

Citizens' Advisory Committee on Governance

Presentation at the
Bethlehem Town Board Meeting
July 25, 2012

Introduction

- In January 2012, the Bethlehem Town Board appointed an advisory committee on town governance to provide the Board with options for possible changes in the way that the Town manages its affairs.
- The committee was tasked with providing the Board with various options for governance but without recommending any of them.
- The committee considered three main topic areas:
 1. The adoption of a ward system:
 2. Changes in the way department heads are selected; and
 3. How long elected officials can serve.

Committee Membership

- David Liebschutz, **Chair**
- Patty Salkin, Special Advisor

Ward System Subcommittee

- Donna Giliberto, Co-Chair
- Christopher Hanifin, Co-Chair
- Steve Elliott
- Linda Jasinski
- Frank Zeoli

Department Head Subcommittee

- Peggy Sherman, Chair
- Charlotte Buchanan
- Marge Kanuk
- Richard Reeves-Ellington

Term Limits Subcommittee

- Saul Seinberg, Chair
- Susan Hager,
- Richard Mendick

The Ward System

- 932 towns in NYS
 - Only first-class towns (pop of >10,000) or “suburban towns” eligible to have a ward system.
 - 167 (18%) of total towns.
 - To date, only 13 (8% of eligible pop.) of these towns have a ward system.
 - None in recent years.
 - Amherst and New Castle recently considered the system but did not vote to adopt it.

The Ward System (2)

Comparison of two systems:

1. Residency Requirement
 - a. Current System – Can reside anywhere in Town
 - b. Ward System – Must reside inside Ward
2. Voting
 - a. Current System – Vote for all four Board members & Supervisor
 - b. Ward System – Vote for Board member within Ward & Supervisor
3. Representation/Accountability Issues
 - a. Current System – Each Board member represents entire Town
 - b. Ward System – Each Board member represents Ward (Supervisor represents entire Town)

The Ward System (3)

Comparison of two systems:

4. Political Issues

- a. Current System – Focus of political parties is Town-wide.
- b. Ward System – Focus of parties would be on both the Wards and Town-wide.

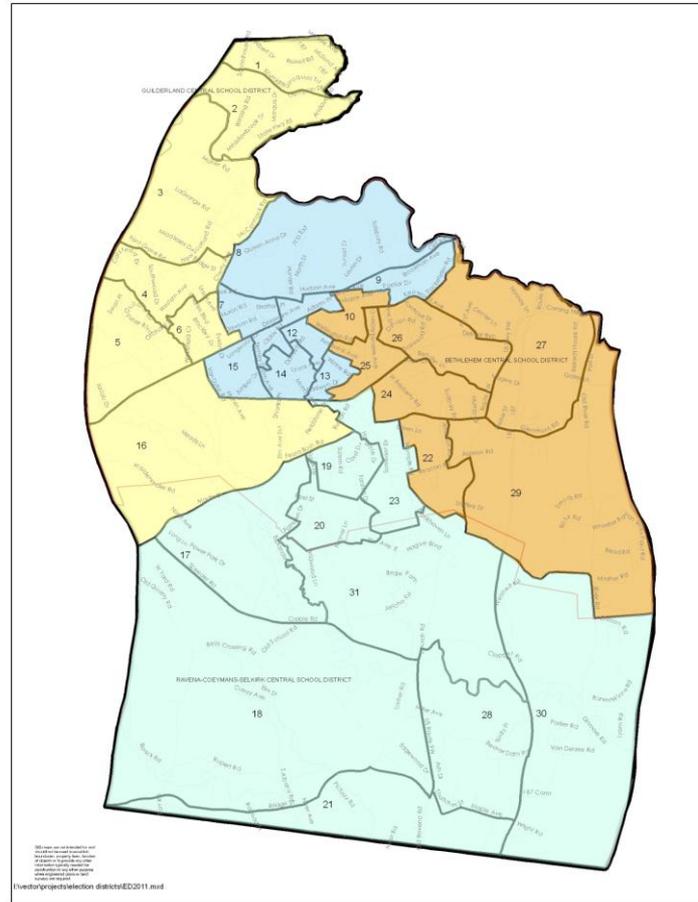
5. Administrative/Electoral Issues

- a. Current System – Election districts changes don't significantly impact election. Board members serve staggered four year terms.
- b. Ward System – Need to divide into 4/6 districts and periodically update boundaries based on population. Two year terms for all Board members (unless changed).

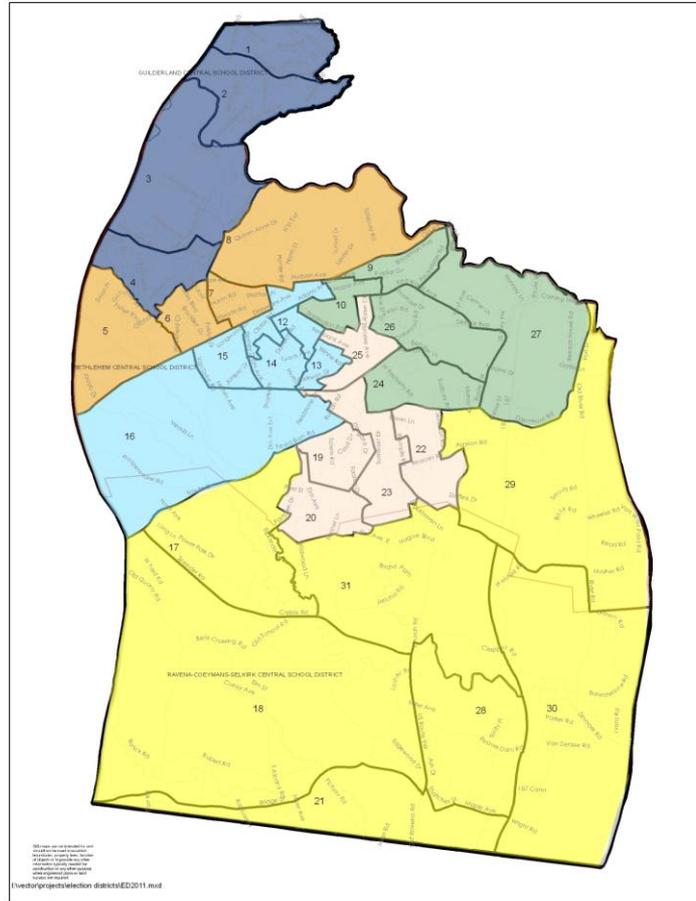
The Ward System (4)

- **Implementation Issues:**
 - Two methods:
 - Town Board Resolution
 - Citizen Petition
 - Both would have to go to voters
 - Terms of Office
 - As noted above, Board terms would change to two years (unless changed by the Board and voters)
 - What would ward system look like?
 - Four or Six Wards

Four Ward System



Six Ward System



Selection of Dep't Heads

The Town of Bethlehem currently employs 221 people and has 12 department heads who are selected in three different ways:

1. **Popular Election (3)**: Town Clerk and the Highway Superintendent for 2-year terms and the Receiver of Taxes for a 4-year term.
2. **Competitive Civil Service Examination (5)**: Department heads for Parks and Recreation, Senior Services, Police, Human Resources and Management Information Services appointed this way.
3. **Appointment (4)**: Assessor for six-year term, and Comptroller, Commissioner of the Department of Public Works, and the Director of Economic Development and Planning are appointed for two-year terms (concurrent with Town Supervisor) annually and serve at the pleasure of the Town Board.

Selection of Dep't Heads (2)

Focus of our work was on Town Clerk, Receiver of Taxes and Highway Superintendent, and how those offices compare to other towns.

Association of Towns statistics on NYS towns:

- 889 elected town clerks, 43 appointed clerks;
- 577 town clerks serve as tax collectors or receivers;
and
- 873 elected highway superintendents; 59 appointed.

Selection of Dep't Heads (3)

Surveyed 9 towns to discuss pros and cons:

- Lewiston and Vestal elect all three, like Bethlehem;
- Ithaca appoints all three;
- Niskayuna elects Tax Receiver and Town Clerk, appoints Highway Superintendent;
- Queensbury elects Town Clerk and Highway Superintendent, appoints Receiver of Taxes;
- Salina elects Tax Receiver, appoints Town Clerk and Highway Superintendent;
- New Hartford and West Seneca elect Town Clerk and Highway Superintendent (eliminated Receiver of Taxes), and
- Irondequoit appoints Town Clerk and Highway Superintendent (eliminated Receiver of Taxes).

Selection of Dep't Heads (4)

Pros and Cons (from survey of **other** towns)

Elected

Pros

- Public participation in process
- Can replace official at next election
- Election → higher accountability

Cons

- Low voter turnout
- No need to meet professional qualifications/lack of performance reviews
- Politicization of non-partisan tasks (e.g., granting licenses, tax collection, maintaining highways)
- Potentially reduced budget flexibility for Town

Selection of Dep't Heads (5)

Appointed

Pros

- Potentially larger pool of qualified applications
- More transparency in meeting professional qualifications
- Regular performance reviews & flexibility in assigning tasks
- Enhanced budget accountability for Town

Cons

- No real public participation in process
- Elections are more transparent
- Opportunities for politicization of positions?

Selection of Dep't Heads (6)

Implementation Issues

- What are the most important goals and results for these three departments?
- Which process, elected or appointed, will result in the selection of an individual who can achieving those goals?
- Which accountability framework is most likely to produce the desired results?
- If a change is made, what other actions need to take place to produce the desired results?

Terms and Term Limits

Bethlehem typical of other NYS Towns:

- Supervisor with a two-year term;
- Town Board has four members elected for four-year terms on a repeating two-year cycle;
- Receiver of Taxes has four-year term, Town Clerk and Highway Superintendent each elected to two-year terms; and
- Two Town Justices, elected for four-year terms in different years.

Terms and Term Limits (2)

Issue #1 -- Changing the Supervisor's term to four years

Pros

- Current two-year term forces too much focus on re-election concerns.
- More frequent elections are disruptive to efficient Town operations and fulfillment of Town projects and initiatives.
- A four-year term would match the length of term of Town Board members and potentially engender more cooperation.
- A four-year term for the Supervisor would potentially prevent the loss of experience and institutional memory.

Terms and Term Limits (3)

Cons

- If the Supervisor has done a good job, there should be no problem with respect to re-election.
- The current staggered cycle for electing the Supervisor/Town board members ensures that the public has a frequent opportunity to change their Town representation.
- Shorter terms might increase opportunities for other citizens to serve.
- Shorter terms that involve more people would also create opportunities for fresh ideas to be introduced.

Terms and Term Limits (4)

Issue #2 Term Limits (i.e., max. # of terms served)

Pros

- Increases the number of competitive elections.
- Creates greater opportunities to serve in public office, and allows more minorities and women to enter the political sphere.
- Curbs the influence of lobbyists.
- Allows more ordinary people to serve rather than professional politicians.
- Promotes fresh ideas and minimizes reelection pandering.
- Avoids incumbency, which can promote more spending and bureaucracy.

Terms and Term Limits (5)

Cons

- Leads to a loss of experience.
- Inexperienced leaders will likely make beginner mistakes and possibly subject to the will of special interests.
- Term limits remove popular elected officials.
- Term limits conflict with what would have been the will of the people with respect to successful office holders.
- Term limits can result in negative impact on projects that outgoing officials sponsored.

Terms and Term Limits (6)

Issue #3 – How to change term or implement term limits? Need to change the law, which can be done one of two ways:

1. Municipal Home Rule Law Section 10(1)(a)(1) allows the Town Board to adopt a local law extending the terms of offices of its officers and employees. This local law would be subject to a mandatory referendum, held not less than 60 days after it is adopted.

Terms and Term Limits (7)

2. Town Law, §24-a, allows the Town Board to adopt a resolution at least 150 days prior to any biennial town election providing for a four-year term for the specified officers, such as clerk and superintendent. The resolution must be submitted to the voters at the biennial election. If it is approved, then at the subsequent biennial election the officers will be elected for a four-year term.

Conclusions/Questions

- Committee's charge was to explore these issues not give our recommendations.
- If the Board or citizens decide to pursue any of these changes, it should have the information it needs to move the changes forward, but the members of the committee stand ready to assist as needed.
- Thank you for the opportunity to serve the residents of Bethlehem.
- We would be happy to answer any questions you may have.