

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

**DATE & TIME:** July 11, 2016 – 7:00 PM  
**LOCATION:** SUNY Ulster County Community College, Clinton Hall, Howard St.  
John Business Seminar Room  
**PRESIDING OFFICER:** Deputy Chairman Donaldson  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Belfiglio, and Rodriguez  
**ABSENT:** Legislators R. Parete and Roberts  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislators Berky, Greene, Heppner, Delaune, Loughran, Bartels and Wawro, Legislative Counsel Pascale, Minority Counsel Ragucci, Callie M. Jayne – Citizen Action of NY, the following individuals identified themselves as “citizens”: Robert Gallenz, Evie Rouse, Carrie McCurdy, and Cassandra Burke

Deputy Chairman Donaldson called the meeting to order at 7:00 PM.

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Deputy Chairman Donaldson asked all those in attendance to ensure they sign in on the sign in sheet being circulated. He thanked everyone for attending, introduced the members of the committee and other legislators present and advised everyone that this special meeting was being held as a working meeting in order to review and discuss Proposed Local Law Number 10 of 2016 - A Local Law Prohibiting Discrimination On The Basis Of Gender Identity At Places Of Public Accommodation, Resort Or Amusement.

He asked if any member of the public present would like to speak.

Ms. Callie M. Jayne from Citizen Action of NY thanked the members for having the meeting, commented on the importance of the legislation and said she was attending to listen.

Ms. Cassandra Burke identified herself as a citizen of Ulster County and read a brief statement of support for the legislation.

Mr. Robert Gallenz stated that he was at the Laws & Rules meeting held on June 20 and restated his opinion a medical professional’s note substantiating a claim of transgender identity should be required, as well as a requirement for separate bathroom and shower facilities.

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Deputy Chairman Donaldson polled the members to see how they would like to proceed with the review of the law. It was agreed that the review would be conducted section by section starting with the Legislative Intent & Findings. He advised the legislators that a copy of the NY City Law was distributed along with the proposed local law.

Legislator Belfiglio mentioned that he would like to see language in the Legislative Intent section indicating that there is existing State Regulation regarding this type of discrimination. Legislative

Counsel Pascale clarified for the legislators that the state regulation was not a law or an Executive Order. He explained that it has the force of law and provides for a complaint procedure for individuals who believe they have been discriminated against based on gender identity.

Legislator Heppner asked what action on the state level would be required for the current regulation to be rescinded. Counselor Pascale stated that it was stronger than an Executive Order and would require a public comment period to be rescinded.

Minority Counsel Ragucci was asked to draft language to be included in the Legislative Intent section referencing the existence of the state regulation and stating the county's desire to see the passage of a law.

Counselor Pascale commented that it may be more appropriate to model the Ulster County Law after the State Regulation as opposed to the NY City Law because NY City has a comprehensive Human Rights Law while Ulster County does not.

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Deputy Chairman asked if anyone had any concerns with the definition section of the law.

Section 2 (b): Legislator Berky advised the members she, along with counsel, would be reviewing the entire law for consistent and accurate usage of the terms gender and sex. She added that she received feedback that the terms are not exactly interchangeable.

Section 2 (c): The members discussed the definition of "place of public accommodation, resort or amusement" in the State Regulation versus the definition as currently written in the local law. Counselor Pascale mentioned that the state's definition of "public accommodation" was more comprehensive than the county's. Counselor Ragucci was asked to draft new language stating that the definition would include, but not be limited to the definition as stated in Section 292.9 of the NYS Executive Law.

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Section 3: Prohibition. Legislator Bartels questioned whether the word "persons" was the most accurate term in the first sentence. The members discussed and Counselor Ragucci suggested that the word "individuals" would be more appropriate. The members agreed the word "individuals" should replace "persons."

The members discussed whether to include discrimination in employment and housing. They ultimately decided that would best be addressed in a comprehensive Human Rights Law.

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Section 4: Enforcement. Legislative Counsel Pascale mentioned that he reviewed the enabling statute of the NYS General Municipal Law, the Ulster County Charter and Administrative Code and did not see permission granted to the local Human Rights Commission to adjudicate cases of complaint. He continued by saying that the Charter may need to be amended in order to empower the commission to do anything more than hear complaints and refer them to the state division for action.

The matter was discussed and ultimately the language in the enforcement section identifying the Human Right Commission as the enforcement authority remained unchanged.

The members discussed the language regarding the hearing officer and agreed that it should be changed to more clearly indicate that the “designee” of the Commissioner of Human Rights must be a member of the Human Rights Commission. Legislator Berky indicated that she would provide updated language based on the discussion at the June 20, 2016 Laws & Rules, Governmental Services committee meeting.

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Section 5: Penalties. The members discussed the penalties noting it was comparatively low to other Local Laws adopted in the county. Legislator Heppner suggested increasing the penalty; Legislator Greene suggested a graduated penalty. The members decided to review fines in the other county’s laws and in other local laws adopted in Ulster County.

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Section 6: Reverse Preemption. Legislator Greene identified a typo in the first sentence. The correction would read as follows, “This local law shall be null and void on the day that a federal ~~and~~ **or** statewide legislation ...”

Legislative Counsel Pascale indicated that the reference to regulations was contradictory as state regulation currently exists. No decision was made on a remedy.

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Deputy Chairman Donaldson advised those present that the changes discussed would be made in the next week and would be presented to the Laws & Rules, Governmental Services Committee for consideration on July 18, 2016. Legislator Berky thanked everyone for their work and time on the law.

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Deputy Chairman Donaldson asked if there were any other comments or concerns, and hearing none;

**Adjournment**

**Motion Made By:** Legislator Rodriguez

**Motion Seconded By:** Legislator Belfiglio

**No. of Votes in Favor:** 3

**No. of Votes Against:** 0

**TIME:** 9:08 PM

**Respectfully submitted: Jay Mahler, Deputy Clerk**

**Minutes Approved: August 15, 2016**