

CITIZENS NOMINATING COMMITTEE ANNUAL REPORT

February 11, 2019

Introduction:

This report on the CNC's 2018 - 2019 candidate selection process has been prepared by the Chair and Vice Chair of the Citizens' Nominating Committee (CNC) for the benefit of both the Procedure Committee and the public. It is the intention of this report to afford some level of transparency to the public of the process followed by the CNC.

Overview:

The conduct and procedures of the CNC are outlined in the Non-Partisan Resolution (NPR) which states its purpose as "to establish procedures for the nomination of a single qualified candidate for election (a) to the office of Mayor, (b) to each place on the Village and Town Board of Trustees to be filled at each Village and Town election, and (c) to the office of Village Justice, all by a Citizens Nominating Committee elected by the voters."¹ This year, only candidates for Mayor and three Village Trustee positions were required to be nominated.²

The process is intended "to secure the continuance of the conduct of our local public affairs free from partisan controversies and from electioneering for party advantage ... for the non-partisan nomination of candidates for such village and town officers through a non-partisan citizens' committee."³

The NPR establishes two bodies to carry out the process it envisions: The Procedure Committee and the CNC. The Procedure Committee is charged with (i) finding candidates to run for the CNC in contested elections, (ii) administering the CNC elections, (iii) reviewing the work of the CNC, and (iv) publicly exploring potential revisions to the NPR.⁴ This report focuses exclusively on the work of the 2018-2019 CNC.

¹ NPR Article I. Note: the NPR was amended by public vote on November 13, 2018. Citations in this report are to the NPR as amended which is posted on the Procedure Committee's website: <http://www.scarsdaleprocedurecommittee.org/formsHome.php>

² The Village Justice is elected to a four year term. A candidate for that position will be required to be nominated next year.

³ NPR third Whereas clause

⁴ The NPR was originally adopted December 11, 1930. It has been amended 42 times over the years, most recently in November 2018 as noted above.

The CNC is comprised of 30 voting members and four non-voting, administrative members.⁵ The 30 voting members serve staggered three-year terms and are comprised of six from each of the five elementary school districts. Each year, 10 members rotate off the CNC (two from each elementary district) and they are replaced by 10 new members (again, two from each elementary district) who are elected by voters from their respective elementary districts in an election to be held on the second Tuesday after the first Monday in November each year.⁶ In November 2018, in addition to the election of a new first-year class of 2021, three members were elected to fill vacancies in previous CNC classes.

The NPR provides that in selecting candidates for Village offices, “the Citizens Nominating Committee shall have regard primarily to the fitness of the persons selected for the particular office. Other considerations herein of fitness and qualification having been satisfied, it shall be the endeavor of the Citizens Nominating Committee in making such selections to provide, so far as may be practicable, for representation upon the Village and the Town Board of the various geographical sections of the Village.”⁷

CNC members reach out to community residents to identify potential nominees, assist those willing to be considered with the submission of a biographical form, listen to all of the nominees’ presentations, research nominees’ references and volunteer service both inside and outside the Scarsdale community, discuss the strengths and weaknesses of each nominee, and conduct a separate vote for a single qualified candidate for each Village Board position to be filled via the General Village Election each year. A nominee who receives the vote of the majority of the members of the CNC becomes a candidate for the position to be filled.

Under the NPR, the work of the CNC in vetting and discussing nominees is done in closed door, executive sessions, the substance of which is confidential. The principle underlying confidentiality is the acknowledgement that until a nominee is an official candidate, a private citizen is entitled to privacy. Therefore, operating in a confidential manner is believed to be an important safeguard that encourages residents interested in

⁵ The 2018-2019 CNC non-voting administrative members were: Jon Mark, Chair; Tim Foley, Vice Chair and Secretary; Sarit Kessel Fuchs, Scarsdale Neighborhood Association Presidents (SNAP) Representative; Eric Cheng, Town and Village Civic Club (TVCC) Representative. The foregoing non-voting members were designated under the NPR prior to its amendment in November 2018 under then Article V, Section 2(B). Under Article V, Section 2(B), the Chair and Vice Chair of the TVCC were designated as the Chair and Vice Chair of the CNC and the other two non-voting members were designated by the TVCC and the Chairperson of SNAP, respectively. Under Article V, Section 4 of the amended NPR, the Chair and Vice Chair are to be appointed from the retiring third-year class of the CNC. The two other non-voting members are to be nominated by the new Chair and Vice Chair and ratified by the CNC at its organization meeting.

⁶ The Procedure Committee has the discretion to advance or delay the date of the election by up to one week should the second Tuesday after the first Monday in November fall on a holiday or for other good cause. NPR Article III, Section 2

⁷ NPR Article VII, Section 2

being selected for Village office to volunteer for consideration.⁸

At the CNC level, membership on the CNC is open to all qualified voters⁹ who choose to run for election to the CNC. As a result, the CNC is composed of a group of resident volunteers representing a cross-section of the community by geography (within the Village), gender, age and length of residence in the Village. This point is illustrated below in “Analysis of 2018-2019 CNC Representation.”

The NPR requires that the first part of the first meeting of the CNC each year is an Organization Meeting that is open to the public. In recent years, the public portion of this meeting has also been recorded for television in an effort to add transparency to this part of the process. The required substance of the Organization Meeting is set forth in the NPR, but generally the meeting includes (i) a review of the non-partisan system by the Chair, (ii) the discussion, deliberation, possible amendment and adoption of the CNC’s Rules of Procedure consisting of guidelines on how the CNC will conduct its process for that year, and (iii) an address from currently sitting members of the Village Board “to advise the [CNC] of any specific experience or ability which would, in the judgment of the Mayor and the members of the Village and Town Board, be particularly desirable in any candidate or candidates to be nominated for the forthcoming election...and to discuss with the [CNC] any matters...which they or the [CNC] may feel would be helpful to the Committee in its selection of candidates.”¹⁰

The CNC’s Rules of Procedure are publicly available on the Procedure Committee web site. While the public portion of the Organization Meeting does not expose the deliberations about potential nominees, it does publicly air the discussion around the nature of the process to be conducted and lets the public see and hear the members of the Committee who will conduct it.¹¹

It is worth noting that the CNC process does not restrict or change the rights and options of the community with regard to how candidates or individuals appear on the ballot for the Village election itself. Quite the opposite; the CNC is an independent group of resident volunteers that provides a service to the community through finding and researching candidates for office. It is the opinion of the Chair and Vice Chair of the CNC that the community only gains by having a researched and peer-reviewed candidate on the ballot for voters to consider. Residents who wish to pursue office by alternative procedures – whether by write-in vote or by running under the auspices of a New York State-designated political party or through some other independent group – are free to do so, and have done so in prior years.

⁸ The Village Board positions at issue each year are themselves non-paid, volunteer positions. The position of Village Justice is an elected, paid position with a four-year term.

⁹ NPR Article V, Section 1 sets out the criteria for eligibility.

¹⁰ NPR Article V, Section 7(a)

¹¹ The recorded portion of the 2018 Organization Meeting held on November 26, 2018, was an hour and a half long. It can be viewed on Scarsdale Public TV at: <https://www.scarsdalepublictv.com/video/citizens-nominating-committee-meeting-november-26-2018/>

Analysis of 2018-2019 CNC Representation:

Class of 2019: - Edgewood Stephen Baer (filling vacancy), Ryan Spicer; Fox Meadow - Marc Greenwald, Judy Wenjing Kerr; Greenacres - Daniel Brown, Jon Leslie; Heathcote – Peter Tesler, Anne Zink (filling vacancy); Quaker Ridge - Mary Beth Gose,¹² Ron Schulhof (three women, seven men)

Class of 2020: Edgewood - Becky Bach, Susan Duncan; Fox Meadow - Dara Gruenberg, Steve Pass; Greenacres - Michelle Lichtenberg, Adie Shore; Heathcote - Eric Lichtenstein, Norbert (Bob) Wolloch (filling vacancy); Quaker Ridge - John Auerbacher,¹³ Gabrielle Wise (six women, four men)

Class of 2021: Edgewood – Sergi Flaster, Linda Killian; Fox Meadow – Richard Pinto, Jill Spielberg; Greenacres – Jon Krisbergh, Alan Lewis; Heathcote – David Bunzel, Adam Rilander; Quaker Ridge – Larry Dobosh, Lee Fischman (two women, eight men)

General CNC Demographics of Voting Members:

Gender: 11 women (36.7 %) and 19 men (63.3%)

Ages: 37 to 68

Residency: 2.5 years to 34 years

Accounting of Specific Work:

Number of CNC meetings: Six covering approximately 13.15 hours

- November 26, 2018: 8:06 pm to 10:05 pm – 2.0 hours
- December 12, 2018: 8:07 pm to 9:53 pm – 1.75 hours
- December 19, 2018: 8:08 pm to 9:37 pm -- 1.50 hours
- January 9, 2019: 8:06 pm to 11:02 pm – 2.90 hours
- January 16, 2019: 8:07 pm to 10:42 pm – 2.60 hours
- January 23, 2019: 8:10 pm to 10:35 pm – 2.40 hours

Additional time spent on the following:

- Review of Non-Partisan Resolution and CNC Rules of Procedure
- Outreach to residents to submit papers as potential nominees
- Calls and emails to nominee references
- Follow-up meeting with one potential nominee by a CNC-appointed subcommittee
- Internet searches

Nominee Search: Members of the CNC reviewed a list of approximately 350 individuals to determine who might be asked to consider putting their names in as potential

¹² Resigned December 19, 2018 for personal reasons.

¹³ Resigned December 12, 2018 for personal reasons.

nominees.¹⁴ The list was compiled from publicly available lists of Village boards and councils as well as persons known to CNC members who might be interested in being considered. Based on that review, as well as contacts made by individual CNC members to other members of the community, the CNC approached approximately 130 residents to run for Village Board positions. Of those 130, 10 individuals submitted their biographical forms and appeared before the CNC. Three of those individuals sought to be the candidate for mayor; seven sought to be a candidate for one of the three Trustee positions to be filled.

Potential Nominee Neighborhoods: The 10 individuals were from Edgewood (2), Fox Meadow (2), Greenacres (2), Heathcote (3) and Quaker Ridge (1).

Candidate Research: For the 10 individuals that submitted their biographical forms, the CNC made over 170 calls and spoke directly to approximately 150 persons (in the aggregate)¹⁵ who were either references named by the potential nominees or persons who were not named references but who were known to have served in volunteer organizations in Scarsdale with the potential nominees. The number of references checked for each individual ranged from 10 to 23. Each individual provided a list of references, but the CNC spoke to additional contacts based on each individual's involvement in Village and other organizations. The additional references were found by looking at past committee/board lists, or by reaching out to individuals active in volunteer organizations identified in the biographical information submitted by the potential nominees.

In addition, at the appointment of the full CNC, a subcommittee of two of its voting members met in person with one potential nominee to ask a follow-up question that had been raised by the CNC as a whole during its discussions. The results of that meeting were reported to the entire CNC by the subcommittee at the next CNC meeting.

Selection of 2019 Procedure Committee Vice-Chairperson and 2019-2020 CNC Chair and Vice Chair

As required by the NPR, after the voting on the slate was completed at the final meeting of the CNC, Sarit Kessel Fuchs was elected Vice Chairperson of the 2019 Procedure Committee.¹⁶ In addition, Marc Greenwald and Ryan Spicer were elected Chair and Vice Chair, respectively, of the 2019-2020 CNC from among the members of the retiring,

¹⁴ As initially compiled, the list reviewed contained the names of approximately 380 individuals. It was quickly determined that some of the persons listed were not eligible for consideration for a variety of reasons, including that they had moved out of town, they were currently serving on the Village Board, they were currently serving on the CNC or were known by CNC members to have said they did not wish to be considered. Even after eliminating persons in these sorts of circumstances, the list of possibly interested individuals was approximately 350 persons.

¹⁵ The aggregate number of references and contacts called is lower than the number of calls because some references or contacts were named by, or were relevant to, more than one potential nominee. The 150 figure eliminates this duplication.

¹⁶ NPR Article II, Section 2(b). Eric Cheng, Vice Chairperson of the 2018 Procedure Committee succeeded to the office of Chairperson of the 2019 Procedure Committee as contemplated by the NPR.

outgoing class of voting members.¹⁷

Note, no detailed procedure is set forth on how to accomplish the election of persons to these positions. However, at the business meetings leading up to the final meeting, the Chair and Vice Chair reminded Committee members of the responsibility to elect individuals to these positions at the final meeting. Committee members were therefore urged to have that in mind as they conducted their business so that they might have some idea of who among them might fill those positions going forward. As a result, at the final meeting after a call by the Chair for volunteers to fill the positions and some discussion, individuals were quickly identified and elected.

Procedural Questions for 2019-2020 Procedure Committee Review

In light of the thorough review of the NPR conducted by the Procedure Committee in 2018-2019 and the November 2018 amendments made to the NPR, there do not seem to be questions pending for 2019-2020 Procedure Committee review. However, next year's CNC might consider Procedure Committee suggestions, if any, on how to refine the process followed this year for selecting the Procedure Committee Vice-Chairperson and the succeeding CNC Chair and Vice Chair.

Respectfully submitted,

Jon Mark, Chair
Tim Foley, Vice Chair

cc: Eric Cheng, TVCC representative
Sarit Kessel Fuchs, SNAP representative

¹⁷ NPR Article V, Section 4(a)