



May 19, 2015

Donnell Boyden
Chairperson, Cortland County Legislature
60 Central Ave.
Cortland, NY 13045

Dear Mr. Boyden,

The League of Women Voters of Cortland County (LWVCC) trusts that under your leadership the legislature will comply more consistently with good government practices.

The LWVCC has concerns in four areas, some of which place the county at risk of costly lawsuits:

1. Lax legislative procedures
 - a. Voting on amendments without either a written or oral statement of the amendments
 - b. Failure to provide legislators and the public adequate time to review documents before votes
2. Inadequate oversight of contractors
3. Inadequate consideration of public input and disrespectful treatment of citizens
4. Inaccurate information disseminated to and by the legislature

In the attached pages, we provide examples to illustrate the need for improvement, along with suggested solutions for the legislature's consideration. Although good government issues came to light during the "Ash for Trash" review, the suggestions may have broad applicability and benefit.

The LWVCC would appreciate the opportunity to meet with you to discuss how our elected officials might better represent public interests through transparent, informed decision-making and greater responsiveness to public concerns. Please let us know a convenient date and time to meet by contacting Alison King at 607-836-6675 or lwvcortland@gmail.com.

Sincerely,

Board of Directors
League of Women Voters of Cortland County
lwvcortland@gmail.com

Alison King, President; Charlotte Farris, Vice President; Sheila Cohen, Secretary; Lenore Schwager, Treasurer; Mary Beilby, Anne Doyle, Linda Frank, Dorothea Fowler, Norma Rhodes, Jane Richards, Jo Schaffer

C: Karen Howe, County Attorney; Evan Geibel, Cortland Standard;
Cortland County Legislators: John Troy, Amy Cobb, Thomas Hartnett, Richard Bushnell, Luke Snyder, Mary Ann Discenza, Raylynn Knolls, Linda Jones, Gordon Wheelock, Susan Briggs, Joseph Steinhoff, Kevin Whitney, Sandy Price, George Wagner, James Denkenberger, Charles Sudbrink

Recommendations to Improve Good Government and Illustrative Examples

1. Lax Legislative Procedures

- a. **Recommendation: State and record amendments before voting. Motions must be sufficient for the public to understand.**

Need for Improvement

See public comments by M. Beilby at 11/20/2014 legislature meeting. Examples:

- i. July 8, 2014: The Solid Waste (SW) Committee approved the final scope for the “Ash for Trash” draft environmental impact statement (DEIS) “pending” an amendment: “a more complete list of items that will not be included in the DEIS.” **The amendment was not available at the time of the vote and was never written.** (See meeting minutes and county response to 10/6/2014 LWVCC FOIL request re scoping).
- ii. November 4, 2014: The LWVCC submitted amendments to two resolutions on the agenda for the 11/4/2014 SW Committee meeting.¹ Mr. Sudbrink spoke in support of the League’s second amendment, however **no amendment language was specified before the committee approved an amended resolution.** Meeting minutes show an amended resolution substantively different from that submitted by the LWVCC.
- iii. November 20, 2014: The legislature approved a Local Solid Waste Management Plan with the “attached amendment.” That **amendment was not included in the full agenda packet, was not available to the public at the meeting, and was not included in the meeting minutes.**

- b. **Recommendation: Provide legislators and the public adequate time to read lengthy documents before votes.**

Need for Improvement

Legislators have expressed concern repeatedly about receiving voluminous documents shortly before scheduled votes. Two examples:

- i. The SW Committee received a 75-page draft document at a 7/8/2014 meeting and voted to approve it as final. The full agenda for the meeting included no resolutions and listed this item (“SEQR Update – Final Scoping Document”) under “DISCUSSION/REPORTS”.
- ii. The SW Committee received a 1000-page, five-volume draft environmental impact statement via email on a Sunday two days before voting on its adequacy.

2. Inadequate Oversight of Contractors

The LWVCC recognizes that the legislature’s decisions cover diverse subjects that are often highly technical, and outside contractors are valuable resources.

- a. **Recommendation: Strengthen oversight by the county’s project managers through more stringent contracting and by tapping the expertise of county employees and community members.**
- i. Hold managers accountable for timely payments in accordance with contract terms.

¹ At the November 4, 2014 meeting the LWVCC also hand-delivered a FOIL appeal to Ms. Howe. This is reflected in the meeting minutes. This delivery was a courtesy, in addition to the email to the jboylan@cortland-co.org, as directed on the county website (<http://www.cortland-co.org/Legislature/FOIL,%20NYS%20Laws.htm>).

- ii. Ensure that contracts are detailed and specific. For example,
 - Require contractors to specify assumptions, methods, and data sources.
 - Establish standards for timely receipt of documents.
 - Require contractors to delineate changes when providing revisions to documents.
 - In modeling studies, require contractors to train county staff who will use and update the models.
- iii. Designate county staff as responsible for overseeing specific areas of contractor projects.
- iv. Assure that resolutions provided by contractors are reviewed and understood by committee chairpersons prior to filing.
- v. Develop process for tapping expertise of community members, particularly if county employees are not available or the project is outside county expertise.

Need for Improvement: See examples above and below.

3. Inadequate consideration of public input and disrespectful treatment of citizens.

a. Recommendation: Increase transparency of decision-making, and create process for partnership in planning by citizens and their elected representatives.

- i. Follow Article IV.A.7 of Rules of Order, which states that Committee Chairs should “invite appropriate individuals to a committee meeting when their resolutions are being considered.”
- ii. Amend Rules of Order to allow public input at legislative committee meetings, and address comments before voting.
- iii. Require committees to discuss pros and cons in open meetings to record reasons for votes.
- iv. Consider a greater role of committees in communicating with the public, while shifting oversight of county departments to an administrative officer.
- v. Enforce the Legislature’s Rules of Order, which prohibit personal or derogatory comments.

Need for Improvement

Legislators listening, reading, and responding to public input would raise public confidence and facilitate resolution of issues. A mutually respectful process might also improve the tone of comments by both residents and legislators.

- i. During 2014, citizens who expressed concerns about the Ash for Trash project were often told that legislators wanted to hear only new information, yet the legislature had not addressed issues raised previously. A videotape of the February 24, 2015 meeting of the SW Committee documents that committee members did not read public comments on the Ash for Trash project.
- ii. Little or no public discussion of controversial issues by the legislature creates the appearance that deliberation occurs in secret. Presently, public input at committee meetings is at the discretion of the committee chairperson. The legislature’s Rules of Order allow public comments before meetings of the full legislature, however the legislature usually does not discuss these comments before voting. Indeed, by the time of the meeting, it may be too late for legislators to reconsider their planned votes.
- iii. The legislature’s Rules of Order require the Chair to “preserve order and decorum in debate, preventing personal reflections and confining members’ remarks to the question under debate”. The Rules also prohibit any person from making personal or derogatory comments regarding individuals.

In 2015, the county legislature removed the chairperson for inappropriate treatment of a fellow legislator but took no action against a legislator who disparaged citizens, made false accusations, and repeatedly referred to citizen communications as “fairy tales” at a February 24, 2015 meeting of the SW Committee. This tirade was videotaped and is publicly available, harming the credibility of our legislature.

4. Inaccurate information disseminated to and by legislators.

- a. **Recommendation: Establish and enforce an ethic of due diligence and accurate, complete, transparent communication. When a legislator speaks or writes in official capacity, the information provided to the public should be accurate.**
- i. Establish transparency as the default. Save county staff resources by posting information on the county website, rather than requiring residents to submit formal requests under the Freedom of Information Law (FOIL).

Please also see suggestions for oversight of contractors (item #2) for possible solutions.

Need for Improvement

County legislators have provided erroneous, incomplete, and misleading information publicly regarding the Ash for Trash project on subjects such as ash content, ash tipping fees, landfill income and losses, ash testing, and hypothetical regulatory burdens. False statements have been publicized in videotapes that reflect poorly on Cortland County and its legislature.

Inadequate attention to detail was also shown by the SW Committee’s approval of meeting minutes in 2014 that listed erroneous committee members (Steinhoff, rather than Sudbrink). Corrected minutes for those meetings should be approved and posted on the county website.

- b. **Recommendation: Provide legislators and the public with accurate fiscal information about county programs and services.**
- i. Include code definitions in budget reports.
 - ii. Plot trends to facilitate forecasting and early identification of issues.
 - iii. Respect and respond to input from residents who are capable and willing to spend the time to uncover budget inconsistencies and fiscal issues.

Need for Improvement

Examples include misstatements of historical budget data (Actuals) in annual budget reports, poorly documented or erroneous assumptions, inflated cost figures, and inconsistency across reports. Inconsistencies included whether the landfill or recycling center is profitable, as well as solid waste tonnage, which is critical to budget estimates. (Re tonnage, see 11/18/2014 letter and 11/20/2014 testimony by the LWVCC regarding a nearly two-fold discrepancy between the DEIS and LSWMP, both written by the same engineering firm.)