



Committee on Appointments

~MINUTES~

Monday, March 2, 2020

1:02 PM

Committee Chair: Ruth Walter

Committee Room, 148 Martine Avenue, 8th Floor, White Plains, NY 10601

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CALL TO ORDER

Joint with Legislation

Attendee Name	Title	Status	Arrived
Ruth Walter	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Catherine Borgia	D9 Legislator	Present	
Terry A. Clements	Vice-Chair	Absent	
MaryJane Shimsky	D12 Legislator (Majority Leader)	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Absent	

Others In Attendance: LAW: John Nonna-County Attorney, Stacey Dolgin-Kmetz-Chief Deputy County Attorney and Justin Adin-Assistant County Attorney BOL: Dayana Gómez, Jill Axelrod, Allie Restiano, Melanie Montalto

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

1. **(ID # 12415) Resolution – PH - Filling a Vacancy in the Office of County Legislator:**

A RESOLUTION to set a Public Hearing on a "LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator." [Public Hearing set for _____, 2020 at _____ .m.]. LOCAL LAW INTRO 12416-2020.

Legislator Covill stated it was a good time to review this law because New York State had a lot of changes in election law. Legislator Johnson, who chaired the Board's Voting Reform Working Group, discussed the Group's findings. The full report of the Group's findings can be found at <https://westchesterlegislators.com/images/PDF/2019vrwgfinalreport.pdf>.

Ms. Dolgin-Kmetz discussed how and why the law was originally changed in 1998. Legislator Covill asked if there was a written opinion issued in 1998 as to whether this law violates the constitutional right to free speech. Ms. Dolgin-Kmetz stated that although she was working here in 1998, she was not aware of or in possession of such a memo. She believes that it was discussed and the Board decided to go forward at that time.

Legislator L. Williams asked if there was a mandatory referendum at that time. Ms. Dolgin-Kmetz said there was, and the original law required a mandatory referendum because it curtailed the power of an elected official. Legislator L. Williams asked whether the part of the law providing that a person could not serve a subsequent term was part of the referendum. Ms. Dolgin-Kmetz said it was not required because that part of the law did not take away any power. Legislator Borgia asked for confirmation on the current law, and Ms. Dolgin-Kmetz and Mr. Nonna confirmed that the current law is not subject to mandatory or permissive referendum because it does not meet the requirements.

Legislator Johnson advised that the Working Group's report also discussed the issue of a vacancy in the position of County Executive, and that legislation on this issue should also be considered.

The committee voted on this item for the purposes of a public hearing and will vote on subsequent item number 12416 at a future meeting.

With a motion by Legislator Borgia and seconded by Legislator Barr the item was approved with a vote of 4-0.

RESULT: SIGNED BY COMMITTEE

2. (ID # 12416) Local Law – LEGISLATORS BOYKIN, SHIMSKY, L. WILLIAMS, A. WILLIAMS, ALVARADO, BORGIA, COVILL, WALTER, JOHNSON AND CLEMENTS: Filling a Vacancy in the Office of County Legislator:

A LOCAL LAW amending Section 107.11(2) of the Laws of Westchester County in relation to filling a vacancy in the office of County Legislator.

For discussion details see item number 12415 (above).

The committee held this item for voting at a future meeting.

RESULT: PENDING

II. OTHER BUSINESS

Unfinished Business and any other agenda items to come before the Committee.

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Borgia seconded by Legislator Barr the Committee adjourned at 1:59pm.