

**Laws & Rules, Governmental Services Committee
Regular Meeting Minutes**

DATE & TIME: August 13, 2018 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Donaldson, Heppner, James Maloney & Ronk (arrived 6:34 PM)
ABSENT: Legislator Haynes
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Joseph Maloney, Nolan, Rodriguez & Woltman, Legislative Counsel Pascale, Minority Counsel Ragucci, Deputy Executive Crannell – UC Executive’s Office, Evan Gallo – UC Comptroller’s Office, Tom Kadgen, Cindy Bell, Dare & Doug Thompson – League of Women Voters, Patricia Doxsey – Daily Freeman

Chairman Roberts called the meeting to order at 6:32 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the July 16, 2018 meeting

Motion By: Legislator James Maloney
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Donaldson, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: Minutes **APPROVED**

Resolutions for the August 14, 2018 Session of the Legislature

Resolution No. 212: Setting A Public Hearing On Proposed Local Law No. 16 Of 2018, A Local Law Regarding Campaign Finance Reform in Ulster County, To Be Held On Thursday, September 20, 2018 At 7:00 PM

Resolution Summary: This resolution sets a public hearing for Thursday, September 20, 2018 At 7:00 PM to allow the public to offer comments on Proposed Local Law Number 16 of 2018.

Motion No. 2: Moved for **DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Roberts advised the members that the subcommittee was meeting regularly and asked the members if they would like to let them finish their work before acting on the Resolution. Legislator Heppner informed the members that there was one more meeting scheduled to review the work of the subcommittee. Legislator Donaldson explained that the last meeting was to make sure that all of the changes discussed during the meetings were reflected. It was noted that the postponement would be without the consent of the sponsor, Legislator Nolan.

Motion No. 3: **Moved to POSTPONE Resolution No. 212**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 275: Amending The Rules Of Order To Permit Memorializing Resolutions

Resolution Summary: This resolution amends the Rules of Order to allow for Memorializing Resolutions.

Motion No. 4: **Moved for DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Donaldson

Discussion:

Chairman Roberts reminded the members the Resolution has been postponed numerous times. Chairman Ronk stated that he has spoken with the sponsors as well as the Minority Leader and Minority Whip about potential compromises. He added that he was holding out hope that there is a chance for compromise. Chairman Roberts asked Legislator Joseph Maloney what his thoughts were on possible compromise. Legislator Joseph Maloney responded that he saw the value in requiring someone from each caucus to sign on to a resolution. He added that requirement supported the idea of non, or bipartisan actions. He said that the Democratic Caucus has stated repeatedly that they want to bring back Memorializing Resolutions without any restrictions. Legislator Rodriguez agreed that his caucus has discussed the resolution at length and support bringing back memorializing resolutions without restriction. He added that the caucus said they would entertain a compromise if specific amendment language was presented to them.

Legislator Donaldson stated that the compromise that he was considering was to require four people to sponsor with one from the other side, or at least seven sponsors. He agreed that his caucus is not

in favor of a compromise. Chairman Ronk stated that he was supportive of Legislator Donaldson's suggestions and said if the sponsors were supportive of the amendment he would make that motion. Legislator Heppner asked for clarification if the proposal was for an option of either four with one from each caucus, or seven total. Chairman Ronk responded that he supported an either/or option. Legislator Rodriguez stated that he would like an opportunity to discuss the amendment with his caucus before moving forward. Resolution sponsor Donaldson said he would support a postponement.

Motion No. 5: Moved to POSTPONE Resolution No. 275

Motion By: Legislator Ronk

Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: **Resolution POSTPONED**

Resolution No. 281: Establishing A Policy To Prohibit The Use Of Public Funds To Place The Likeness Or Name Of Elected Officials On All Promotional And Informational Signage On County Owned Property

Resolution Summary: This resolution establishes a policy that no County elected official shall appear by likeness, picture, or be named, or otherwise be identified or referenced on any and all promotional and informational signage on County owned property, where same is paid for or produced in whole or in part with public funds of any kind including grant funds except in certain circumstances.

Motion No. 6: Moved for DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Joseph Maloney stated that the sponsors were looking to hold off on the Resolution as they were still working on making it more comprehensive.

Motion No. 7: Moved to POSTPONE Resolution No. 281

Motion By: Legislator Ronk

Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk

Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 323: Setting A Public Hearing On Proposed Local Law No. 20 Of 2018, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Be Held On Thursday, September 20, 2018 At 7:10 PM

Resolution Summary: This resolution sets a public hearing for Thursday, September 20, 2018 At 7:10 PM to allow the public to offer comments on Proposed Local Law Number 20 of 2018.

Motion No. 8: **Moved for DISCUSSION**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Heppner

Discussion:

Legislator Donaldson stated that the law has been implemented in a number of places and has been effective in reducing the number of straws used. He added that he has observed straws automatically being supplied in drinks and stated that this law is an effort to change the way people think about single use plastic items. Chairman Ronk stated that he understood the intention behind the law but questioned the enforceability. He added that he was not opposed to moving the proposed to a public hearing. Legislator Joseph Maloney commented that he expected public enforcement and was not in favor of strict county level enforcement. He added that public enforcement was effectively occurring in municipalities that have similar legislation. Legislator James Maloney stated that he was in favor of sending the law to a public hearing but asked if stirrers were also covered by the law. He also asked if straws on counters at fast food establishments would still be available for customers to help themselves to. Legislator Donaldson responded that the law only applies to straws and that straws at fast food establishments would still be available.

Legislator Nolan commented that she felt they should explore opportunities for requesting voluntary participation before creating a law. She added that businesses will become increasingly frustrated if the Legislature continues to introduce waste reduction laws in a piecemeal way. She stated that this law, on top of the plastic bag ban might begin to deter business. Legislator Donaldson responded that the way the county is getting the word out is through the law and is a more feasible method than visiting every food service establishment and asking them to voluntarily comply. He added that the fines are so low that businesses will not be seriously harmed. Legislator Heppner stated that this law is not comparable to the plastic bag ban as it is not a ban and does not cost businesses anything. He added that there is actually an opportunity for cost savings.

Motion No. 9: **Moved to ADOPT Resolution No. 323**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution ADOPTED**

Resolution No. 324: Repealing Resolution No. 24 Of 2018, Establishing A Policy To Prohibit The Use Of Public Funds To Place The Likeness Or Name Of Elected Officials On Public Service Announcements, Non-Commercial And Non-Political Advertising By Ulster County

Resolution Summary: This Resolution repeals Resolution No. 24 of 2018, adopted on February 13, 2018.

Motion No. 10: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion:

Chairman Ronk advised the committee that he felt there should be a lot more discussion on amending the law to make clarifications rather than repealing it. He added that there may be some instances where members of the Legislature may want to announce events or trainings to their constituencies which might be prohibited under the current law. Legislator Donaldson stated that attorneys have stated the law in its current form is not vague and is sufficient. He added that there are County Executives and Governors who have implemented this type of policy on their own and questioned what the haste was to repeal the law. Legislator Woltman said that ordinarily he would support amending the law, but stated that there has been a lot of confusion and with the Comptroller's Office withholding payments to vendors the policy is obviously unclear and should be repealed. He brought the members attention to the County's Procurement Manual which had the Purchasing Director and County Executive's names on the cover. He stated that the document is considered a publication and would then be covered by the law, but was approved by the Legislature as is. He added the example demonstrated that the law was not clear and should be repealed so that a new and more clear law could be drafted.

Legislator Joseph Maloney responded that a Procurement Manual is not a Public Service Announcement and is not comparable. He added that the law the resolution is proposing to repeal is specific to PSAs only and was intended to be a starting point for this discussion. He defended the law as well written and stated that the most appropriate way to make the law better or clearer would be to amend it, not repeal it. Legislator Nolan advised the members that she believed the law was confusing and has resulted in elected officials either ignoring or not understanding the law and therefore violating it. She stated that she was opposed to postponing the law. Legislator Donaldson stated that the policy was good and took issue with Legislator Nolan defending violations of the policy by claiming the law was unclear. He added that he had legislative attorneys as well as outside attorneys review that law and no one expressed any concerns with clarity. Legislator Rodriguez stated the resolution seeking to be repealed was overwhelmingly adopted and was not vetoed by the

Executive. He added that he supported Chairman Ronk's efforts to amend the policy as opposed to repealing the law. Legislator James Maloney expressed his opposition to the law in the first place. He added that the County Executive was willing to discuss the Legislature's concerns with the use of his name in PSAs but no one reached out to him with their concerns.

Chairman Roberts recognized Deputy Comptroller Gallo who expressed his concern with the lack of enforceability of violations. He highlighted the fact that the Comptroller's Office cannot without payment when a violation has occurred. Legislator Joseph Maloney suggested including someone in the Comptroller and Legislature's offices copies of draft publications, PSAs, etc. before they are sent to print. Legislator Donaldson expressed his concern with the use of tax payer dollars to give incumbents an unfair advantage. Legislator Heppner pointed out that a previous version of the Procurement Manual did not include any names. He added that he supported Chairman Ronk's efforts to address any issues of the law through an amendment process. He added that the law was overwhelmingly supported by the body.

Motion No. 11: **Moved to POSTPONE Resolution No. 324**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Voting In Favor: Legislators Heppner, James Maloney, Roberts & Ronk
Voting Against: Legislator Donaldson
Votes in Favor: 4
Votes Against: 1
Disposition: **Resolution POSTPONED**

Resolution No. 329: Adopting Proposed Local Law No. 13 Of 2018, Establishing The Ulster County Electrical Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Electricians In Ulster County, New York

Resolution Summary: This Resolution adopts Proposed Local Law No. 13 Of 2018.

Motion No. 12: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Ronk stated he believed there were still some concerns with reciprocity and requested postponement. Legislator James Maloney asked if there was any information on the cost to administer the law. Legislator Rodriguez responded that he would look into the costs. He added that he was not supporting the postponement.

Motion No. 13: **Moved to POSTPONE Resolution No. 329**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 330: Adopting Proposed Local Law No. 17 Of 2018, A Local Law Establishing An Ulster County Human Rights Law

Resolution Summary: This Resolution adopts Proposed Local Law No. 17 Of 2018.

Motion No. 14: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Roberts stated that he believed the committee was going to discuss the damages before voting on the law. Chairman Ronk reminded the members that Human Rights Commission Chair Clegg stated at the Public Hearing and during task force meetings that \$25,000 was the minimum amount that an attorney would accept to take a case to federal court. Chairman Ronk stated that he would prefer \$15,000 but would settle on \$20,000. Legislator Heppner advised the members that the task force had discussed the topic at length and settled on the \$25,000 figure. He added that he would be supporting the task force's decision. Legislator Rodriguez stated that the principal that there is restitution is important and was supportive of the \$20,000. Legislator Heppner reminded the members that the \$25,000 is an up to amount. He added that the purpose of the law and the emphasis of the task force was to promote mediation, not law suits. He reiterated his support for the figure that was agreed to by the task force.

Motion No. 15: **Moved to AMEND SECTION 6 OF PROPOSED LOCAL LAW NO. 17 in the form as attached**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators James Maloney, Roberts & Ronk
Voting Against: Legislators Donaldson & Heppner
Votes in Favor: 3
Votes Against: 2
Disposition: **Amendment ADOPTED**

Motion No. 16: **Moved to ADOPT Resolution No. 330 with Proposed Local Law As Amended**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Donaldson expressed his appreciation to Chairman Ronk and Legislator Heppner for their work on the Law. Chairman Ronk also thanked Legislators Heppner and Rodriguez for their work on the law and reminded the members that it would be incumbent upon them to make sure the Commission is adequately funded when working through the budget process.

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution ADOPTED with Proposed Local Law As Amended**

Resolution No. 331: Adopting Proposed Local Law No. 18 Of 2018, A Local Law Amending Ulster County Charter Section 44-8 And Ulster County Administrative Code Section A33-2, Board Of Ethics

Resolution Summary: This Resolution adopts Proposed Local Law No. 17 Of 2018.

Motion No. 17: **Moved for DISCUSSION**
Motion By: **Legislator Ronk**
Motion Seconded By: **Legislator Heppner**

Discussion:

Chairman Ronk advised the members that certain sections of the law and the title needed to be changed to reference correct sections of the Charter and Code. He added that a clarification amendment and reinstatement of a previously deleted section was also being proposed. Legislative Counsel Pascale identified the changes as ministerial. Legislators Donaldson, sponsor of the law, agreed to the amendments.

Legislator Heppner asked for clarification as to whether appointments of the Executive were subject to Legislative approval. Chairman Ronk responded that they were not. Legislator Heppner asked if Legislative appointments were subject to Legislative approval. Chairman Ronk responded that they were.

Legislator Nolan asked if the Law was preempted by NYS General Municipal Law which stipulates how ethics boards are appointed. Legislator Pascale responded that there was guidance from the Attorney General's Office allowing the amendment of the appointment process in charter counties. He added that he had heard there was an opinion from the NYS Comptroller's Office, but had not been provided a copy.

Chairman Robert recognized Deputy County Executive Crannell. Mr. Crannell stated that General Municipal Law was clear on the appointment process and stated his support for the current process. He added that the members of the Board of Ethics are outstanding members of the community and

took issue with comments that a Legislator made justifying changing the appointment process because they felt they would not receive a fair hearing. Legislator Donaldson stated that the law was a simple change. Legislator Nolan expressed her concern with the Legislature confirming their own appointments. Legislator Donaldson responded the Legislature does that often and called the question.

Motion No. 18: Moved to AMEND PROPOSED LOCAL LAW NO. 18 OF 2018 in the form attached

Motion By: Legislator Ronk

Motion Seconded By: Legislator Donaldson

Discussion: None

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Amendment ADOPTED

Motion No. 19: Moved to ADOPT Resolution No. 331 with Proposed Local Law As Amended

Motion By: Legislator Ronk

Motion Seconded By: Legislator Donaldson

Discussion: None

Voting In Favor: Legislators Donaldson, Heppner, James Maloney, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolution ADOPTED with Proposed Local Law As Amended

Chairman Roberts advised the members that Resolution No. 337 - Establishing A Policy To Prohibit The Use Of Recording Devices By Elected Officials And Personnel Of The County Of Ulster Without All-Party Consent, appeared on their agenda under new business. Resolution sponsor Legislator Rodriguez explained that he requested the Resolution be introduced next month so the members could take time to review the policy and make any suggestions. Chairman Ronk commented that he was amazed that such a policy would even need to be discussed.

Chairman Roberts asked the members if there was any other new or any old business, and hearing none;

Adjournment

Motion Made By: Legislator Donaldson

Motion Seconded By: Legislator Heppner

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 7:49 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: September 17, 2018