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Study commission may delay shrinking of County Legislature

By Matthew Spina NEWS STAFF REPORTER

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Chairwoman Lynn M. Marinelli is creating a group that will research the best size and structure for the Erie County Legislature and probably delay the public vote proposed for next year to shrink the Legislature from 15 members to nine.

The call for a nine-member Legislature was recently revived by civic activist Kevin Gaughan, and it has slowly gained support. Legislator Thomas Loughran, D-Amherst, introduced such a bill in June, and it's backed in principle by four other lawmakers, most of whom have favored a smaller legislative body.

If at least eight lawmakers back Loughran's bill, the Legislature, county executive and comptroller would create a commission to apportion nine legislative districts for the next decade. Voters would be asked to approve those districts in November 2009 — as the lawmakers campaign for re-election to new two-year terms.

But Marinelli's study commission — she would appoint six of its nine members — now muddies the waters, Loughran said. Because it would need time to study a number of reforms, Marinelli does not foresee a referendum before 2010.

"My resolution lets the people weigh in on this issue in 2009, when we would all be running," Loughran said. "So you are either running for downsizing government . . . or to protect the status quo."

Marinelli, D-Town of Tonawanda, said the matter of a smaller Legislature should be examined along with other questions about the powers and duties of the Legislature and the manner in which lawmakers are elected.

"I think what's occurring here is that everyone has an idea about a piece of something," she said, explaining that her "21st Century Commission" will take a wider view. "All I want is a holistic approach, so these things are not done piecemeal or in a vacuum."

For example, if the Legislature becomes smaller, should some of its lawmakers be elected countywide? Should the

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role of legislators be narrowed to budgetmaking with less involvement in policymaking or constituent concerns? Are two-year terms appropriate?

Right now, all 15 run for reelection at the same time, giving voters a chance to usher out a Legislature majority. Marinelli said she once saw merit in staggered three-year terms, when just five lawmakers at a time stand for re-election.

The Legislature alone will appoint the commission. Marinelli not only appoints six of the nine, she designates its leader. She will ask Majority Leader Maria R. Whyte, D-Buffalo, and Minority Leader John J. Mills, R-Orchard Park, to each appoint a member.

And she'll ask Legislator Barbara Miller-Williams, D-Buffalo, to appoint a member because she heads the Government Affairs Committee, the panel that reviews changes to government functions and is the first stop for Loughran's proposal. Miller-Williams, if she wishes, can bottle up Loughran's bill.

Marinelli said she expects the commission to start seeking public comment later this year, issue a final report in 2009 and put its changes before voters in 2010. She likens the process to the Charter Revision Commission, which she championed. It deliberated for most of 2006, and its proposals won overwhelming voter approval that November.

Gaughan's landmark 2006 study, "The Cost," documented Erie County's staggering number of elected officials — 439 spread across all layers of local government and requiring \$32 million a year. Meanwhile, Erie County each year surrenders people and private-sector jobs to other regions of the country with lower taxes. Gaughan contends that all those politicians are not just costly, they become impediments to reform.

Marinelli's commission makes it more difficult for Loughran and Gaughan to pass their bill, because lawmakers who had been on the fence can say it's best to await the commission's findings.

Republican Legislator Edward

A. Rath III, of Amherst, said he's now inclined to let Marinelli's commission do its work. Rath sat on the Charter Revision Commission before seeking public office.

"I think this is a fantastic opportunity for our community," Rath said. "These are issues that the taxpayers want to have analyzed."

County Executive Chris Collins said he likes the idea of a commission, too. But Mills, the Republican leader, said he still wants a referendum in 2009 on shrinking the Legislature from 15 members to nine.

"A nine-member Legislature can be as effective as 15 and maybe more accountable," he said.

Gaughan called the creation of a commission to study Legislature reforms a transparent ploy to derail a referendum next year.

"We just did that," he said about the creation of a study commission. "It was called the Charter Review Commission. We also have the Internet. You can get on and in 15 minutes count on one hand the number of communities with the same number of elected officials as we have."

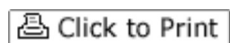
A ploy?

Said Marinelli: "I figured that that's what anyone who wanted to be critical would say."

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