adding the qualifications into this section.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano. All in favor.

Item #7 – Discussion/ Pending & Potential Litigation/ Sheriff's Department

At 6:34pm Chairman Sullivan made a motion to go into executive session to discuss litigation in item #7 and item #9; Seconded by Legislator Albano. All in favor.

Chairman Sullivan stated the only action taken in executive session was to accept additional information.

At 8:04pm Chairman Sullivan made a motion to come out of executive session; Seconded by Legislator Albano. All in favor.

Item #8 – Discussion/ Pursuit Policy

Chairman Sullivan made a motion to table the discussion on the Pursuit Policy; Seconded by Legislator Castellano. All in favor.

Item #9 – FYI/ Litigation Report

At 6:34pm Chairman Sullivan made a motion to go into executive session to discuss litigation in item #7 and item #9; Seconded by Legislator Albano. All in favor.

At 8:04pm Chairman Sullivan made a motion to come out of executive session; Seconded by Legislator Albano. All in favor.

Item #10 – Other Business – None

Item #11 – Adjournment

There being no further business at 8:05pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.