

Laws & Rules, Governmental Services

Regular Meeting Minutes

DRAFT

DATE & TIME: February 18, 2014 – 5:30
LOCATION: Karen L. Binder Library, Sixth Floor, County Office Building
PRESIDING OFFICER: Legislator Richard Parete
LEGISLATIVE STAFF: Fawn A. Tantillo
PRESENT: Legislators Richard Parete, Kevin Roberts
Kenneth J. Ronk, Jr.
ABSENT: Legislators Lynn Archer and David Donaldson
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislator Tracey A. Bartels, Carl Belfiglio and Jeanette Provenzano,
Comptroller Elliot Auerbach, Undersheriff Frank Faluotico

- Legislator Richard Parete called the meeting to order at 5:40 PM.

MOTION NO. 1 **Postpone approving Minutes of the January 29, 2014**

Text of Motion: Resolved to postpone approval of the Minutes of January 29, 2014 to a later meeting

Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Ronk

Discussion: Committee members present do not represent a quorum of the members at the January 29th meeting.

Voting In Favor: Legislators Parete, Roberts and Ronk
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

MOTION NO. 2 **Resolutions No. 54 – February 18, 2014**

Text of Motion: Resolved to Amending The Rules Of Order To Require Participation On Standing Committees

Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Ronk

Resolution No. 52 Summary: Resolution No. 54 will amend the Rules of the Legislature regarding participation on Standing Committees. Approval of the resolution by this committee will result in a first reading. The resolution would require two readings before it could be voted upon by the full Legislature.

Discussion: Legislator Ronk sponsored the resolution and said he wanted to move forward with the first reading to keep it moving, but he would like to make some changes. Since this Committee meeting was moved to the same night as the Legislative Session due to weather delays, the current Rules of the Legislature do not allow a resolution to be amended in committee on the same day as the Session. He suggested having a first reading at tonight's Session, making some changes at the March Laws and Rules Committee meeting, then having another first reading at the March Session.

Legislator Parete questioned if it was appropriate to have two "first" readings or just hold the resolution until all the changes were made.

Legislator Ronk reminded him that there are often several "first" readings of a resolution before they get the final version. There is no harm in a first reading and it will insure it keeps moving forward.

Legislator Roberts suggested they hear Legislator Ronk's proposed changes and then decide how to proceed.

Legislator Ronk outlined his proposed changes as follows:

In Section G - change the wording "may consider" to the words "shall consider". Legislator Ronk is offering this change at the request of a few fellow legislators but doesn't think it is a dramatic change because there is no way to know what someone took into consideration, but has no problem making that change.

In Section I – add "or any other reason as deemed sufficient by the Chairman of the Legislature". Legislator Ronk felt the first three reasons to allowing the Chairman to excuse a Legislator from serving on a Standing Committee were relatively narrow. This change will give the Chairman more leeway to consider conflicts a Legislator has such as getting to a meeting on a certain day or time because of their job or any other reason we may not be able to think of at this time.

Legislator Roberts didn't think these changes were substantial, wanted to move forward with the first reading tonight and discuss any changes at next month's Laws and Rules meeting. Legislator Roberts said the committee should also consider a rule change that would permit amendments on the same day as a Legislative Session especially in cases where weather or holidays forced the committee meeting to be moved to the day of the Session. Legislator Roberts noted that the meetings are not a surprise and the timing should not prevent them from acting or postpone important legislation.

Counsel Weiner said that the change from "may" to "shall" is usually considered a substantive change because it changes a request to a command. Counsel Weiner also felt there was a bigger legal issue with this rules change because it creates a rule without any consequences and begs the question of what happens to someone who breaks the rule.

Legislator Bartels told the committee that both of the changes Legislator Ronk proposed were changes she had discussed with him and she felt they were substantive. Legislator Bartels agreed with Counsel Weiner that the change from "may" to "shall" was significant. Legislator Bartels felt that giving additional latitude the Chairman to consider beyond the three narrow categories in the current resolution was an important and significant change. Legislator Bartels also wanted the committee to consider making additional

changes including the consideration of the Majority and Minority Leaders suggestions for committee assignments. Legislator Bartels said that changing the rules to allow resolutions to be amended in committee on the same day as the Session would not give the full Legislature time to consider those amendments.

Legislator Bartels suggested the committee to hold a meeting to discuss this issue in detail. Legislator Bartels urged the committee to take their time to go over the resolution and rush it through.

Legislator Provenzano asked that the committee consider removing Section F because Legislators are elected and responsible to the voters. Legislator Provenzano observed that there are many special meetings, Special Sessions and Public Hearings that only a handful of Legislators attend. Legislator Provenzano feels these proposed changes are directed at one individual Legislator due to an unusual set of circumstances.

Legislator Belfiglio said that Legislators that refuse to be part of the process and just vote on the floor are shirking their responsibility.

Legislator Parete noted that the changes offered in Resolution No. 54 do not force anyone to attend meetings or impose any punishment for non-attendance. He felt it is unfair to the other twenty-two legislators when one legislator refused to do any of the necessary work. Legislator Parete felt it was unfortunate that it came to this, no one ever imagined a Legislator would refuse to serve and recognized they were forced into uncharted waters.

Legislator Roberts said he felt there was a big difference between refusing to serve on a committee and missing a meeting. If someone refuses to serve, other Legislators must pick up the slack. He addressed some other comments then suggested the Laws and Rules Committee hold a special meeting just to discuss these rule changes.

Legislator Ronk said he had no problem holding off with the first reading tonight and have further discussions. Legislator Ronk said that just because something happened to point out a deficiency in the rules didn't mean it was aimed at any one person. He feels the changes protect the integrity of the Legislative process. Legislator Ronk said he was open to substantive debate, open to some of the changes suggested, and wanted to create the best rule possible even if it takes several months.

Legislator Parete said he would arrange a special meeting to discuss these rule changes. No action was taken at this time

MOTION NO. 2 Resolutions No. 72 - Late – February 18, 2014

Text of Motion: To accept Resolution 72 as a Late Resolution

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion: Legislator Parete said he supported accepting Resolution No. 72 Late due to the urgency of the issue. The resolution was brought forward by Legislator Manna Jo Greene and was discussed and passed the Energy and Environmental Committee. He described the importance of supporting this resolution and growing support for this action throughout the Mid-Hudson.

Legislator Ronk said this resolution is the right thing to do for Ulster County constituents and felt it is important for the Legislature to fight to keep electric rates as low as possible.

Voting In Favor: Legislators Parete, Roberts and Ronk
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

MOTION NO. 3 Resolutions No. 72 - Late – February 18, 2014

Text of Motion: Resolved to Urge The Federal Energy Regulatory Commission (FERC)
To Postpone Indefinitely Its Order Issued August 13, 2013 And Halt
The Creation Of The New Capacity Zone

Resolution No. 53 Summary: Asking the Federal Energy Regulatory Commission (FERC) to postpone action scheduled to take effect on May 1, 2014 to create a New Capacity Zone (NCZ) putting the Mid-Hudson Valley in the same capacity zone as Westchester and New York City and potentially increasing local electric rates as much as 25%

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion: None

Voting In Favor: Legislators Parete, Roberts and Ronk
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

New Business: None.

Old Business: None.

-
- **There being no further business before the Committee, a motion was made by Legislator Ronk, seconded by Legislator Roberts and carried to adjourn the meeting at 6:05 PM.**
-

Dated the 20th Day of February, 2014
Fawn A. Tantillo, Senior Legislative Employee
Minutes Approved On: March 17, 2014