

**RESOLUTION NO. 353**

by Health & Human Services and Finance Committees

Seconded by Mr. Shafer

**RESOLUTION AUTHORIZING AN AGREEMENT WITH  
LOURDES HOSPITAL FOR NURSE PRACTITIONER  
SERVICES FOR THE HEALTH DEPARTMENT BREAST AND  
CERVICAL CANCER DETECTION AND EDUCATION  
PROGRAM FOR 1994 THROUGH 1995**

WHEREAS, the Health Department requests authorization for an agreement with Lourdes Hospital to provide nurse practitioner services at the Broome County Health Department and at the hospital for the period August 1, 1994 through June 30, 1995 with revenue to Broome County, and

WHEREAS, said services are desired to assist in the Breast and Cervical Cancer Detection and Education Program administered by the Broome County Health Department at the Health Department and the hospital, now, therefore, be it

RESOLVED, that this County Legislature hereby authorizes an agreement with Lourdes Hospital, 169 Riverside Drive, Binghamton, New York, 13905, for nurse practitioner services at the hospital and the Broome County Health Department for the Health Department Breast and Cervical Cancer Detection and Education Program for the period August 1, 1994 through June 30, 1995 with revenue to Broome County, and be it

FURTHER RESOLVED, that the County Executive or his duly authorized representative is hereby empowered to execute any such agreements, documents, or papers, approved as to form by the Department of Law, as may be necessary to implement the intent and purpose of this Resolution.

**Carried.**

Mr. Pasquale moved, seconded by Mr. Augostini to adjourn at 5:38 P.M. **Carried.**

**BROOME COUNTY LEGISLATURE  
SPECIAL SESSION  
AUGUST 4, 1994**

The Legislature convened at 5:00 P.M. with a call to order by the Chairman, Arthur J. Shafer.

The Clerk, Richard R. Blythe, read the fire exit announcement and then called the Attendance roll: Present-18, Absent-1 (Mrs. Taylor).

The Chairman, Mr. Shafer, led the members of the Legislature in the Pledge of Allegiance to the Flag, followed by a moment of silent meditation.

The following petitions, communications, notices and reports were presented:

WRITTEN PRESENTATION OF THE COUNTY EXECUTIVE

Letter from the County Executive, Timothy M. Grippen:

1.Objections/Veto of Local Law Intro. No. 7 of 1994, Resolution 94-295.

July 29, 1994

Broome County Legislature  
County Office Building  
Binghamton, New York 13902

RE:Objections/Veto of Local Law Intro No. 7 of 1994, Resolution 94-295

Ladies and Gentlemen:

I am returning Local Law Intro No. 7 of 1994, Resolution 94-295 entitled "A Local Law Amending the Broome County Charter and Administrative Code to Substitute an Appointed County Administrator for the Elected County Executive; to Reduce the Number of County Legislators from 19 to 13; and to Provide for an Elected Comptroller" with the following objections:

1. In the 1960's Broome County underwent an extensive review of the structure of County Government. A review which included several task forces and committees made up of a broad spectrum of the community. Public Hearings were held throughout the community; where the people of this County were allowed to express their feelings on the proposed Charter/County Executive form of government. Ultimately, the Charter/County Executive form of government was endorsed by the Broome County Democrat and Republican parties, The League of Women Voters and numerous other civic and community groups. Finally, the Broome County voters approved the Charter/County Executive form of government.

No such rigorous process was followed to present Local Law Intro No. 7 of 1994.

In fact, the County Legislature did empower two recent studies, one by the Partnership Council made up of over 200 members of the community and a Legislative Charter Review Committee. The Partnership Council did not even consider changing the County's form of Government and, while the Charter Review Committee did review a similar proposal they refused to endorse it.

Instead, this proposal was developed in secret -- behind closed doors and as well meaning as the sponsors claim to be, there simply is

no reason to substitute back room politics for democratic processes designed to allow the free exchange of ideas between the people and their elected representative.

While this proposal is supported by a majority of Legislators, I should point out that at least three members of that majority will not be returning to County Government next year. Therefore, they will not even be around to deal with the consequences of their vote.

2. Is this proposed new county government structure more progressive than the current structure? Counties with administrators have had higher property tax increases over the last six years than counties with the executive form of government.

In fact, the Charter/County Executive form of Government is less costly per person.

| <u>Type of Government</u> | <u>Average Property Tax<br/>Cost Per Capita</u> |
|---------------------------|---|
| Legislative               | \$259.20  |
| Administrator             | \$238.88  |
| Charter/County Executive  | \$231.56  |
| Broome County             | \$186.89  |

As you can see, the Charter/County Executive form of Government is the least costly when compared to either the Legislative or Administrator forms of Government. Broome County is well below the average property tax cost per person for any form of government! This proposal cannot be justified on the basis of cost efficiency.

Most recently, Monroe County converted from an administrator to a County Executive form of government. The vast majority of

people living in NYS live under a Charter/County Executive form of Government.

In fact, the average population of counties with administrators is 57,540 -- Broome County has almost 4 times the population as the average county with the administrative form of government. An interesting side note is that the average legislative body for administrative counties is 17 legislators or one legislator for every 3,385 residents. Local Law Intro No. 7 would provide 13 legislators or one for each 16,230 residents.

The Charter/County Executive form of government provides the citizenry with the proper checks and balances necessary to conduct the peoples business.

Some of the frustration all citizens and public officials feel is what is most commonly referred to as "gridlock" but this has not been a problem in Broome County; partisan votes are rare on the County Legislature. Clearly, 70-80 percent of all legislation presented is passed by unanimous or near unanimous votes -- vetoes are rare except in the case of the budget, where reasonable people can and often do disagree.

However, the proposed structure will result in one- party majority rule - a system which is being rejected everywhere around the world -- "power corrupts and absolute power corrupts absolutely," is not just a slogan -- it's a reality.

Is the proposed structure more progressive? Of course not! It was designed behind closed doors and it will return decision making to the back room with the doors tightly shut to the media, the minority members of the Legislature, and most importantly, the people who live and pay their taxes here.

3. Why not let the people decide? Advocates for Local Law Intro No. 7 of 1994, Resolution No. 94-295 claim we should just let the people decide. I agree wholeheartedly, but the people should be involved in the process prior to a ballot amendment. Why weren't the people involved from the very beginning as they were in the original decision to change County Government. How will the people be informed of the proposed structural changes? There is no budget for educational campaigns to inform voters of the pros and cons of this proposal. There has been no public process to educate and inform the voters. There have been no public hearings, very little debate in the County Legislature and not even one meeting between the sponsors of Local Law Intro No. 7 of 1994 and the County Executive to discuss the proposal. Is this the way a democracy is supposed to function? I think not!

In my opinion, a proposal which ignores basic democratic processes in its development is not likely to produce a system of government which respects democratic principals in its maturity.

In the words of Daniel Webster who once said "The people's government -- made for the people, made by the people, and answerable to the people, this County should not give up its democratically elected executive in exchange for one-party rule which will hide behind a paid administrator not directly accountable to the people.

The "Administrator" would supposedly be insulated from politics -- shielded by the new county legislature. I have a Masters Degree in Public Administration from Syracuse University's prestigious Maxwell School of Citizenship and Public Affairs and almost 20 years of government experience. I would obviously qualify for said position, but I can tell you that the Administrator would simply be at the beck and call of the legislative majority -- the position would not-- could not

be independent of the political process.

Therefore, I hereby object/veto Local Law Intro No. 7 of 1994, Resolution No. 94-295.

Sincerely,

TIMOTHY M. GRIPPEN  
BROOME COUNTY EXECUTIVE

PRESENTATION OF COMMUNICATIONS AND REPORTS:

COMMUNICATIONS:

1. Minutes from:
  - a. Cornell Cooperative Extension Board
  - b. Public Library Board
  - c. Office for Aging Advisory Council
  - d. EMC Solid Waste Committee
  - e. Natural Resources Committee
  - f. Broome County Industrial Development Agency
  - g. Local Early Intervention Coordinating Council
2. CSEA Labor Agreement.
3. Proposed revisions to Rules and Regulations for preparation of materials (Mandatory Source Separation and Recycling of Solid Waste).
4. Letter from Bureau of Equalization Rates (Impact of 1994 Equalization Rates on Apportionment of 1995 County Tax Levy).
5. Letter of resignation from Legislator Michael P. Pazzaglini, District #14, effective August 16, 1994.

REPORTS:

1. Department of Finance: Second Quarterly Report of 1994 Sales Tax Collections; Comprehensive Annual Financial Report (Year ending December 31, 1993).
2. Monthly Report:
  - a. Department of Social Services (April 1994).
  - b. Broome Community College (Budget Transfers, June 1994).
3. Broome County Arts Council: 1994 Second Quarter Report.
4. Department of Audit and Control: Changes in Fund Balance for Unemployment Insurance Trust Fund (January 1 through December 31, 1993).

Mr. Lindsey moved, seconded by Mrs. Coffey to receive and file the above noted reports and to publish any pertinent portions thereof in the Journal of Proceedings. **Carried.**

Mr. Augustini moved, seconded by Mr. Brown that the following resolution be reconsidered as follows: "I move to reconsider Local Law Intro Number 7 of 1994 upon its return to the Clerk by the County Executive with written objections.

The County Attorney explained that the resolution was now before the Legislature for reconsideration, however only one vote may be taken. Thirteen votes are required (in Broome County) to pass a Local Law on reconsideration following objection by the County Executive. While twelve votes are sufficient to override a veto of the County Executive (under the County Charter), the passage, objection and reconsideration of Local Laws is governed by NYS Laws and a slightly different procedure is used.

#### **RESOLUTION NO. 295**

by County Administration, Economic Development & Planning Committee

Seconded by Hon. George Harbachuk

**RESOLUTION ADOPTING LOCAL LAW INTRO. NO. 7, 1994 ENTITLED "A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE TO SUBSTITUTE AN APPOINTED COUNTY ADMINISTRATOR FOR THE ELECTED COUNTY EXECUTIVE, TO REDUCE THE NUMBER OF COUNTY LEGISLATORS FROM 19 TO 13 AND TO PROVIDE FOR AN ELECTED COMPTROLLER"**

The reconsideration **lost** as only eleven votes were cast in favor of the legislation, as follows:

Ayes-11(Augostini, Brown, Burger, Harbachuk, Howard, Hudak, Lindsey, Mather, Pazzaglini, Wagstaff & Shafer)

Nays-7 (Coffey, Harris, Kavulich, Malley, Pasquale, Schofield & Whalen)

Absent-1 (Taylor)

Mr. Pasquale moved, seconded by Mr. Augostini to adjourn @ 5:17 P.M. **Carried.**