

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

DATE & TIME: November 19, 2018 – 6:15 PM (or immediately following the Budget Public Hearing)
LOCATION: Marbletown Town Hall, Room M-15, 1925 Lucas Ave
PRESIDING OFFICER: Chairman Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Donaldson, Haynes, Heppner & Ronk
ABSENT: Legislator James Maloney
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Litts & Rodriguez, Commissioner Tom Turco – Board of Elections, Deputy County Executive Marc Rider

Chairman Roberts called the meeting to order at 6:21 PM.

Motion No. 1: Moved to APPROVE the Minutes of the October 15, 2018 meeting

Motion By: Legislator Donaldson
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Minutes APPROVED**

Chairman Roberts recognized Commissioner Turco to discuss the Proposed 2019 Budget for the Board of Elections. Commissioner Turco thanked the members for understanding why he could not attend the special meeting last week. He advised the members that the key to the 2019 budget will be possible action on the state level regarding early voting, and potentially same day registration. He added that in 2020 the state may implement same day primaries for federal and state offices. He suggested that the Legislature may want to set aside some funding in the event that additional staff and equipment is required.

Legislator Heppner asked if Commissioner Turco had an idea of the savings from combining the federal and state primaries. Commissioner Turco responded that there would definitely be savings in even years, but did not provide a figure. Chairman Ronk added that the figure would vary depending on the number of parties having contests. Legislator Rodriguez added that the number of poll sites also vary during primaries and commented about the number of changes to poll sites in the past few years. Commissioner Turco advised the members that school facilities provide the most ideal polling locations, but school districts are increasingly unwilling to allow

them to be used. He added that Commissioners have long advocated for election day to be a state holiday to allow schools to close and BOEs to use them. He added that there are a number of accessibility and other requirements that a site must have to qualify.

Legislator Donaldson asked for clarification on same day registration. Commissioner Turco responded that the current process allows voters to vote via Affidavit Ballot giving the BOE time to confirm eligibility before the ballot is cast. He explained that same day registration would allow someone to enter a poll site with proof of an Ulster County address and give them an opportunity to register and vote at that time. He added that some sort of electronic poll book would be required.

Chairman Roberts asked if there were any other questions. Hearing none, he thanked Commissioner Turco for his time.

Resolutions for the November 20, 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, December 11, 2018 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, December 11, 2018 at 6:00 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 Roberts

Discussion:

Chairman Roberts stated that the sponsor was not present. Legislator Rodriguez advised the members that it was his understanding that the sponsor was okay with postponing the Resolution to give her more time to come up with a compromise with the other proposed Campaign Finance Law.

Motion No. 3: **Moved to POSTPONE Resolution No. 212**

Motion By: Legislator Heppner

Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

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 Heppner
Motion Seconded By: Legislator Ronk

Discussion:

Legislator Donaldson informed the members that he had not yet made amendments to the law and asked for the measure to be postponed.

Motion No. 5: Moved to **POSTPONE Resolution No. 281**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
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 Ronk suggested that the resolution be postponed as neither sponsor was present.

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

Discussion: None
Voting In Favor: Legislators Haynes, Heppner, 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. 8: **Moved for DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Haynes

Discussion:
Legislator Rodriguez, sponsor of the proposed law, advised the members that he had heard back from the County Executive's Office on parts of the law. He added he would support postponement as long as the process continued to move forward. He asked Deputy County Executive Rider if he had anything to relay. Mr. Rider responded that he did not have any serious comments.

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

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

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, December 11, 2018 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, December 11, 2018 At 6:15 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:

Chairman Ronk stated that he would move to postpone the Resolution as was done with Resolution No. 212. Legislator Donaldson stated that he felt the proposed law was ready to move forward but was open to working on a compromise between the two proposed laws.

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

Discussion: None

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

Resolution No. 405: Establishing A Policy To Require Prior Notice Of The Use Of Recording Devices By Officials And Staff Of The County Of Ulster

Resolution Summary: This resolution establishes a policy prohibiting Elected Officials and personnel of the County of Ulster from recording private communication transmitted by telephone, telegraph, radio or other device between two or more individuals by any County owned device, electronic, cellular or otherwise designed to record and/or transmit said communication, unless prior notice is provided to all the participants in the communication.

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

Discussion:

Legislator Donaldson stated that he felt the policy would limit an employee's ability to make a recording during instances of harassment or abuse in the workplace. He added that New York is a one-party state and felt that was sufficient. Chairman Ronk informed the members that the policy only applies to county devices and added that he felt it was inappropriate for elected officials or others to use county resources to record someone without their knowledge. Legislator Rodriguez advised the members that the Democratic Caucus had issues with limiting an individual's ability to make recordings.

Chairman Ronk advised the members that there was some concern with the use of the term "administrators and staff" and stated that he would like the policy amended to use the term personnel. Legislator Donaldson asked if the county could supersede state law. Legislative Counsel

Barnett responded that the policy was not superseding state law as it applies to county owned devices and does not broaden the state law. Legislator Rodriguez repeated his caucus' concern about limiting an individual's ability to record. He advised the members that there were suggestions to record all phone conversations.

Motion No. 13: Moved TO AMEND to replace all references to “administrators and staff” with “personnel”

Motion By: Legislator Ronk

Motion Seconded By: Legislator Haynes

Voting In Favor: Legislators Donaldson, Haynes, Heppner, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Amendment ADOPTED

Motion No. 14: Moved to ADOPT Resolution No. 405 as amended

Motion By: Legislator Ronk

Motion Seconded By: Legislator Haynes

Discussion: None

Voting In Favor: Legislators Haynes, Roberts & Ronk

Voting Against: Legislators Donaldson & Heppner

Votes in Favor: 3

Votes Against: 2

Disposition: Resolution ADOPTED AS AMENDED

Resolution No. 473: Setting A Public Hearing On Proposed Local Law No. 23 Of 2018, A Local Law Entitled “Ulster County Ethics Law”, To Be Held On Tuesday, December 11, 2018 At 6:15 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, December 11, 2018 At 6:15 PM to allow the public to offer comments on Proposed Local Law Number 23 of 2018.

Motion No. 15: Moved for DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator Heppner

Discussion:

Chairman Ronk explained that the proposed local law resolved a number of the concerns with the previous proposed Ethics Board change that were raised by some legislators, the County Executive and the County Attorney. He advised the members that the law creates a Board of Ethics appointed by the County Executive with three members appointed at the suggestion of Legislature, one by the Majority Leader, one by the Minority Leader and one by the Chairman. Legislator Donaldson asked what would happen if the Executive did not make the suggested appointment. Legislator Ronk responded that the Legislature would have a court intervene. Legislator Rodriguez asked how closely

the proposed law mirrored the Orange County Law. Chairman Ronk responded that it is almost identical except all three of the Legislative appointments in Orange County are by the Chairman.

Legislator Donaldson advised the members that he felt legal counsel should be provided to individuals who are called to appear before the Board. He also informed the members that a Legislator who recently appeared before the Board could not be represented by Legislative Counsel or the County Attorney and had to provide their own attorney at their own expense.

Legislator Heppner stated that he felt the proposed law was the best version thus far and agreed that some provision for counsel should be provided. He said that the current Ethics Board has the ability to fine an individual up to \$10,000 for a single infraction. He added that guaranteeing the independence of the board is important. Legislator Rodriguez agreed that counsel should be provided if a charge is being levied against a Legislator for something done in the course of their official duties. The members discussed conflicts of the County Attorney and the Legislature's various counsels. Chairman Ronk stated that there were a number of considerations that needed to be made relating to providing counsel. Legislator Rodriguez commended Chairman Ronk for introducing the law. He added that he would like to see more conversations about who provides legal counsel to the Ethics Board. Chairman Ronk advised the members that he asked Legislative Counsel to review Local Law No. 3 of 2008 and that it may be amended to provide for indemnity and defense in an action before the Ethics Board. Legislator Heppner suggested amending the proposed law to require the Board utilize independent counsel for any matter involving an elected official. Legislator Haynes asked for some background on matters traditionally brought before the board.

Chairman Roberts asked if the law would be before voters in November 2019. Chairman Ronk responded that it would which leaves a lot of time to work on it. He added that he would work on the amendment to require independent counsel for any matter involving an elected official as well as looking at Local Law No. 3 of 2008.

Motion No. 16: **Moved to POSTPONE Resolution No. 473**

Motion By: Legislator Ronk

Motion Seconded By: Legislator Donaldson

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: **Resolution POSTPONED**

Chairman Roberts advised the members that Proposed Local Law No. 24 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 asked if there was any feedback. Legislator Rodriguez stated that he would like to focus more on the concept of representation when

determining the number of Legislators and whether they would serve in a full or part time capacity. Legislator Donaldson commented that it makes sense to make a change to the legislature at a time when the districts would be changing anyway.

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

Adjournment

Motion Made By: Legislator Heppner

Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 5

No. of Votes Against: 0

TIME: 7:12 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: December 17, 2018