

**Laws and Rules, Governmental Service Committee
Meeting Minutes**

DATE & TIME: March 17, 2014 – 6 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Richard Parete
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Archer, Donaldson, Roberts
ABSENT: Legislator Ronk
EXCUSED: - -
QUORUM PRESENT: Yes
OTHER ATTENDEES: Legislators Bartels and Wishnick, Legislative Staff Krista Barringer, Legislative Counsel Cappy Weiner, Tom Kadgen and Vic Melville from the League of Women Voters and Ken Crannell from the County Executive’s Office (left at 6:18 PM)

Legislator R. Parete called the meeting to order at 6:02 PM.

Motion No. 1: Motion to approve the January 29, 2014 meeting minutes
Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Donaldson
Discussion: None

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts
Voting Against: - -
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Motion to approve the February 18, 2014 meeting minutes
Motion Made By: Legislator Roberts
Motion Seconded By: Legislator R. Parete
Discussion: None

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts
Voting Against: - -
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 3: Resolution No. 54.1- First Reading – March 18, 2014

Text of Motion: **Resolved to approve Resolution No. 54.1 First Reading** -
Amending The Rules Of Order To Require Participation On Standing Committees

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Parete

Resolution No. 54.1 Summary: This Resolution will amend the Rules of Order to require every Legislator serve on at least one Standing Committee and provides for additional rules for assignment to Committees by the Chair

Discussion:

Legislator Donaldson expressed his wish to scrap the resolution and move on.

Legislator Archer stated that she was thinking about what the ramifications are if a Legislator doesn't serve, and that the new web-site being designed and developed by the Clerk of the Legislature would provide voters with the information he or she needed to judge a Legislator's performance. She continued by saying that there is no punishment available if someone doesn't serve because they are all elected officials.

Legislator Roberts clarified that a Legislator has to serve, but whether they attend or not is another matter.

Legislator Archer continued by saying that she understands the intention of the Resolution and feels that the web-site is incredibly inclusive and provides information on committee membership, voting records, attendance, and that it falls to the voter to make the decision on whether they think that a Legislator should continue to serve.

Legislator Donaldson stated that he feels the Resolution was a knee jerk reaction and an inappropriate reaction to something that was done and he doesn't feel that the Resolution solves anything or makes anything better. He continued by saying that by micromanaging the issue so much, they are getting further away from what they originally set out to accomplish. He felt that the Resolution was not needed and that it's time to move on.

Legislator Bartels asked if it is the perspective of the committee that the Chair has the authority to require service and would have the authority also to not accept a resignation. She stated that it is her opinion that the Chair currently has that authority.

Legislator Donaldson agreed with Legislator Bartels and asked Legislative Counsel Cappy Weiner if he concurred.

Counselor Weiner concurred.

Legislator Bartels recognized that at a previous meeting Legislator Ronk stated that there was a grey area surrounding the authority of the Chairman to refuse or accept a resignation and that the two disagree on the point.

Counselor Weiner agreed with Legislator Bartels.

Legislator Bartels said that should the Resolution be adopted she appreciated that there would be in writing a process requiring the Chair to meet with the majority and Minority leaders, and although you can't force his or her hand, it calls for a meeting.

Legislator Archer stated that the Resolution was starting to feel like the Legislators were "over governing" themselves. And the decision should fall to the voters.

Legislator Donaldson reiterated that Legislators are elected officials and cannot be removed from a meeting or forced to serve. He stated that he would vote no on the resolution.

Legislator Roberts stated that regardless of the fact that they are voted in every two years the fact is that they are here now and that the Resolution reinforces equal participation by all members. Can't change what happened and maybe it would be best to make the Resolution effective January 1, 2015 or 2016.

Legislator Bartels relayed that she spoke to Legislator Provenzano who expressed in an email to the Committee that she wanted to reduce the number of committee choices a Legislator is being asked to supply from 5 to 4. Legislator Bartels agreed based on the limited number of committees to choose from.

Legislator R. Parete said that when he has been asked by past Chairs what committee he would like to serve on he always replied that he would serve wherever the Chair thought he would be an asset, and stated that he felt that that should be every Legislators' attitude. He continued by saying that he felt the resolution was not needed, but added that an undue burden is put on other legislators when one refuses to serve on a committee, especially with the reduced size of the Legislature.

He also stated that he did not feel that a Legislator should be allowed to be marked “excused”. He felt that if a Legislator does not attend a meeting he/she should be marked absent.

Legislator Donaldson re-iterated that he believes that the Chairman can refuse a resignation and force the Legislator to accept an assignment.

Discussion turned to the burden placed on other Legislators if one or potentially more than one Legislator refused to serve. And whether the current Rules allow the Chairman to refuse a resignation.

Legislator Donaldson pointed out that he refused to accept resignations when he was Chairman, but did offer to let the Legislator “trade” committee assignments with another Legislator as a way to resolve a conflict.

Legislator R. Parete expressed the need for a Legislator to be reassigned if a resignation was accepted to avoid putting the burden on another Legislator.

Legislator Archer argued that the Committee Chair should be the one who requests that the Chairman make a reassignment to fill a vacancy on a committee.

Legislator R. Parete said that the resolution aims to prevent a Legislator from continually refusing committee assignments until he/she gets their desired assignment.

Legislator Donaldson said that the chair can refuse a resignation and therefore require service to the appointed committee.

Legislator Roberts asked the Chairman to call the question.

Legislator Bartels pointed out that if a Legislator is forced to serve through a refusal of a resignation and doesn’t show up to committee meetings the burden still falls to the other legislators and additionally, it becomes harder to make a quorum.

Legislator Donaldson said the quorum issue can be addressed by the Chairman attending the meeting to replace the missing Legislator without increasing the number required to reach a quorum.

Legislators Bartels and Parete agreed that that puts a burden on the Chair who does not usually go to committee meetings.

Legislator Donaldson said that it would be unusual for a Legislator to habitually absent themselves from a committee meeting.

Legislator R. Parete asked if there was any more discussion and then called the question.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Roberts
Voting Against: Legislators Archer, Donaldson
No. of Votes in Favor: 2
No. of Votes Against: 2
Disposition: Failed

Motion No. 4: Resolution No. 81 – March 18, 2014

Text of Motion: To Postpone Resolution No. 81 to the April Meeting – Denying The Use Of The County Seal Or Any Other Ulster County Identification With Regard To The New York Safe Act

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Parete

Resolution No. 81 Summary: This Resolution will prohibit any state department from using the Ulster county Seal in any way associated with the NYS SAFE Act, including on websites and “recertification” notices to pistol permit holders.

Discussion:

Legislator R. Parete advised everyone that this Resolution was discussed at caucuses.

Legislator Donaldson asked for some clarification on how the Seal actually shows up on State forms

Legislator R. Parete said his interpretation is that any SAFE Act advertising in Ulster County cannot have the County Seal on it.

Legislator Archer added that the Resolution included prohibition of use of the County seal on applications and reminders.

Legislator Bartels asked what the process was to renew pistol permits before the SAFE Act. She asked if there was prior precedent for the State to use the County seal for anything in relation to firearms.

Legislator R. Parete said that there were no renewal requirements before, so there would have been no notices sent out by the state.

Legislator Donaldson asked for clarification on the point of the prohibition and asked for clarification on where the State is being prohibited from using the seal.

Legislator Roberts pointed out that the prohibited uses were spelled out in a “whereas” on the Resolution.

Legislator R. Parete said that the bottom line of the resolution was that if the state issues something they should use the state seal.

Legislator Roberts asked to table the resolution for a month since there would a lot of questions about when the seal is used, when it isn't, etc.

Legislator R. Parete pointed out that the Sheriff was at Caucus to explain and presented a handout listing the counties in the state who had already passed this type of Resolution.

Legislator Bartels agreed with Legislator Roberts that no one could answer if the state uses the seal currently, do they issue any notification to any permit holders, or had in the past. She wanted clarification on if this resolution was going to stop a current process or something that hasn't happened yet. She wanted clarification on if the state uses the seal for anything other than the SAFE Act without our consent.

Legislator Donaldson said that most of the money from the state is pass through money. He cited DSS as an example saying that the county seal appears on DSS applications even though it is state funded. He wanted clarification on whether the resolution would affect that.

Legislator R Parete pointed out that none of these questions were presented to the Sheriff at caucus and that he interprets the Resolution to be specific to materials regarding the SAFE Act only.

Legislator Roberts pointed out that the County Clerk's name also appeared on the Resolution and that it was important for committee to get some more answers on the topic. He requested to table the resolution again.

Legislator Bartels pointed out that the “resolved” lists not only the seal, but the name, its officers, letterheads or address. She further pointed out that the handout was from a group that was obviously anti SAFE Act.

Legislative Staff Krista Barringer advised the committee that pistol permits in NY will all be expiring on the same day and that the state set up a website where the 200,000 + pistol permit holders in NY can go to renew their permits.

Legislator R. Parete said there should be a resolution prohibiting everyone from using the seal.

Legislator Donaldson said that could complicate other application processes like at DSS where the state might have to direct a person to Ulster County.

Legislator R. Parete said that Sheriff VanBlarcum would have been happy to attend the meeting to answer questions if the Legislators had requested it.

Legislator Bartels took issue with the inclusion of the prohibition of using the county name.

Counselor Weiner took issue with the inclusion of the name and address on any communication. He said it was incredibly broadly worded and may lead to confusion on communications. He advised that the resolved may need to be rewritten.

Legislator Donaldson asked if Counselor Weiner would work on the resolved.

Counselor Weiner said he needed to know what the original intent was in order to preserve it while editing the language.

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Archer, Donaldson, Roberts
Voting Against:	None
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

Motion No. 5: Resolution No. 84 – March 18, 2014

Text of Motion: **Resolved to approve Resolution No. 84** – Confirming Appointment Of Member To The Ulster County Board Of Ethics

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Archer

Resolution No. 81 Summary: This Resolution will confirm the appointment of Marjorie Rovereto to the Ulster County Board of Ethics.

Discussion:

Legislator Archer asked if there was an issue with her appointment.

Counselor Weiner advised the committee that the potential issue was whether the bank Ms. Roveretto worked at did business with the county as that would be in conflict with the Ethics Law. It does not.

Legislator R. Parete said that, in the future, he would like to have resumes included with appointments so that they could have an opportunity to get to know people and have a chance to identify conflicts or issues.

Counselor Weiner pointed out that the Ethics Law is so broad that a person could be violating it and not even know and that it's a good idea to have a resume sent to the committee.

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Archer, Donaldson, Roberts
Voting Against:	- -
No. of Votes in Favor:	4
No. of Votes Against:	0
Disposition:	Carried

Motion No. 6: **Resolution No. 90** – March 18, 2014

Text of Motion: **Resolved to approve Resolution No. 90** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Contract With The New York State Board Of Elections For Reimbursement Of Funds Expended For Help America Vote Act (HAVA) Compliance – Board Of Elections

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Roberts

Resolution No. 81 Summary: This Resolution will authorize the Chairman of the Ulster County Legislature to execute a contract with the NYS Board of Elections to receive reimbursement of funds expended to fulfill HAVA up to \$139,144.58.

Discussion:

NONE

Roll Call Vote:	No
Voting In Favor:	Legislators R. Parete, Archer, Donaldson, Roberts

Voting Against: - -
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

Motion No. 7: **Resolution No. 113** – March 18, 2014

Text of Motion: **Resolved to approve Resolution No. 113 (LATE)** - Authorizing The Chairman Of The Ulster County Legislature To Execute An Agreement With The Social Security Administration, Or Other Designated Federal Entity, To Provide Office Space To The Social Security Administration For The Continuation Of Services

Motion Made By: Legislator Roberts

Motion Seconded By: Legislator Archer

Resolution No. 81 Summary: This Resolution will authorize the Chairman of the Ulster County Legislature to execute an agreement with the SSA or other designated Federal entity to provide office space free of charge at the County Office for the Aging

Discussion:

Legislator R. Parete asked for clarification on the fact that the resolution said there will be no financial impact because he was under the impression that there was not going to be a lease.

Counselor Weiner clarified that the Chairman will be signing a letter of agreement offering the space to the SSA free of charge.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts
Voting Against: - -
No. of Votes in Favor: 4
No. of Votes Against: 0
Disposition: Carried

New Business

Legislator R. Parete asked the committee if there was any new business.

Legislator Donaldson said that the committee needs to schedule some time to go over Charter Changes.

Legislator R. Parete said one thing they wanted to address was to make sure that the Boards are up and running, have membership and are actually meeting and reporting to committees.

Legislator Roberts said that there was a lot left on the table the last time charter changes were discussed due to time constraints

Counselor Weiner said that there will be issues coming up that will require changes to the Charter regarding the Audit Committee, how it's funded, what transpires between the County Executive, etc.

Legislator Archer said she received a list of outstanding Resolutions from Clerk Fabella and offered to forward it on to the committee so they could start compiling a list.

Legislator Roberts expressed his concern that the legislative attorneys cannot represent the county legislature or bring matters to court, but the county can use the county attorney.

Counselor Weiner advised everyone about the memo/opinion he wrote on the Audit Committee. The memo was emailed to the committee about the issue of whether the County Executive can veto the Audit Committees choice of Auditor.

Legislator Bartels asked if the Administrative Code was looked at last year.

Legislator Donaldson said that the Administrative Code was simply adjusted to fit in with the Charter changes but agreed that it should be looked at again.

Legislator Roberts believed that the Administrative Code was updated 3-4 years ago.

Legislator R. Parete asked if there was any other business. Hearing none

Adjournment

Motion Made By: Legislator Archer
Motion Seconded By: Legislator Roberts
No. of Votes in Favor: 4
No. of Votes Against: 0

TIME: 6:44 PM

Respectfully submitted this 14th day of April, 2014

Jay Mahler, Deputy Clerk