

**Laws and Rules, Governmental Service Committee  
Special Meeting Minutes**

**DATE & TIME:** March 4, 2014  
**LOCATION:** Karen L. Binder Library, 6<sup>th</sup> Floor, COB, Kingston, NY  
**PRESIDING OFFICER:** Legislator Ken Ronk, Jr.  
**LEGISLATIVE STAFF:** Vicki Fabella, Clerk/Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Archer, Donaldson, Roberts (arrived at 5:35 PM), R. Parete (left at 5:30 PM)  
**EXCUSED:** N/A  
**QUORUM PRESENT:** Yes  
**OTHER ATTENDEES:** Legislators Maio, Greene, Litts, III, Gregorius, Bartels, Wishnick, Provenzano (left at 5:55 PM), Allen (arrived at 6 PM), Maloney (arrived at 6 PM), Majority Counsel Cappy Weiner, Majority Counsel Chris Ragucci, Tom Kadgen, LWV, Vic Melville, LWV

Legislator Ronk called the meeting to order at 5:21 PM.

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**Motion No. 1**                      **Resolution No. 54.1 – March 18, 2014**  
**Text of Motion:**                **Motion to discuss Resolution No. 54.1** - Amending the Rules of Order to Require Participation on Standing Committees  
**Motion Made By:**                Legislator Donaldson  
**Motion Seconded By:**        Legislator Archer  
**Resolution No. 54.1 Summary:** This Resolution amends the Rules of Order to require participation by each Legislator on at least one Standing Committee

**Discussion:**

Legislator Ronk read the proposed changes that were agreed to by himself, as the primary sponsor of the Resolution, based on the discussion at the last committee meeting.

Specifically: **Section F** - is a new part of the rule that every Legislator shall serve on at least one Standing Committee of the Ulster County Legislature, **Section G** - the word “may” was changed to “shall” “...consider each legislator’s knowledge, experience, expertise and interest...” and **Section I** - an extra “catch all phrase” added at the end of the reasons for excusal from serving as “... or any other reason as deemed sufficient by the Chairman.”

Legislator Bartels felt that Section H was unnecessary because Section F covers appointments to committees by the Chair and the reasons for excusal from that appointment. She offered that the committee may want to confirm her position with a legal opinion. Legislator Donaldson agreed.

Legislator R. Parete had to leave the meeting at 5:30 PM. He stated that the broad diversity of people present would come up with something good and that he supports a Resolution that says that everyone needs to serve.

Legislator Ronk disagreed on the redundancy of Section H because there is nothing currently in the rules saying that a Legislator has to accept a committee assignment. The opinion he received from Minority Counsel was that there is nothing in the current rules that compels service on any particular committee. He acknowledged the disagreement he has with Legislator Bartels on whether the Chairman has to accept a resignation or not.

Legislator Bartels said she'd like to hear Legislative Counsel Weiner's opinion on the matter. Counselor Weiner excused himself to collect his research. She reiterated her opinion that with the addition of Section F combined with the existing Rule that the Chair makes the appointments, H was redundant. She continued by saying that the language "...regardless of their knowledge, experience, expertise....." is redundant and old.

Legislator Donaldson agreed with Legislator Bartels and added that the language in H was "over the top"

Legislator Ronk said that he was agreeable to amending Section H to end at "...shall be accepted by every Legislator."

Legislator Archer offered that being new to the process, she may have a different point of view. She believes that when looking at and thinking about participation it's always best to put people on a committee in which they have interest and further, that the results tend to be better when people have an interest in something. She acknowledged that there would be times when people will be placed on a committee that they may not have interest in, but then have an opportunity to have an impact.

She continued by saying that, although there is value to experience, expertise it's not an automatic give me, but that they should be considered because they bring a certain continuity and value to a committee.

Thirdly, she highlighted the present opportunity to improve communication for everyone so that there is a general understanding of what people want. She looked at the issue from a process perspective to put a process in place. Copies of her proposed changes to the Resolution were made and distributed.

Legislator Provenzano offered that in Section G the word “shall” was included which means “will” or must” therefore the Chairman has to place a Legislator on a committee that they want and that H is contradictory because requires that a Legislator must accept an assignment given.

Legislator Ronk disagreed, saying that the key word in G is “consider”, not “shall.” Consider doesn’t necessarily mean that when all 23 Legislators are considered for 5 spots on a committee, a legislator may not fit on the one or two committees that were requested. He gave the example that every year there are at least 15 legislators who want to serve on the Ways & Means Committee.

Legislator Provenzano asked Legislative Counselors Weiner and Ragucci for an interpretation of the word “shall” and what it obligates the chair to do.

Legislator Archer explained that her amendments addressed individual interest in committees, valued expertise and improved communication and created a process where everyone could feel that they were heard.

Specifically:

Amending Section G. In making appointments to Standing Committees:

Adding: (a) Within 7 days of the legislature’s reorganizational meeting, every legislator shall inform the appropriate majority or minority leaders, in writing, of their top 3 committee assignments. (b) The majority and minority leaders will meet with the newly appointed Chairperson to present the legislator requests and provide insight to the Chairperson regarding each legislator’s knowledge, experience, expertise and interests.

Amending (c) the Chairperson of the Legislature shall consider each Legislator’s knowledge, experience, expertise, and interests and will assign each legislator at least one of their requested committees and other assignments will be at the discretion of the Chairperson.

She concluded by affirming that Legislators would be given the opportunity to get at least one of their committees. And everyone would feel that they were heard and there is a process in place to be heard.

Legislator Provenzano stated that Legislator Archer’s amendments address her concerns.

Legislator Donaldson said that, having previously served as the Chair, he understands the difficulty of assigning a Legislator to one of his/her top 3 requests. He sighted the problem of having to compromise the assignment of a Legislator to a committee that he/she has more experience or knowledge about just meet the minimum assignment requirement of another Legislator. He acknowledged the intent of the amendment, but stated that he didn’t get any of his committee preferences the first time he was elected, but learned and contributed regardless. He continued by saying that it could be problematic accommodating each legislator’s requests in light of the fact that the number of committees has been reduced and could be reduced even

more. The requirement that every Legislator gets at least one of their requested committees might not even be doable or worth it in the end.

Legislator Ronk agreed with Legislator Donaldson that the requirement to assign each Legislator at least one of their requested committees could be problematic and said that he was not sure that he could support (c) without a caveat "...to the best of his or her ability." He gave an example of a situation where 5 of his 10 members all chose Laws and Rules, Ways and Means, and a same third, forcing everyone would have to try again. He gave a second example of having all of the committee assignments set, but then scheduling conflicts arose.

Legislator Barterls stated that Lynn's amendments addressed a lot of her concerns.

Legislator Gregorius spoke against the seeming regulation of Legislators' behavior and questioned where the regulations would end; attendance, committee assignments, etc.

Legislator Provenzano recommended that an attendance requirement be added

Legislator Ronk asked what the enforcement mechanism would be on the proposed attendance requirement and recommended that the committee remain focused on the issue being addressed by the Resolution rather than branching out into other topic areas.

Legislator Bartels felt that the current rules allow for the Chair to refuse a resignation but acknowledged that there is some ambiguity on the matter. She then asked for clarification on whether the current language in Section H provides for appointment to another committee if a Legislator is only appointed to one committee and is then excused by the Chair.

Counselor Weiner stated that Section H created an exception to F and that there should be clarification language on acceptable reasons for excusal from serving.

There was general agreement that an illness should allow for excusal from serving on a committee.

Legislator Litts stated that voters pay a lot more attention to a Legislators' attendance and voting record than they are given credit for and non-participation will be highlighted during elections.

Legislator Greene supported Legislator Archer's amendments and believed the more communication the better the outcome. She recommended that language be added to Section H to ensure that an additional appointment is made if a Legislator has a non-illness related conflict from serving on their appointed committee.

Legislator Ronk stated that the Chairman needs to be given the ability to make modifications to committee assignments because the minority or majority leaders may not be considering things such as geographic diversity when compiling recommendations.

There was discussion on the provision that each Legislator must be given at least one of their top three committee choices and the difficulties that could arise in creating assignments.

Legislator Maio recommended increasing the number of Committee choices from 3 to 5.

There was discussion on the role of the Majority and Minority leaders in the committee assignment process and reiteration that it is ultimately the Chair's responsibility to ensure that both the Majority and the Minority are at the table working together.

Legislator Bartels recommended language to amend G(a) to increase number of Committees preferred to 5 and that they must be ranked in order of preference.

Legislator Ronk, as the primary sponsor of the Resolution, accepted increasing the number of choices to 5.

Legislator Roberts stated that he appreciated the work of Legislator Archer and believed that a Legislator should serve and that it ultimately falls to the Chairman to make the assignments and was hesitant to change that tradition. He felt that Legislators should notify their Majority or Minority leader of conflicts or preferences, but that committee scheduling conflicts are better addressed with the Committee Chair as they are the ones who set the committee meeting days/times, not the Chair of the Legislature.

Legislator Litts recommended that the language "where possible to ... at least one of their ..." be added to G(c).

Legislator Allen agreed and stated that he was behind the spirit of the resolution.

Legislator Bartels disagreed on the addition of "where possible" and stated that if 5 committee preferences are submitted at least one can and should be accommodated.

Legislator Ronk agreed to the changes and offered that language be added to F "No Legislator shall be required to serve on more than 3 Standing Committees..." in order to stave off any vindictive attempts to mandate service on many committees. All Legislators agreed.

There was discussion on the increase in work distribution to other Legislators when one or more Legislators do not serve on any committee. Discussion turned to adding a requirement that the Chair make a new assignment if a Legislator resigns from the Committee that they

were given and that the second assignment does not necessarily have to be from the list of requested committees originally submitted.

Legislator Bartels stated that if excusal from serving on a committee could be granted under Section H for so many broad reasons, then there is little point to the Resolution.

There was discussion about adding a provision requiring reassignment so that the Legislator still meets the requirement to serve on at least one standing committee.

Legislator Greene asked for clarification on the process for moving forward.

Legislator Ronk offered that the Clerk and Deputy Clerk would compile the changes discussed and would email the changes to the Legislator present. The amended Resolution would then be considered at the regular Laws and Rules Committee Meeting later in the month.

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**Adjournment**

**Motion Made By:** Legislator Roberts  
**Motion Seconded By:** Legislator Archer  
**No. of Votes in Favor:** 4  
**No. of Votes Against:** 0

**TIME:** 6:34 PM

**Respectfully submitted this 14<sup>th</sup> day of April, 2014**  
**Jay Mahler, Deputy Clerk**

**Minutes Approved on: April 14, 2014**