

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

Members: Chairwoman Addonizio and Legislators Nacerino & Sayegh

Wednesday

6:30pm

February 9, 2022

The meeting was called to order at 6:34pm by Chairwoman Addonizio who requested Legislator Nacerino lead in the Pledge of Allegiance. Upon roll call Legislators Nacerino and Sayegh and Chairwoman Addonizio were present.

Item #3 – Approval of Minutes – December 16, 2021

The minutes were approved as submitted.

Item #4 – Charter Review Commission/ Recommended Changes

a. Approval/ Local Law/ Amend Section 3.02 of the Putnam County Charter Entitled “Powers & Duties”

Chairwoman Addonizio read the proposed changes to Section 3.02 of the Putnam County Charter into the record.

Legislator Sayegh requested clarification on the proposed amendment in section 3.02j.

Legislative Counsel Robert Firriolo stated when the Charter Review Commission was reviewing this section it was noted that the term “supervise” was not clear. He stated since the Charter is a division of powers amongst the branches of government and the County Executive was already given the power to supervise, the Charter Review Commission thought it would clarify that supervision means that it is under the control of the County Executive.

Legislator Montgomery requested clarification on the proposed amendment in section 3.02l., specifically by what method would notice of an emergency be provided to the Legislature and who on the Legislature would be notified. She questioned how she can be confident the information will reach her.

Legislative Counsel Firriolo stated the Charter is not the mechanics, but the form of government. He stated in this case, the County Executive has the authority to declare an emergency, but the Charter Review Commission believed it was important that the other branch of government should be notified upon such a declaration. He stated the mechanics of how that notification is provided is more appropriate for the Code. He stated if the Legislature wanted to make the provision in the Charter, it may choose to do so.

Legislator Nacerino questioned where in the Code the mechanics would be. She stated if a change to the Code is necessary, it would be great to do it in conjunction with this Charter change.

Legislative Counsel Firriolo stated this does not change any powers that the County Executive currently has. He stated this is imposing an additional requirement of notice. He stated he does not believe there is a section in the Code that is specific to declaration of states of emergency; one would have to be created.

Legislator Nacerino questioned if it would be beneficial for the language to state that such a notification would be provided to the Chair of the Legislature, who in turn would filter down that information to the rest of the Legislature.

Legislative Counsel Firriolo stated the Charter Review Commission discussed that and designating one (1) person might be problematic because that individual could be unavailable for the same reason as the state of emergency. He stated it could be the Clerk of the Legislature who receives the notice and distributes it; it could be the Deputy Chair. He stated the requirement is that the County Executive notify the Legislature, which was purposely left general to accommodate whatever that may mean at the time of the emergency.

Chairwoman Addonizio stated perhaps it would be beneficial for the notice to be sent to the Chair, the Deputy Chair, and the Clerk of the Legislature.

Legislator Albano stated he does not believe it would have to be specified as long as the Legislature received the notification.

Legislative Counsel Firriolo stated the idea was to leave it general, as long as the notification gets to the Legislature by whatever means possible. He stated this could mean notifying every Legislator by email or sending it to the Chair or Clerk and having it distributed from there. He stated if the Legislature would like this to be more specific, it can be made more specific.

Legislator Montgomery stated she believes it should be made more specific. She suggested having the Clerk of the Legislature be named to distribute the information to the Legislature.

Legislative Counsel Firriolo stated the issue there is that the Clerk of the Legislature may be unavailable at the time the notification is provided. He stated the County Executive is required to notify the Legislature, however they need to make it happen.

Chairwoman Addonizio stated the notification should be sent to all Legislators.

Legislative Counsel Firriolo stated there are numerous references throughout the Code to "the Legislature." He stated in the Legislature is an entity, without specificity as to how information gets to it.

Legislator Montgomery stated in the case of an emergency it should be defined. She stated if the emergency is specific to a Legislative district, that Legislator should be informed. She stated it has been her experience that she does not get properly informed.

Chairwoman Addonizio stated as currently written, it says notification should be given to the Legislature, which includes every Legislator.

Legislative Counsel Firriolo stated prior to the meeting Commissioner of Finance William Carlin advised him that the change he is suggesting under item #4f on tonight's agenda necessitates the same change to Section 3.02d. He suggested that the Committee defer action on this agenda item, #4a, until #4f has been addressed to determine if the Committee would like to make the same change.

Chairwoman Addonizio agreed to address item #4f.

f. Discussion/ Local Law/ Amend Section 4.02 of the Putnam County Charter Entitled "Commissioner of Finance; Powers and Duties"

Commissioner Carlin thanked the Charter Review Commission for hearing his concerns and bringing this forward. He stated when the Charter was created in 1979, a report was due to the State Comptroller each year on March 1st; also providing this report to the Legislature was incorporated into the Charter at that time. He stated when he started, there were 14 GASB (Government Accounting Standards Board) pronouncements and now there are about 90. He stated through the years, the State Comptroller recognized that the books could not get done by March 1st and provided the ability for counties to get an automatic 60-day extension. He stated a few years later when every county took the extension, the State Comptroller advocated to change the law to make the annual financial report due by May 1st. He stated this Charter change would remove the wording related to March 1st and incorporates that the Commissioner of Finance would need to complete the document by May 1st. He stated the County Executive provides annual reports from all departments and reports on them in the State of the County. He stated the County is usually ready to close their books by March 30th and then the auditors come in the second and third week in April. He stated the report is then filed to the New York State Comptroller with the auditors' changes by May 1st and by June 30th the Certified Annual Financial Report (CAFR) is provided to the Legislature. He stated the Legislative appointed auditors then come and present their findings from the CAFR in July or August. He stated filling out the unaudited report takes away from the resources while compiling the financial information for the State of the County. He stated this change moves the submission of the annual report to May 1st and eliminates the March 1st report. He stated Putnam County is the only county in the State that he is aware of that submits the unaudited report to the Legislature.

Legislator Nacerino requested that the change be read into the record.

Commissioner Carlin suggested also modifying section 3.02d. (agenda item #4a) to remove the specific verbiage “and file with the County Legislature by the first day of March each year an unaudited annual report”.

Chairwoman Addonizio read the proposed changes to Section 4.02 of the Putnam County Charter into the record.

Legislative Counsel Firriolo stated the Charter Review Commission wanted to make sure that in addition to the annual report Commissioner Carlin just discussed, the Legislature could request regular or special financial reports whenever required. He stated there is no limitation on the Legislature’s power to obtain financial reporting, in addition to the mandatory report.

Chairwoman Addonizio made a motion to move Local Law/ Amend Section 4.02 of the Putnam County Charter Entitled “Commissioner of Finance; Powers and Duties” to the March Rules, Enactments, & Intergovernmental Relations Committee Meeting; Seconded by Legislator Nacerino. All in favor.

a. Approval/ Local Law/ Amend Section 3.02 of the Putnam County Charter Entitled “Powers & Duties” – Continued

Chairwoman Addonizio stated per the discussion earlier, Section 302d. needs to be amended.

Legislative Counsel Firriolo clarified that in Section 302d. the wording “and file with the County Legislature by the first day of March each year an unaudited annual report of the financial affairs and other affairs of the County” would be removed.

Chairwoman Addonizio made a motion to amend the local law with the above-mentioned change; Seconded by Legislator Sayegh. All in favor.

Chairwoman Addonizio made a motion to pre-file the necessary resolution with the amendment; Seconded by Legislator Nacerino. All in favor.

b. Approval/ Local Law/ Amend Section 3.04-A of the Putnam County Charter Entitled “Executive Action on Resolutions”

Chairwoman Addonizio stated the change in this section is in paragraph (d) where the word “journal” is being replaced with “Book of Proceedings”.

Legislative Counsel Firriolo stated when this was being reviewed by the Charter Review Commission, what “journal” meant was questioned. He stated in consulting with the Clerk of the Legislature, it was made clear that the word “journal” is referring to the Book of Proceedings. He stated this change will replace the word with the correct term.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

c. Approval/ Local Law/ Amend Section 3.04-B of the Putnam County Charter Entitled “Executive Action on Local Laws”

Chairwoman Addonizio stated the same change is being made in this section as was made in the previous item; the replacement of the word “journal” with “Book of Proceedings”.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Sayegh. All in favor.

d. Approval/ Local Law/ Amend Section 3.05 of the Putnam County Charter Entitled “Acting County Executive: How Designated; When to Act”

Chairwoman Addonizio read the change being made in this section into the record; “In the event that no Acting County Executive has been so designated, or that he or she is unable to serve during the absence or disability of the County Executive, the Chair of the County Legislature shall designate the appointed head of ~~one of the~~ a County department or division ~~administrative units~~ to perform such duties.”

Legislator Montgomery questioned how “division” and “department” are being defined and what the difference between them is.

Legislative Counsel Firriolo stated the current wording in this section referred to “administrative units” which was vague. He stated the Charter Review Commission consulted with the Personnel Director and Finance Department and the current structure of the County is divided into departments and divisions. He stated anyone who is an appointed Head is the Head of either a department or a division. He also clarified why the word “appointed” was inserted, which distinguishes between an elected head of a department or division. He stated there would be a separation of powers issue if the Chair of the Legislature appointed an elected official as Acting County Executive.

Legislator Montgomery stated there is no definition of department or division within the Code.

Legislative Counsel Firriolo stated every department or division is created in either the Code or the Charter.

Legislator Montgomery questioned what the difference between a department and a division is.

Legislative Counsel Firriolo stated the Charter Review Commission was told by the Director of Personnel that those are the formal terms.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

e. Approval/ Local Law/ Amend Section 4.01 of the Putnam County Charter Entitled “Department of Finance; Commissioner”

Chairwoman Addonizio read the proposed changes to Section 4.01 of the Putnam County Charter into the record.

Legislative Counsel Firriolo stated the change made here is the deletion of “or a Master Business Administration (MBA) degree.”

Legislator Montgomery questioned if this change is in line with the Personnel job description.

Commissioner Carlin stated he believes so. He stated what was not in line was that an individual could have just an MBA with no accounting experience at all. He stated that does not line up with the duties of the position of Commissioner of Finance.

Legislator Montgomery stated the Personnel qualifications require a Master’s Degree in accounting, not business administration.

Commissioner Carlin stated when he discussed this with the Personnel Director he found that the wording in the Charter was not correct because an MBA does not relate to experience in public finance.

Legislative Counsel Firriolo stated this was of particular concern to Charter Review Commission Chairman, Legislator Sullivan who is a CPA (certified public accountant). He stated someone with an MBA could have the degree in something entirely unrelated to public finance and accounting, and therefore would not be suitable to be Commissioner of Finance. He stated his understanding is that the Charter requirements can be more strict than the Civil Service requirements.

Legislator Montgomery stated in this case the Civil Service requirements are more strict than the Charter requirements as they call for a Master’s degree in accounting. She agreed that MBA is not necessary and should be removed and suggested including a Master’s degree in accounting.

Commissioner Carlin agreed.

Legislator Montgomery stated the qualifications for the Commissioner of Finance listed on the website are a Master’s degree in accounting with two (2) years of responsible experience in finance. She stated this should be included in the Charter as well. She

stated at least six (6) months of experience in governmental finance is critical as well. She stated the Charter should mirror the civil service description.

Legislative Counsel Firriolo stated this is not a bad idea, but Civil Service job descriptions change and the Charter would need to be changed each time. He stated what would make more sense would be to have the Charter state that the Commissioner of Finance should be deemed qualified for the position provided they have complied with the New York State Civil Service requirements for the position in addition to being a CPA or CPFO (certified public finance officer). He stated if changes were made to the Civil Service job description, it would not disqualify a person if they met the State standards, but not an outdated Charter standard.

Legislator Montgomery questioned if the qualifications listed on the Personnel website are the State standards.

Legislative Counsel Firriolo stated he would suggest tabling this item to check with the Personnel Director to make sure the qualifications listed on the website are the State standards.

Chairwoman Addonizio made a motion to table Approval/ Local Law/ Amend Section 4.01 of the Putnam County Charter Entitled "Department of Finance; Commissioner"; Seconded by Legislator Sayegh. All in favor.

Item #5 – Approval/ Local Law/ Amend the Code of Putnam County by Adding a New Article II to Chapter 95 Entitled "Granting and Requesting Aid"

Senior Deputy County Attorney Conrad Pasquale requested that this item be tabled to the March Rules, Enactments, & Intergovernmental Relations Committee Meeting. He stated this was originally accompanied by separate documentation regarding a confidential agreement. He stated as this is just the local law it should not have been marked confidential. He stated no further changes will be made to the local law, but since it was marked confidential, he would request that this be considered at next month's meeting so it can be properly labeled.

Chairwoman Addonizio made a motion to table Approval/ Local Law/ Amend the Code of Putnam County by Adding a New Article II to Chapter 95 Entitled "Granting and Requesting Aid"; Seconded by Legislator Sayegh. All in favor.

Item #6 – Approval/ Re-Appointment/ Home Improvement Board/ Harnish

Legislator Montgomery stated there is no backup information for this individual. She stated she appreciates the volunteers that serve on the boards. She stated the members of this board are mostly from Mahopac and Carmel and she would like to make more of an effort to reach out to individuals throughout the County.

Chairwoman Addonizio stated each board requests the appointments of its members and the Legislature confirms.

Legislator Montgomery stated the legislators could notify their communities about the positions available on the boards.

Legislator Nacerino stated she is glad to see volunteers stepping up to lend their time and expertise to these boards.

Chairwoman Addonizio made a motion to pre-file the necessary resolution; Seconded by Legislator Nacerino. All in favor.

Item #7 – Other Business – None

Item #8 – Adjournment

There being no further business, at 7:16pm Chairwoman Addonizio made a motion to adjourn; Seconded by Legislator Sayegh. All in favor.

Respectfully submitted by Administrative Assistant, Beth Robinson.