

Establishing A Policy To Prohibit The Use Of Recording Devices By Elected Officials And Personnel Of The County Of Ulster Without All-Party Consent

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Donaldson, Haynes, Heppner, and James Maloney)

Minority Leader Hector S. Rodriguez offers the following:

WHEREAS, pursuant to 18 United States Code § 2511(2)(d) and New York Penal Law § 250.05 telephonic and in-person communications may be recorded provided at least one participant in the communication consents to the recording; and

WHEREAS, except as otherwise governed by New York Open Meetings Law, the Ulster County Legislature hereby determines that the public benefit is better served if notice and consent of the use of recording devices by Ulster County Elected Officials and personnel is given to all parties; now, therefore be it

RESOLVED, that Elected Officials and personnel of the County of Ulster are hereby prohibited 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 the consent of all the participants in the communication is first obtained; and, be it further

RESOLVED, notwithstanding any other section herein, this policy shall not apply to recordings by law enforcement officials, the District Attorney and personnel of said office, and the Public Defender and personnel of said office during the course of their official duties; and, be it further

RESOLVED, notwithstanding any other section herein, communications or conversations of an emergency nature, such as reporting of a fire, medical emergency, crime or disaster may be recorded with the consent of one party to the conversation; and, be it further

RESOLVED, notwithstanding any other section herein, all public meetings and events conducted by Ulster County Elected Officials and personnel shall be presumed to be open to recording and shall be exempt from specific notification requirements; and, be it further

RESOLVED, where consent by all participants is required pursuant to this Ulster County policy, consent shall be considered obtained whenever one participant has announced to all other participants engaged in the communication or conversation, in any reasonably effective manner, that such communication is about to be recorded or transmitted and, in the event of a recording, that such announcement is also recorded; and, be it further

Resolution No. 337 September 20, 2018

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RESOLVED, that for purposes of this Ulster County Policy the following definition(s) are applicable:

“Elected Official”: Ulster County Executive, Ulster County Comptroller, Ulster County Legislators, Ulster County Sheriff, Ulster County District Attorney, Ulster County Clerk.

and be it further,

RESOLVED, that this Resolution shall take effect immediately,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Laws and Rules, Governmental Services as amended on
September 17, 2018

FINANCIAL IMPACT:
NONE

Legislator Rodriguez motioned, seconded by Legislator Archer, to refer the Resolution back to the Laws and Rules, Governmental Services Committee.

MOTION ADOPTED BY THE FOLLOWING VOTE:

AYES: 12

NOES: 10

(Noes: Legislators Gerentine, Haynes, Litts, Lopez, Maio,
James Maloney, Roberts, Ronk, Wawro, and Woltman)

(Absent: Legislator Fabiano)

***REFERRED BACK TO LAWS AND RULES, GOVERNMENTAL SERVICES
COMMITTEE***