

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

DATE & TIME: October 15, 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, Haynes, Heppner, James Maloney & Ronk
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Nolan, Joseph Maloney, Rodriguez & Woltman, Legislative Counsel Pascale, David Johnson, Janet Knott, J. Kirk Jones, Sheri Farrell, Tina Buono, Elizabeth Buono, Chris Ludlow – CSEA, Conor Gillis – NYSAR, Tom Kadgen, Cindy Bell, Dare Thompson & Gai Galitzine – League of Women Voters

Chairman Roberts called the meeting to order at 6:31 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the September 17, 2018 meeting

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

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: Minutes **APPROVED**

Resolutions for the October 16, 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 Tuesday, November 13, 2018 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, November 13, 2018 At 6:05 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 Ronk stated that it was his understanding that the Sponsor, Legislator Nolan, was willing to accept a postponement for one more month.

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, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
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 prohibiting County elected officials from appearing by likeness, picture, or be named, or otherwise identified or referenced on any 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, excluding his or her official web page or the Ulster County Directory or during a declared state of emergency.

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

Discussion:

Legislator Joseph Maloney, sponsor of the Resolution, advised the members that he and Legislator Donaldson had been discussing and requesting postponement of the policy for a few months and have decided that they would like to move forward with the policy as written at this time. He added that a number of municipalities in New York have started similar practices by Executive Orders or through legislation. He expressed his opposition to spending taxpayer dollars on publishing elected officials' names on signage. He added that he did not see a downside to the prohibition. Legislator Donaldson echoed Legislator Joseph Maloney's sentiments and added that he felt having the Commissioner of Health's name appear on a health-related notice carried far more weight than having the County Executive's name on it. Legislator Joseph Maloney stated that it was a built-in advantage for an elected official to send mailings out with his or her name on it during a year that he or she might also be running for office.

Legislator Heppner commented that the resolution before the committee pertained to signage and did not include mailings or publications. He asked the sponsors if they had concerns that the policy may face similar criticism and opposition as the policy previously adopted relating to PSAs.

Legislator Donaldson responded that the Legislature needs to start enforcing the policies they establish.

Chairman Ronk mentioned that many of the municipalities that have implemented a similar policy have done so after an election resulting in the need to replace signs. He pointed out that the resolution as written required that all signage in the county be replaced as soon as the policy was adopted. Legislator Joseph Maloney stated that it was his and Legislator Donaldson's intention to grandfather in all current signage. He added that if the policy did not include grandfather language it was a mistake which he will work to remedy. Legislator Rodriguez suggested including "on or before" language to clarify grandfathering language. Legislator Heppner stated that he supported the concept and agreed with adding language which referred to new signs. He added that language should also be added which provides for maintenance of current signs. Legislator Donaldson said he supported adding an amendment to clarify grandfathering language. He asked if the members could decide on language. Chairman Ronk said that he was uncomfortable amending the law on the night before session considering the sponsors had requested postponement for a number of months to work on language. Legislator Donaldson agreed to postponement to allow Legislative Counsel to develop grandfathering language.

Motion No. 5: **Moved to POSTPONE Resolution No. 281**
Motion By: Legislator Haynes
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution POSTPONED**

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. 6: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:
Chairman Roberts recognized Legislator Nolan, sponsor of the Resolution, who advised the members that a number of legislators had communicated with her that they would rather see an amendment of Resolution No. 24 rather than a repeal. She added that there was proposed amendment language in front of the committee which essentially had the same effect. She added that the motivation behind

the legislation was to address a number of ambiguities in the policy and in recognition of statements from a number of elected officials advocating for the benefits of including their names during Public Service Announcements. Legislator Donaldson stated that elected officials have many means to communicate with voters including press releases, press conferences statements, on their websites, etc. Legislator Woltman, sponsor of the Resolution, stated that the buck stops with the highest elected official and that person should be the individual identified to the public.

Legislator Rodriguez asked Legislative Counsel if the county was not in compliance with Public Officers Law and if the amendment proposed essentially repeals or nullifies Resolution No. 24. Counselor Pascale responded that he was not aware of instances of noncompliance with Public Officers Law and confirmed that the proposed amendment language would nullify Resolution No. 24. Legislator Donaldson stated that the proposed amendment repeals Resolution 24 without using the word repeal.

Legislator Heppner asked the sponsors why felt the need to exempt the appearance of names on websites if no such exemption existed in Public Offices Laws. Legislator Nolan responded that it was to provide clarification. Legislator Heppner asked if the sponsors could give an example of any change from current practices in county government as it relates to compliance with Public Officers Law if the legislation was to pass. Legislator Nolan responded that they would go back to the way it was before. Legislator Heppner asked why the Resolution wasn't written to simply repeal Resolution No. 24 if that was the sponsors intention. Legislator Nolan stated that the outcome would be the same. Legislator Heppner stated that amending and repealing a Resolution were not interchangeable legislative actions and said that using the terms interchangeably was contrary to openness and transparency. He added that amendments to a law or policy are intended to add to, correct or clarify within the established law or policy. He stated that the proposed amendment did none of that and simply repealed the policy. He also took issue with implications that the elected officials were not in compliance with Public Officers Law. Discussion continued about the use of the term amendment to enact a repeal. Chairman Ronk agreed with Legislator Heppner that the proposed amendment is a repeal. He added that he was supportive of amending Resolution No. 24 to make clarifications, but did not support Resolution No. 324 which he stated was a repeal under a different name.

Chairman Roberts stated he would be more apt to support a repeal, but not in the form as presented. He added that clearer definitions of PSAs were needed and stated that he did not have an issue with elected officials' names appearing of informational publications. Legislator James Maloney stated that he would also support a repeal, but not in the form as presented.

Motion No. 7: **Moved to POSTPONE Resolution No. 324**
Motion By: Legislator James Maloney
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: Legislator Donaldson
Votes in Favor: 5
Votes Against: 1
Disposition: **Resolution POSTPONED**

Chairman Roberts informed the members that he would be taking Resolution No. 361 out of order to hear from the members of the public in attendance.

Resolution No. 361: Setting A Public Hearing On Proposed Local Law No. 21 Of 2018, A Local Law Regarding Campaign Finance Reform in Ulster County, To Be Held On Tuesday, November 13, 2018 At 6:10 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, November 13, 2018 At 6:10 PM to allow the public to offer comments on Proposed Local Law Number 21 of 2018.

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

Discussion:

Legislator James Maloney asked what amount of public funding was in the law. Legislator Donaldson responded \$175,000 per year. Chairman Ronk suggested postponing the resolution as was done with the other campaign finance law and said he felt it would be less confusing to the public to have Public Hearings on both laws on the same day.

Motion No. 11: Moved to **POSTPONE Resolution No. 361**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: Legislator Donaldson
Votes in Favor: 5
Votes Against: 1
Disposition: **Resolution POSTPONED**

Chairman Roberts asked if there was a spokesperson from those in attendance who wanted to speak on the proposed law. Mr. Chris Ludlow, Hudson Valley CSEA Political Analyst and Coordinator, stated that the members should have received a few emails from him regarding their position on the law. He advised the members that CSEA supports lowering campaign contribution limits from vendors who do business with the county, but does not support any taxpayer funded initiatives. He suggested the members look into something similar to what is offered on the federal level in the form of a check off box on tax forms which would allow an individual to voluntarily contribute.

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. 8: Moved for **DISCUSSION**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Heppner

Discussion:

Legislator Rodriguez stated that he has spoken with the County Executive a few times on how he might implement the law. He added that he advised the Executive that he was open to any amendments. Legislator James Maloney asked if any funds were set aside in the Proposed 2019 Budget. Legislator Rodriguez responded that there was not.

Motion No. 9: Moved to **POSTPONE Resolution No. 329**
Motion By: Legislator Ronk
Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Rodriguez stated for the record that he was opposed to the postponement.

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 381: Setting A Public Hearing On Proposed Local Law No. 22 Of 2018, A Local Law Of The County Of Ulster Requiring Residential Fire Sprinklers In New Construction Within Ulster County, To Be Held On Tuesday, November 13, 2018 At 6:20 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, November 13, 2018 At 6:20 PM to allow the public to offer comments on Proposed Local Law Number 22 of 2018.

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

Discussion:

Legislator Rodriguez stated that he was more than willing to have the law postponed. He advised the members that the law was introduced at the suggested of a New Paltz Village Trustee who was also a volunteer firefighter. He added that he would invite him to the next month's meeting. Chairman Ronk stated that he did not see any scenario where he would support the law. Legislator Donaldson also stated that he found it difficult to support the measure because of the substantial cost to homeowners. Chairman Ronk added that there were many rural areas in the county where the installation of a sprinkler system would require additional wells or small water towers. Legislator Rodriguez informed the members that he would withdraw the legislation and may reintroduce something similar on a smaller scale in the future.

Withdrawn by Sponsor

Chairman Roberts advised the members Proposed Local Law No. 23 of 2018 - A Local Law Amending Various Sections Of The Ulster County Charter And Ulster County Administrative Code To Reduce The Ulster County Legislature To 21 Members, appeared on their agenda under new business. Resolution sponsor Legislator Donaldson explained that he asked for the Proposed Law to be included on the agenda to give the members an opportunity to review it before it is officially introduced. He added that the referendum on the ballot pertaining to the redistricting commission will also effect the language of the law if adopted in November.

Legislator James Maloney stated that the reduction would take effect in 2023. The members discussed the pros and cons of a reduction to 21 members, including the number of votes required to override a veto, and the increase in people represented. Chairman Ronk suggested reducing the legislature to 9 or 11 full time, instead of part time, members. Legislator Joseph Maloney expressed support for fewer full time members. Legislator Woltman expressed his opposition to reducing the body if it might limit access to legislators by their constituents. Chairman Roberts stated that at 21 members there would be an additional 1,000 people to a district. Legislator Nolan stated that her district is the largest geographically and any addition would have a dramatic effect. Legislator Rodriguez said he thought the topic merits discussion. Chairman Ronk suggested the subject be discussed more fully at a meeting dedicated to the topic.

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

Adjournment

Motion Made By: Legislator James Maloney

Motion Seconded By: Legislator Heppner

No. of Votes in Favor: 6

No. of Votes Against: 0

TIME: 7:47 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: November 19, 2018