

Albany County Charter Review Commission
July 25, 2013
Room 620 Albany County Office Building

Members Present:

Henry M. Greenberg
Antonio C. Cortes
Patrick O. Dalzell
Christopher J. Hanifin

Others in Attendance:

Bradley Fischer
Patrick Collins
Kevin Cannizzaro
Arnis Zigler

Mr. Greenberg called the meeting to order at 6:30 p.m.

The Commission interviewed Thomas Coffey, Interim Director of the Department of Residential Health Care Facilities, on his views relating to the operation of residential health care facilities in Albany County. Mr. Coffey gave a brief background of his history with Albany County and his educational background. He continued with a discussion of the history of long-term care facilities in Albany County. Mr. Coffey briefly explained the organization of the Albany county nursing home facility, including the current number of patients served as well as staff levels. He went on to discuss both the annual revenue as well as the annual deficit figures of the nursing home. Mr. Greenberg asked about the history of the Albany County nursing home involvement with the Department of Social Services. Mr. Coffey gave a brief background. Mr. Greenberg asked if Mr. Coffey had any thoughts related what state law requirements there were for the appointment of a director for the nursing home. The interim-director responded that he believed that State law required a director to be appointed. Mr. Hanifan asked if the interim-director knew which section of State law requires a director of the nursing home to be appointed. Mr. Coffey responded that he believed it was N.Y.C.R.R § 10.415.216. Mr. Hanifin asked if the Department keeps copies of local laws on file to refer to given that they are bound to follow them. The interim director responded that they did not; however, they do keep a copy of all relevant state laws and regulations. The Commission asked for more description on the exact makeup of the staff at the nursing home. Mr. Cortes asked about the number of staff at the nursing home who worked 24/7. Mr. Coffey responded that, given the needs of the facility, there

is always a certain amount of staff on call at all times. Mr. Cortes asked the interim-director a question regarding the annual deficit and who was responsible for covering any deficit. Mr. Coffey responded that Albany County pays for the \$11 million deficit out of county funds. Mr. Hanifan asked for clarification regarding the turnover rates of patients at the nursing home. The commission expanded on the average turnover rates.

The Commission interviewed Laura DeGaetano, Commissioner of the Department of Economic Development, Conservation, and Planning, regarding the functions of her department in relation to the Charter. Ms. DeGaetano gave the Commission a brief background of her experience in Albany County. She discussed the functions which the Department of Economic Development, Conservation, and Planning perform for the county. Ms. DeGaetano expanded on the creation and organization of the Department. Mr. Greenberg asked whether Albany County had a functioning planning board. Ms. DeGaetano responded that the planning board does in fact exist and it meets monthly. However, Ms. DeGaetano made clear that the planning board does not function according to the Charter. All members of the Commission asked Ms. DeGaetano to expand on the functions of the Department and the staff that is involved. Ms. DeGaetano explained that she is the sole member of the Department and is responsible for handling all issues that come before it. Mr. Greenberg asked Ms. DeGaetano who she reports to. She responded that she reports directly to the County Executive's office. Mr. asked if there were any current plans for reorganization of her Department. Mr. Fischer Hanifin suggested that the County Executive's office was currently seeking ways to increase the Department's involvement with local municipalities in the most efficient way possible. Mr. Greenberg emphasized the anomaly of a one person "department" and inquired who could, on behalf of the County, explain or justify the existing organizational structure. Mr. Fischer answered that the County Executive's office was currently developing plans to address the issue; however, the decision would ultimately be made by the County Legislature. The Commission expressed concerns over the need of a 1-2 person Department and asked the Commissioner if it would be detrimental if the Department was reorganized as part of another Department. Ms. DeGaetano said that it would not be a good idea to drastically change the current structure of the Department because it performs vital tasks for the county. She made clear that the size of the Department did not influence its ability to operate during her tenure. Mr. Dalzell asked if there were internal guidelines the Department follows. Ms. DeGaetano answered that there are guidelines for when she needs to submit reports to the County Executive. Mr. Greenberg again asked if there would be problems with making the Department a smaller unit. Ms. DeGaetano said that there would certainly be issues if the Department were changed significantly. Mr. Hanifin asked if the Charter itself has caused any issues that prevent the Department from performing its duties. Ms. DeGaetano said that generally the Charter did not cause major problems. Mr. Cortes asked about the relationship between the Department and DPW. Ms. DeGaetano expanded on the relationship. Mr. Cortes expressed concerns that if this Department is not functioning according to the Charter than how is the county economically developing. Ms. DeGaetano indicated that the Department has been functioning for more than a decade even though it does not comply with the Charter.

The Commission interviewed David Friedfel, the Commissioner of the Department of Management and Budget (OMB), regarding Article 5 of the Charter. Mr. Greenberg asked the Commissioner his views on the Department of Economic Development, Conservation, and Planning. The Commissioner indicated that he believes it does still perform necessary functions and is important to the proper functioning of the County. Mr. Fischer indicated that it would be up to the Legislature to determine the continued utility of Article 11. The Commissioner discussed his background and the functions of the Office of Management and Budget. The Commissioner walked through structural issues of Article 5 in the Charter. He indicated that there were several provisions which conflicted with Article 4 and that Article 5 lacked sufficient specificity. The Commission asked Mr. Friedfel to go through Article 5 in the Charter. The Commissioner indicated that § 501 is problematic because it does not make clear that he is the Department head. He indicated that the language of this section is confusing and the lack of specificity could lead to problems in the future. The Commissioner indicated that § 502(b) needed to be more specific. Mr. Greenberg asked if OMB receives and controls County funds. The Commissioner answered that OMB and the Comptroller have roles in the handling of County funds. He went on to discuss the investment structure put in place by OMB on behalf of the County. The Commissioner indicated that § 503 is not problematic in its current form. The Commissioner indicated that he is concerned with limitations placed on the County Executive's veto power over legislative adjustments of the budget. Mr. Greenberg asked about the veto power of the County Executive and the role of the Legislature in the budget. The Commissioner responded that the County Executive has the power to veto any increases in the budget. Mr. Hanifin asked about the process for adopting the budget and about the process for legislative increases or decreases to items in the budget. The Commissioner expanded on the process that occurs when the budget is being created. Mr. Greenberg asked the Commissioner to explain the public policy benefits of the veto power. Mr. Friedfel responded that it would be desirable for the County Executive to be able to veto legislative decreases as well so that innovative projects are not stopped before they get started. The Commissioner indicated that there are problems caused by Article 5 when they apply for grants. He indicated that there is too much oversight by the County legislature. Mr. Greenberg asked for clarification as to the types of grants the Commissioner was referring to. Mr. Friedfel indicated that these were State and Federal grants. The Commissioner suggested that the County Executive should be able to introduce new legislation without needing the support of a member of the legislature. He indicated that this would allow the County to be more creative in proposing projects to benefit it.

Mr. Greenberg gave a report on Article 16 of the Charter which deals with the Department of Records.

Mr. Dalzell moved to adjourn the meeting for the evening. The motion was seconded by Mr. Hanifin and unanimously approved.