CHOOSING A GOVERNMENT FORM: CRITERIA

- WHAT ARE YOUR GOALS AND EXPECTED GOVERNMENTAL ROLE IN MEETING THEM?
- WHAT IS THE TONE AND CHARACTER OF CIVIC DISCOURSE/DECISION MAKING?
- WHAT IS THE CHARACTER OF YOUR COMMUNITY?
  - ECONOMIC AND SOCIAL DIVERSITY, HOMOGENEITY
  - CLEAVAGES/COHESION
    - PARTISAN
    - GEOGRAPHIC
    - CULTURAL – LIFE STYLES
    - VALUES - IDEOLOGY
FOCAL POINTS

• LEGISLATIVE BRANCH
• EXECUTIVE – NO CHARTER
• EXECUTIVE – CHARTER
GOVERNMENTAL DESIGN – BASIC MODELS

SEPARATION OF POWERS/PRESIDENTIAL EXECUTIVE AND LEGISLATIVE POPULARLY ELECTED
• U.S. NATIONAL AND STATE GOVERNMENTS
• SOME CITIES AND COUNTIES – STRONG EXECUTIVE/MAYOR

PARLIAMENTARY/LEGISLATIVE LEGISLATURE CHOOSES THE EXECUTIVE
• MOST LOCAL GOVERNMENTS: TOWNS, VILLAGES, SOME CITIES AND COUNTIES, SCHOOL DISTRICTS
THE LEGISLATURE

THE NY STATE CONSTITUTION REQUIRES ALL LOCAL GOVERNMENTS TO HAVE:
- "...A LEGISLATIVE BODY ELECTIVE BY THE PEOPLE THEREOF..."

IT DOES NOT REQUIRE THEM TO HAVE AN ELECTED EXECUTIVE
INITIAL CHOICE:
STATE LAW OR HOME RULE

STATE LAW
• COUNTIES IN NEW YORK STATE ARE STRUCTURED IN ACCORD WITH OPTIONS SET OUT IN THE STATE COUNTY AND ALTERNATIVE COUNTY GOVERNMENT LAWS, UNLESS THEY CHOOSE TO ADOPT A CHARTER.
• CURRENTLY 34 COUNTIES, CAYUGA AMONG THEM, OPERATE UNDER STATE LAW.

HOME RULE
• THE OPTION OF ADOPTING A COUNTY CHARTER IS AVAILABLE TO COUNTIES UNDER THE NEW YORK STATE CONSTITUTION (ARTICLE IX).
• EARLIER COUNTY ChARTERS WERE PROVIDED UNDER SPECIAL ACT OF THE LEGISLATURE (NASSAU, WESTCHESTER)
• CURRENTLY 23 COUNTIES OPERATE WITH ChARTERS
COUNTIES WITHOUT CHARTERS IN NYS EMPLOY LEGISLATIVE SYSTEMS

TWO ALTERNATIVES:

• BOARDS OF SUPERVISORS
  • 16 COUNTIES IN 2017
  • UNTIL 1970 - CAYUGA – 33 MEMBERS

• LEGISLATURE
  • 18 COUNTIES IN 2017
  • 1971 – CAYUGA – 21 MEMBERS
  • 1992 – CAYUGA – 15 MEMBERS

• RESPONSE TO U.S. SUPREME COURT DECISION REQUIRING ONE-PERSON-ONE VOTE (1964):
  • WEIGHTED VOTING FOR BOARDS OF SUPERVISORS
  • CREATION OF LEGISLATURES
    • SINGLE MEMBER DISTRICTS
    • MULTI-MEMBER DISTRICTS
    • WEIGHTED VOTING
• In decisions made in 1962 (Baker v. Carr) and 1964 (Wesbery v. Sanders, Reynolds v. Sims) the United States Supreme Court made clear that the Equal Protection Clause of the U.S. Constitution requires legislative districts to be “substantially equal in population.” (XIV Amendment)

• In 1968 this principle was extended by the Court to apply to local governments (Avery v. Midland County)
RESPONSE OF CAYUGA COUNTY – EVOLUTION OF LEGISLATIVE STRUCTURE

• 1969 – WEIGHTED VOTING ADOPTED FOR A BOARD OF SUPERVISORS WITH 33 MEMBERS –
  • ONE MEMBER FOR EACH TOWN
  • ONE MEMBER FOR EACH OF TEN WARDS IN THE CITY OF AUBURN
  • WEIGHTED VOTING – EFFECTIVE VOTING POWER

• 1970 - ATTEMPTS TO CREATE A 19 MEMBER OR 23 MEMBER LEGISLATURE FAILED

• 1971 – 21 MEMBER LEGISLATURE CREATED –
  • SINGLE MEMBER DISTRICTS – 12 FROM TOWNS, 9 FROM CITY OF AUBURN
  • WEIGHTED VOTING RETAINED

• 1992 – REDUCE LEGISLATURE TO 15 MEMBERS
  • SINGLE MEMBER DISTRICTS – 9 TOWN, 6 CITY
  • RETAIN WEIGHTED VOTING
SIZE OF THE LEGISLATURE

- Cayuga reduced size by more than half over last half-century
- Madison – Federalist #5 – no objective standard for legislature size
- Range for NY counties is 7 (Orleans) to 39 (Albany)
- Use of Board of Supervisors diminishes discretion re: size

Considerations:
- Size of deliberative body
- Requirements of committee system
- District population
- Cost
- Coterminality of boundaries
- Weighted voting adds options
  - Removes size of body/size of district tradeoff
  - Adds flexibility for treatment of cities
LEGISLATURE + WEIGHTED VOTING

COMBINATION IN CAYUGA COUNTY IS UNUSUAL
WEIGHTED VOTING – EXAMPLE - BUSINESS
VOTING STRENGTH VARIES WITH OWNERSHIP SHARE

WEIGHTED VOTING SYSTEMS

Example:
- A certain small business has 4 shareholders.

ALICE owns 45 shares of stock
BRADLEY owns 30 shares
CHARLES owns 15 shares
DOROTHY owns 10 shares
WEIGHTED VOTING – EXAMPLE
THE ELECTORAL COLLEGE

USA ELECTORAL VOTES
- by state -
ADVANTAGES OF WEIGHTED VOTING IN COUNTIES

• MEETS CONSTITUTIONAL REQUIREMENTS
• ALLOWS USE OF EXISTING JURISDICTIONAL BOUNDARIES
  • COMMUNITY
  • SIMPLICITY
  • ACCOUNTABILITY
• REQUIRES NO REDISTRICTING, AND THEREFORE AVOIDS GERRYMANDERING
• MAY PROVIDE SOME FLEXIBILITY ON SIZE OF BODY
• IN BOARD OF SUPERVISOR SYSTEMS – ASSURES CLOSE LINK BETWEEN COUNTY AND TOWN GOVERNMENT
DISADVANTAGES OF WEIGHTED VOTING IN COUNTY BOARDS OF SUPERVISORS

- Complexity
- No priority to overall county interest – horse-trading politics
- Counterintuitive – “something’s wrong here”
- Takes no account of many dimensions of representation
- Does not consider effect of long-term coalitions
- Does not consider “unite domination”
- Can’t be used in committees
- Overvalues localism/parochialism
MONTGOMERY COUNTY CHARTER
FROM
15 SUPERVISORS AND WEIGHTED VOTING
TO
9 SINGLE MEMBER DISTRICTS

“YOU HAD A CERTAIN GROUP OF SUPERVISORS WHO, WHEN THEY VOTED TOGETHER, CONTROLLED EVERYTHING. YOU CAN’T HAVE 10 TO 15 SUPERVISORS RUNNING THE COUNTY. YOU HAVE TO HAVE ONE PERSON IN CHARGE.” TERRY BIENIEK – MONTGOMERY COUNTY LEGISLATIVE CHAIRMAN

THE BOARD OF SUPERVISORS AND A PART-TIME ADMINISTRATOR CONTRIBUTED TO DYSFUNCTION AND “PAROCHIAL FIGHTING” ALONG TOWN LINES THAT STALLED CAPITAL PROJECTS AND HURT PROGRESS. MATT OSSENFORT – MONTGOMERY COUNTY EXECUTIVE
DETERMINING WEIGHTS
FEDERAL AND STATE STANDARDS NOT FULLY CONSISTENT

**Proportional to Population**
Standard used by U.S. Supreme Court –
Unit of analysis is person
- Board of Estimate v. Morris (1989)

**Consideration of Voting Power**
Standard required by NYS Court of Appeals
Unit of analysis is the legislator
- Ianucci v. Board of Supervisors (1967)
  “[A]…legislator’s voting power, measured by the mathematical probability of his casting the decisive vote, must approximate the power he would have in a legislative body which did not employ weighted voting”
NASSAU COUNTY(1964) –
WEIGHTS BASED ON POPULATION ONLY


In 1964, the Nassau County Board of Supervisors used a weighted voting system. There were 5 towns (6 districts) given weights based on population size:

31 – Hempstead #1
31 – Hempstead #2
28 – Oyster Bay
21 – North Hempstead
2 – Long Beach
2 – Glen Cove

There were 115 votes in all; 58 votes were needed to pass a proposal.

- Each district can either be in a coalition or not. As there are 2 choices for 6 districts, there are $2 \times 2 \times 2 \times 2 \times 2 \times 2 = 64$ cases to consider.

- The end result is this power distribution:

  - $1/3$ – Hempstead #1 (31 votes)
  - $1/3$ – Hempstead #2 (31 votes)
  - $1/3$ – Oyster Bay (28 votes)
  - 0 – North Hempstead (21 votes)
  - 0 – Long Beach (2 votes)
  - 0 – Glen Cove (2 votes)

- The 3 smallest districts represented about 16% of the county’s population, but they ended up with 0% of the voting power.
NASSAU – HAD TO ADJUST WEIGHTS TO ASSURE REPRESENTATIVES OF SMALLEST DISTRICTS HAD SOME VOTING POWER

• AFTER DECADES OF LEGAL BATTLES, NASSAU IN THE 1990S ENDED UP WITH A WEIGHTED VOTING SYSTEM OF [65; 30; 28, 22, 15, 7, 6] TO ASSURE SOME DECISION-MAKING POWER RESIDED IN SMALLER DISTRICTS.

"[I]T MAY BE THAT IN TERMS OF ASSURING FAIR AND EFFECTIVE REPRESENTATION, THE EQUAL PROTECTION APPROACH REFLECTED IN THE REYNOLDS V. SIMS LINE OF CASES IS ITSELF IMPERFECT, BUT IT DOES ASSURE THAT LEGISLATORS WILL BE ELECTED BY, AND REPRESENT CITIZENS IN, DISTRICTS OF SUBSTANTIALLY EQUAL SIZE. IT DOES NOT ATTEMPT TO INQUIRE WHETHER, IN TERMS OF HOW THE LEGISLATURE ACTUALLY WORKS IN PRACTICE, THE DISTRICTS HAVE EQUAL POWER TO AFFECT A LEGISLATIVE OUTCOME. THIS WOULD BE A DIFFICULT AND EVER-CHANGING TASK, AND ITS CHALLENGE IS HARDLY MET BY A MATHEMATICAL CALCULATION THAT ITSELF STOPS SHORT OF EXAMINING THE ACTUAL DAY-TO-DAY OPERATIONS OF THE LEGISLATIVE BODY" JUSTICE WHITE. (489 U.S. AT 699, 109 S.CT. AT 1441)
“WHAT IS CLEAR FROM THESE EXCERPTS, AND WHAT THE DEFENDANTS SEEK TO MINIMIZE, IS THAT THE SUPREME COURT FIRMLY REJECTED WEIGHTED VOTING, NOT ONLY BECAUSE OF THE MATHEMATICAL QUAGMIRE SUCH A SYSTEM ENGENDERS, BUT JUST AS IMPORTANTLY BECAUSE THE METHODOLOGY FAILS TO TAKE INTO ACCOUNT OTHER CRITICAL FACTORS RELATED TO THE ACTUAL DAILY OPERATIONS OF A GOVERNING BODY. THERE IS NO QUESTION THAT THE SUPREME COURT TOOK THE OPPORTUNITY TO EXPRESS NOT ONLY A PREFERENCE, BUT A DIRECTIVE THAT LEGISLATORS BE ELECTED BY AND REPRESENT CITIZENS IN DISTRICTS OF SUBSTANTIALLY EQUAL SIZE.” JUDGE ARTHUR D. SPATT – U.S. DISTRICT COURT
# Alternatives to Weighted Voting

## Options
- Single Member Districts
- Multi-Member Districts
- Combined Systems
- Proportional Representation Options
  - At-Large
  - With Districts

## Considerations
- Familiarity & “ Comfort”
- Equal Formal Strength in Legislature & Resources for Range of Representative Tasks
- Overlapping Jurisdictional Boundaries
- Redistricting & Gerrymander Risk
- Complexity with 4 Year Term
IF SINGLE MEMBER DISTRICTS ARE ADOPTED, THEN DECENNIAL REDISTRICTING IS REQUIRED
UNITED STATES CONSTITUTION
ONE PERSON, ONE VOTE

• IN DECISIONS MADE IN 1962 (BAKER V. CARR) AND 1964 (WESBERY V. SANDERS, REYNOLDS V. SIMS) THE UNITED STATES SUPREME COURT MADE CLEAR THAT THE EQUAL PROTECTION CLAUSE OF THE U.S. CONSTITUTION REQUIRES LEGISLATIVE DISTRICTS TO BE “SUBSTANTIALLY EQUAL IN POPULATION.” (XIV AMENDMENT)

• IN 1968 THIS PRINCIPLE WAS EXTENDED BY THE COURT TO APPLY TO LOCAL GOVERNMENTS (avery v. midland county)
THE FEDERAL VOTING RIGHTS ACT

• This law, first passed in 1965 and most recently renewed for 25 years in 2006, was designed to outlaw discrimination in voting procedures.

• It prohibits any "voting qualification or prerequisite to voting, or standard, practice, or procedure ... to deny or abridge the right of any citizen of the United States to vote on account of race or color."
HOW AND WHO?

NON-CHARTER COUNTIES
• SPECIFIED IN STATE LAW

CHARTER COUNTIES
• SPECIFIED IN CHARTER
• (E.G. ULSTER COUNTY)
“POPULATION” AS THE BASIS FOR REDISTRICTING

• FEDERAL LAW REQUIRES THE BASIS OF DISTRICTING TO BE “POPULATION”, NOTWITHSTANDING THAT

• NEW YORK STATE LAW PROVIDES THAT
  • “THE TERM ‘POPULATION’ SHALL MEAN RESIDENTS, CITIZENS, OR REGISTERED VOTERS.”
WHAT IS THE DATA?

• THE DECENNIAL NATIONAL CENSUS PROVIDES NEW POPULATION DATA FOR EACH MUNICIPALITY, PROVIDING BOTH THE NECESSITY AND THE MEANS TO DETERMINE IF FEDERAL AND STATE STANDARDS ARE STILL BEING MET IN THAT PLACE.

• NEW YORK STATE LAW REQUIRES USE OF “THE LATEST STATISTICAL INFORMATION OBTAINABLE FROM AN OFFICIAL ENUMERATION DONE AT THE SAME TIME FOR ALL THE RESIDENTS, CITIZENS, OR REGISTERED VOTERS.”
• Federal courts require near absolute numerical equality in the population of U.S. congressional districts.

• Courts are more permissive with state and local governments, generally allowing variation within a range of plus or minus 5 percentage points from the mean district/ward population.
STANDARDS AND CRITERIA
NEW YORK STATE LAW

• NEW YORK STATE (MHRL SECTION 10.13.C.) REQUIRES THAT A LOCALITY DOING REDISTRICTING MUST, IN THIS ORDER OF PRIORITY, CREATE DISTRICTS THAT ALLOW FOR:
  • “SUBSTANTIALLY EQUAL WEIGHT FOR THE POPULATION”
  • DIVIDE NO TOWN EXCEPT IF 110% OF A FULL RATIO
  • “SUBSTANTIALLY FAIR AND EFFECTIVE REPRESENTATION FOR THE PEOPLE OF THE LOCAL GOVERNMENT AS ORGANIZED IN POLITICAL PARTIES”
  • DISTRICTS OF “CONVENIENT AND CONTIGUOUS TERRITORY”
GUIDING RULES:
QUESTIONS FOR THE COUNTY

• WHO WILL BE RESPONSIBLE FOR THE REDISTRICTING?
  • THE BOARD
  • A COMMISSION APPOINTED BY THE BOARD

• WHAT CRITERIA DOES THE COUNTY WISH TO ADD TO THOSE REQUIRED BY THE NATIONAL STATE CONSTITUTIONS AND NATIONAL AND STATE LAW?
  E.G. PRESERVING “COMMUNITIES OF INTEREST”
  E.G. HONORING LONG-ESTABLISHED NEIGHBORHOOD BOUNDARIES.
  E.G. TAKING ACCOUNT OF ADMINISTRATIVE NEEDS OF THE COUNTY BOARD OF ELECTIONS
THE EXECUTIVE FUNCTION
IN COUNTIES OPERATING UNDER STATE LAW WITH LEGISLATIVE SYSTEMS
THE FIVE EXECUTIVE OPTIONS FOR COUNTIES WITH LEGISLATIVE SYSTEMS OPERATING UNDER STATE LAW

• THE LEGISLATIVE CHAIR, ELECTED BY HIS OR HER PEERS, ACTS AS ADMINISTRATOR
• THE LEGISLATURE APPOINTS AN ADMINISTRATOR
• THE LEGISLATURE APPOINTS A DIRECTOR
• THE LEGISLATURE APPOINTS A MANAGER
• THE PEOPLE ELECT A “PRESIDENT”
COUNTY CHAIR AS ADMINISTRATOR

• THE BOARD OF SUPERVISORS MAY APPOINT THE CHAIRMAN OF THE BOARD OF SUPERVISORS AS COUNTY ADMINISTRATOR, WHO SHALL PERFORM THE DUTIES OF COUNTY ADMINISTRATOR CONCURRENTLY WITH THOSE OF CHAIRMAN BUT WITHOUT ADDITIONAL COMPENSATION.

• THE COUNTY ADMINISTRATOR MAY, WHEN AUTHORIZED BY LOCAL LAW, SERVE AS THE HEAD OF ONE OR MORE DEPARTMENTS NOT ADMINISTERED BY AN ELECTIVE OFFICIAL BUT WITHOUT ADDITIONAL COMPENSATION.

• THE CHAIR AS ADMINISTRATOR APPOINTS THE PURCHASING AGENT
ADMINISTRATOR AS EXECUTIVE

- APPOINTED BY THE BOARD OF SUPERVISORS TO SERVE DURING THE TERM OF OFFICE FOR WHICH THE MEMBERS OF SUCH BOARD THEN IN OFFICE WERE ELECTED.

- VACANCIES SHALL BE FILLED BY APPOINTMENT BY THE BOARD OF SUPERVISORS FOR THE REMAINDER OF THE TERM OF OFFICE FOR WHICH THE MEMBERS OF SUCH BOARD THEN IN OFFICE WERE ELECTED.
COUNTY MANAGER

- THE BOARD OF SUPERVISORS APPOINTS THE COUNTY MANAGER.
- HE OR SHE SERVES DURING THE PLEASURE OF THE BOARD OF SUPERVISORS.
- DURING HIS OR HER TERM OF OFFICE HE OR SHE SHALL RESIDE WITHIN THE COUNTY.
- NO MEMBER OF THE BOARD OF SUPERVISORS SHALL, DURING THE TERM FOR WHICH HE OR SHE WAS ELECTED, BE ELIGIBLE FOR APPOINTMENT AS COUNTY MANAGER.
- THE COUNTY MANAGER APPOINTS, SUPERVISES AND AT PLEASURE REMOVES EVERY OTHER ADMINISTRATIVE OFFICER AND EMPLOYEE OF THE COUNTY EXCEPT THOSE ELECTED BY VOTE OF THE PEOPLE AND THEIR SUBORDINATES,
- THE COUNTY MANAGER MAY, WHEN AUTHORIZED BY LOCAL LAW, SERVE WITHOUT ADDITIONAL COMPENSATION AS THE HEAD OF ONE OR MORE DEPARTMENTS NOT ADMINISTERED BY AN ELECTIVE OFFICIAL.
COUNTY DIRECTOR

• APPOINTED BY THE BOARD OF SUPERVISORS.
• THE TERM OF OFFICE IS FOUR YEARS
• VACANCIES OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM FILLED BY APPOINTMENT BY THE BOARD OF SUPERVISORS FOR THE UNEXPIRED PORTION OF THE TERM.
• MAY SERVE AS THE HEAD OF ONE OR MORE DEPARTMENTS NOT ADMINISTERED BY AN ELECTIVE OFFICIAL BUT WITHOUT ADDITIONAL COMPENSATION
COUNTY PRESIDENT

• THE COUNTY PRESIDENT IS ELECTED.
• THE TERM OF OFFICE OF THE COUNTY PRESIDENT FIRST ELECTED IS THREE YEARS.
• SUCCESSORS SERVE FOR TERMS OF FOUR YEARS.
• VACANCIES ARE FILLED BY APPOINTMENT BY THE BOARD OF SUPERVISORS UNTIL THE COMMENCEMENT OF THE CALENDAR YEAR NEXT SUCCEEDING THE FIRST GENERAL ELECTION AT WHICH THE VACANCY MAY BE FILLED.
• THE COUNTY PRESIDENT MAY, WHEN AUTHORIZED BY LOCAL LAW, SERVE AS THE HEAD OF ONE OR MORE DEPARTMENTS NOT ADMINISTERED BY AN ELECTIVE OFFICIAL BUT WITHOUT ADDITIONAL COMPENSATION.
EXECUTIVE DUTIES DEFINED:

• CHIEF ADMINISTRATOR.
• BUDGET OFFICER.
• REPORTS TO BOARD ON CONDITION OF GOVERNMENT, NEEDED ACTIONS.
• ENFORCE THE LAWS
• ASSURE FINANCIAL PROBITY
• ADDITIONAL DUTIES AS ASSIGNED BY THE BOARD.
• ATTEND BOARD MEETINGS AT WILL OR ON REQUEST
• WHEN DELEGATED TO HIM OR HER BY COUNTY ACT,
  • (A) COORDINATE AND UNIFY THE MANAGEMENT OF COUNTY AFFAIRS
  • (B) TO REQUIRE AUDITS AS NEEDED AND REPORT RESULTS TO THE BOARD OF SUPERVISORS, AND
  • (C) TO SUPERVISE THE ADMINISTRATION OF ALL FUNCTIONS TRANSFERRED TO THE COUNTY FROM
    OTHER UNITS OF LOCAL GOVERNMENT AND MAKE RECOMMENDATIONS REGARDING THESE TO THE
    BOARD OF SUPERVISORS
EXECUTIVE FUNCTION IN LEGISLATIVE SYSTEMS – DEGREES OF AUTONOMY AND POWER

- PRESIDING OFFICER/ADMINISTRATOR
  - PART TIME
  - LIMITED LEGAL AUTHORITY
  - LEGITIMACY ARISING FROM ELECTION

- APPOINTED ADMINISTRATOR
  - LIMITED LEGAL AUTHORITY
  - SERVES FOR TERM OF LEGISLATURE
  - PROFESSIONAL MANAGER

- APPOINTED MANAGER
  - POWER TO HIRE AND FIRE
  - SERVES AT BOARD’S PLEASURE
  - PROFESSIONAL MANAGER

- DIRECTOR
  - APPOINTED FIXED TERM

- ELECTED PRESIDENT
  - FOUR YEAR TERM, NO LIMIT
  - VETO POWER

IN GENERAL:

- FORMAL POWERS OF EACH FORM SPECIFIED IN STATE LAW

POINTS OF DIFFERENCE

- DEGREE OF SECURITY IN OFFICE,
- APPOINTING POWER
- INDEPENDENCE FROM LEGISLATIVE BRANCH

- STATE LAW MAY BE AUGMENTED BY LOCAL LAW (E.G. REMOVAL OF APPOINTEE)

INFORMAL POWERS

- POLITICAL BASE OF CHAIRMAN
- LONGEVITY
- COMMUNITY ROOTEDNESS
## EXECUTIVE FUNCTION COUNTIES WITH BOARDS OF SUPERVISORS/LEGISLATURES

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<th>Executive Function/Counties with Boards of Supervisors or Legislatures</th>
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THE COUNTY MANAGER SYSTEM

Legislature

Manager

Department Heads
The Council-Manager Plan is a Progressive-Era System Developed on the Corporate Model

- Council is “Board of Directors”
  - Makes policy
  - Oversees performance
  - Responsible to “Stockholders” (Voters)

- Manager is “CEO” who:
  - Appoints department heads
  - Prepares budget
  - Directs day-to-day operations
  - Recommends policy
  - Is accountable to the board for government’s performance
  - But is not a board member
EXECUTIVE FUNCTION IN COUNTIES OPERATING WITH CHARTERS
THE CHARTER COUNTIES
CHARACTERISTICS OF CHARTER COUNTIES

- MORE URBAN AND SUBURBAN
- MORE POPULOUS
- MORE DEMOGRAPHICALLY DIVERSE
- BIGGER BUDGETS AND (OFTEN) MORE DIVERSE FUNCTIONS
- LARGE CONCENTRATION IN SOUTHERN NEW YORK
WHY A CHARTER?

• THE ELECTED EXECUTIVE

• LOCAL DESIGN OF THE SYSTEM IN ACCORD WITH LOCAL PREFERENCES
  • TERM LIMITATION
  • REDISTRICTING
  • CAMPAIGN FINANCE
  • BUDGET PROCESS
  • CHANGE MIX OF ELECTIVE OFFICES AND FUNCTIONS
    • COMPTROLLER
    • POLICING
  • INTERGOVERNMENTAL DYNAMICS
  • A “HYBRID” SYSTEM
EXECUTIVE FUNCTION – COUNTIES WITH CHARTERS

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THE ELECTED EXECUTIVE SYSTEM

Voters

Executive

Legislature

Department Heads
THE ELECTED EXECUTIVE SYSTEM

- Modeled on national and state government
- A full separation of powers system
- Voters elect the executive and vest him or her with "executive" powers
- Voters elect a board, and vest it with legislative powers
- Executive has no vote in the legislature
MONTGOMERY COUNTY CHARTER – EXECUTIVE POWERS

HTTPS://WWW.CO.MONTGOMERY.NY.US/SITES/PUBLIC/GOVERNMENT/PLANNING/CHARTER/CHARTER_FORMS/MONTGOMERY%20COUNTY%20ADOPTED%20CHARTER.PDF
SYSTEMS COMPARED
ELECTED EXECUTIVE – STRENGTHS AND WEAKNESSES

STRENGTHS
• LOCAL - ROOTED AND HIGHLY VISIBLE IN COMMUNITY AS A PERSON IN CHARGE
• ENTERS WITH A SUPPORTIVE POLITICAL COALITION
• PROGRAM ADVANCED AND TESTED IN ELECTORAL PROCESS
• KNOWN AND NETWORKED IN THE STATE/LOCAL SYSTEM
• GREATER DISCIPLINE IN SYSTEM
• GOOD FOR POLITICAL “CAREER LADDER” IN COMMUNITY

WEAKNESSES
• MAY BE UNTREACHED AND UNTESTED IN ADMINISTRATION OF A LARGE ORGANIZATION
• ENTERS WITH PARTISAN ADVERSARIES
• CONSENSUAL APPROACH MAY BE CHALLENGING – PERMANENT ADVERSARIES
• POWER TOO CONCENTRATED
• SHORT-TERM THINKING
• PREOCCUPATION WITH RE-ELECTION AFFECTS PRIORITIES, NEXT POLITICAL STEP
• ENTRENCHMENT IN OFFICE
• PERSONAL POLITICAL INTEREST AND PUBLIC INTEREST MAY NOT ALIGN
**ELECTED EXECUTIVES SERVE MULTIPLE TERMS**

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<th>Length of Service - Sitting NYS County Executives</th>
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## Appointed Executive – Strengths and Weaknesses

### Strengths
- Hired with specified credentials
- Avoids concentrating political power
- Professionally trained and – likely – some experience in managing large public entities
- Longer term thinking encouraged
- Networked regionally and nationally, aware of best practices
- Best in more consensual, lower conflict environments
- Can build informal community base

### Weaknesses
- No political base – less visibly in charge
- Security dependent on persistence of supporting legislative coalition
- No local loyalty, rootedness
- Continuity - national profession - career advances through movement
- More likely to be bypassed – undermined (linked to degree of formal authority)
THE COUNTY LEGISLATURE AND THE “EXECUTIVE FUNCTION” CHOICE

APPOINTED EXECUTIVE

• ISSUES:
  • LEGISLATIVE COMMITTEE CHAIRS, AND POLICY/ADMINISTRATION DICHOTOMY
  • CREDIT TAKING BY ELECTED OFFICIALS AND MORALE

• RELATED TO:
  • LEADERSHIP SUPPORT
  • PARTISAN ENVIRONMENT
  • DECISION-MAKING STYLE IN LEGISLATURE
  • FORMAL POWERS OF APPOINTEE

ELECTED EXECUTIVE

• COOPTATION – DIVIDING AND CONQUERING

• PART-TIME LEGISLATURE, FULL-TIME EXECUTIVE

• LOSS OF CONTROL OF/ACCESS TO KEY STAFFERS . MINIMAL STAFF SUPPORT

• DIFFICULTY IN GENERATING INSTITUTIONAL LOYALTY AMONG MEMBERS

• POORLY UNDERSTOOD LEGISLATIVE ROLE AFTER TRANSITION

• UNFAMILIARITY WITH OPTIMIZING USE OF LEGISLATIVE POWERS
OTHER CONSIDERATIONS
OTHER COUNTYWIDE ELECTED OFFICES

COUNTYWIDE OFFICES

• “JUDICIAL”
  • DA
  • JUDGES (COUNTY, FAMILY, SURROGATE)
  • CLERK

• NOT “JUDICIAL”
  • SHERIFF
  • TREASURER
  • CORONER

CHANGING FROM ELECTIVE TO APPOINTIVE COUNTYWIDE OFFICES

• “THE OFFICE OF COMPTROLLER, IN A COUNTY WHERE THE OFFICE WOULD OTHERWISE BE ELECTIVE, OR ANY ELECTIVE COUNTY OFFICE THAT IS BEING CONTINUED EXCEPT THAT OF A SUPERVISOR OR A JUDICIAL OFFICER, MAY BE MADE APPOINTIVE BY PROVISION THEREFOR IN THE PETITION OR RESOLUTION BY WHICH AN ALTERNATIVE FORM OF COUNTY GOVERNMENT OR A CHANGE IN SUCH A FORM IS INITIATED AND BY VOTE OF THE PEOPLE.”
QUESTIONS?
CONTACT ME:

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