



Committee on Legislation

~MINUTES~

Monday, March 9, 2020

1:00 PM

Committee Chair: Kitley Covill

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

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CALL TO ORDER

Attendee Name	Title	Status	Arrived
Kitley Covill	Chair	Present	
Nancy Barr	D6 Legislator	Present	
Catherine Borgia	D9 Legislator	Present	
Vedat Gashi	D4 Legislator	Present	
MaryJane Shimsky	D12 Legislator (Majority Leader)	Remote	
Colin Smith	D1 Legislator	Present	
Alfreda Williams	D8 Legislator (Vice Chair)	Present	
Lyndon Williams	D13 Legislator	Present	
Benjamin Boykin	D5 Legislator (Chairman)	Present	

Others In Attendance: CEO: George Latimer, Steve Bass LAW: John Nonna, Stacey Dolgin-Kmetz BOL: Legislators: Chris Johnson, Damon Maher, Margaret Cunzio, and Catherine Parker, Lisa Hochman, Carolyn Stevens GUESTS: Ernie Lungaro, Kiley Blackman

MINUTES APPROVAL

1. Monday, March 02, 2020 at 1:00 PM

On motion of Legislator Borgia, seconded by Legislator A. Williams, the minutes were approved by a vote of 8 - 0.

I. ITEMS FOR DISCUSSION

1. **(ID # 12471) Local Law – LEGISLATORS MAHER, SHIMSKY, PARKER, CUNZIO, BARR, WALTER, BORGIA, BOYKIN, L. WILLIAMS, SMITH, COVILL AND TUBIOLO: Prohibiting Wild or Exotic Animal Performances:**

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 682 prohibiting certain performances and displays of wild or exotic animals within Westchester County.

Joint with Public Safety

Guests: County Executive George Latimer, County Attorney John Nonna, Chief Deputy County Attorney Stacey Dolgin-Kmetz, Ernest Lungaro - Director of Humane Law Enforcement, SPCA of Westchester

County Executive George Latimer advised that his executive order was a stop-gap measure to take immediate action until the Board could act to pass a law. He will accept whatever

modifications the Board makes to the policy. County Attorney John Nonna discussed the item with the Committee. Ms. Dolgin-Kmetz addressed various exemptions in the law. Legislator Parker asked why there were exotic animals at the Hanneford Circus this year, since there were none in 2018 and 2019. Chairman Boykin said that he was advised by the County Executive that this was due to an oversight, and should not have happened. Ernest Lungaro, Director of Humane Law Enforcement, SPCA of Westchester, stated that SPCA supports the ban. He said that the confinement and harsh training leading up to performance is harmful to the animals. Legislator Cunzio noted that the animals' life spans are also shortened, and that there is a liability risk for the County if an animal escapes or attacks someone. Legislator Covill asked how we came up with the fines. Ms. Dolgin-Kmetz stated that penalties have to be reasonable in light of the violation. Legislator Maher suggested imposing a penalty of \$10,000 per day for the first violation, \$25,000 for a second violation, and adding a provision that the County Attorney may alternatively or additionally seek an injunction. Mr. Nonna said the language would have to be clear as to when the \$25,000 begins. Legislator Maher also suggested amending the definition of wild animals rather to include general information as well as a list of specific animals.

Legislator Covill said the committee would vote the item out for public hearing only and will have further discussion on the law next week after the County Attorney has reviewed the suggested changes.

RESULT:	PENDING
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2. **RES-2020-33 Resolution – PH - Prohibiting Wild or Exotic Animal Performances:**

A RESOLUTION to set a Public Hearing on "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 682 prohibiting certain performances and displays of wild or exotic animals within Westchester County." Public Hearing set for March 23, 2020 at 7:30 p.m.]. LOCAL LAW INTRO 12471-2020.

Joint with Public Safety

See discussion of ID #12471 above.

With a motion by Legislator Borgia, seconded by Legislator A. Williams , the item was approved for public hearing purposes only by a vote of 8 - 0.

RESULT:	SIGNED BY COMMITTEE
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3. **(ID # 12340) Resolution – PH-Term Limits:**

A RESOLUTION to set a Public Hearing on a LOCAL LAW amending Chapter 110 of the Laws of Westchester County to impose a limitation on service by a Westchester County Executive.

[Public Hearing set for _____, 2020 at _____ .m..]. LOCAL LAW INTRO: 2020-12341.

Guests: County Executive George Latimer, County Attorney John Nonna

County Executive George Latimer advised that this legislation reduces the term limit for a County Executive from three 4-year terms to two 4-year terms. Chairman Boykin said he has some issues with the legislation, and feels that the decision on term limits should be left to the individual. Legislator Covill asked if this would bar someone who had previously served as County Executive from running again. Mr. Latimer said in his opinion, it would not apply to the two living former County Executives. County Attorney John Nonna stated that he did not think the law would apply retroactively unless there was express intent by the Board to do so. Chairman Boykin presented a chart showing term limits in each County in New York. Legislator Gashi suggested amending the law to provide that "the first year for a

County Executive for the purposed of calculations years as contained in this section shall commence on or after January 1, 2018," to clarify that it is not retroactive. Mr. Nonna agreed to do this. Legislator Johnson stated that he disagreed with the law, noting that the power is in the office of County Executive, not the number of years of service. Legislator A. Williams stated that she opposed that the law as an unnecessary infringement on an individual's choice of whether to run again. Legislator Borgia stated that we already have a law limiting the County Executive to three terms, and she doesn't see any additional benefit in further limiting the number of terms. Legislator Maher stated that he is in favor of the law, but it should be looked at with the vacancy law for legislators, and we should remove the word "consecutive" for legislators' term limits. Legislator Gashi said he would defer to the County Executive, since he is the person who can best make the determination that the law is necessary. Chairman Boykin reiterated his opposition to the law. Legislator L. Williams stated that this law cannot be considered without considering whether legislators should also be limited to 8 years. He also thinks we should look at the broader issue of how to equalize the balance of power between the executive and legislative branch.

RESULT:	PENDING
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4. **(ID # 12341) Local Law – Term Limits:**

A LOCAL LAW amending Chapter 110 of the Laws of Westchester County to impose a limitation on service by a Westchester County Executive.

Guest: County Executive George Latimer, County Attorney John Nonna

See discussion of ID #12340 above.

II. OTHER BUSINESS

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

County Executive George Latimer gave an update on the actions of New York State, Westchester County and local governments in response to coronavirus.

III. RECEIVE & FILE

ADJOURNMENT