

Law & Major Contracts

BOL Meeting Minutes - Final



Committee Chair: Nancy Barr

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, March 8, 2021

1:00 PM

Committee Room

CALL TO ORDER

Joint with Legislation committee

With a quorum present, Chair Barr called the meeting to order at 1:10 p.m.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law. A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Others in attendance: BOL: Jill Axelrod, Melanie Montalto (Remote) LAW: John Nonna, Justin Adin

Present: Legislator Barr, Legislator Boykin and Legislator Covill

Absent: Legislator Alvarado

Remote: Legislator Gashi, Legislator Shimsky and Legislator Smith

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

Guests: County Attorney John Nonna and Deputy County Attorney Justin Adin

[2021-35](#)

Code of Ethics Legislation

Legislator Covill gave an overview of the changes to the legislation. She said that for waiver requests, the Board of Ethics (BOE), who is trained in ethics, will make the determination in the first instance, and the Board of Legislators (BOL) will retain jurisdiction to review it within a reasonable time frame. We determined that the Chair of the BOL will appoint two of the BOE members, and the County Executive (CE) will appoint the remaining five members. The CE will appoint a County employee to the Board. The BOL appointments will be made by Act, which gives the CE the opportunity to veto it. These changes require a mandatory referendum because we took away some powers from the CE, and transferred some of the BOL's power. Chairman Boykin asked why we need a mandatory referendum if we made appointments by Act. Mr. Adin responded that appointment power is reserved to the CE by the County Charter, and is being taken away. Although the CE can veto the Act, the BOL can override the CE's veto, so his decision is not determinative. The Charter further provides that confirmation power lies with the BOL, and taking a portion of the BOL's power and giving to CE also requires a mandatory referendum. Chairman Boykin asked if one offsets the other, and Mr. Adin said it does not.

Legislator Covill read into the record the proposed draft language for the modification to appointments which will be Section 883.401(a). She also noted that Section 883.207(b)(i) and (c)(i) regarding future employment should include the words "the federal government" before "state or political subdivision" because there is no reason to leave out the federal government. She noted that the BOL will hold public hearing and vote on the legislation, but it will remain in limbo until the voters approve the mandatory referendum on November 2nd. The County Attorney will notify the Board of Elections. If approved by the voters, it will become effective on January 1, 2022.

She also noted that Section 9 on page 35 has a typo, and "approved by the majority of the votes case" should be changed to "cast".

Chairman Boykin noted that the provision regarding gifts went back to the original language.

On motion of Legislator Covill, seconded by Legislator Boykin, the above item was signed by committee. The motion carried unanimously.

[RES-2021-47](#) **PH - Code of Ethics Legislation**

See discussion of ID 2021-35 above.

On motion of Legislator Covill, seconded by Legislator Boykin, the above item was signed by committee. The motion carried unanimously.

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Boykin, seconded by Legislator Covill, the Committee adjourned at 1:29 p.m.