

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

DATE & TIME: May 19, 2014 – 6 PM
LOCATION: Karen L. Binder Library, 6th Floor, COB, Kingston, NY
PRESIDING OFFICER: Chairman Richard Parete
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Archer, Donaldson (arrived at 6:32 PM),
Roberts, Ronk (arrived at 6:30 PM)
ABSENT: None
EXCUSED: None
QUORUM PRESENT: Yes
OTHER ATTENDEES: County Attorney Beatrice Havranek, Deputy County
Executive Ken Crannell, Tom Kadgen, League of Women Voters.

Legislator R. Parete called the meeting to order at 6:05 PM.

Motion No. 1: Motion to approve the April 14, 2014 meeting minutes
Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Archer
Discussion: None
Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Roberts
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

Motion No. 2: Resolution No. 157 – May 20, 2014
Text of Motion: **Resolved to approve Resolution No. 157** – Calling On The
Ulster County Senate And Assembly Delegation To Introduce And Ensure The Passage Of
State Legislation To Require The State To Take Over The Total Expenses Associated With
Conducting Elections

Motion Made By: Legislator Roberts
Motion Seconded By: Legislator Archer

Resolution No. 81 Summary: This Resolution asks that the Ulster County delegation to the NYS Senate and Assembly introduce legislation calling for the state to take over the costs of elections.

Discussion

There was some discussion on whether the Ways and Means Committee had to pass the resolution before Laws and Rules can consider it. The committee agreed to vote on the Resolution.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Roberts
Voting Against: None
No. of Votes in Favor: 3
No. of Votes Against: 0
Disposition: Carried

Discussion: **Resolution No. 159** - Setting A Public Hearing On Proposed Local Law No. 3 of 2014 (A Local Law Amending Local Law No. 10 of 2008 (A Local Law Adopting An Administrative Code for the County of Ulster, State of New York) To Require Cost Benefit Analysis As Part Of The Financial Impact On Resolutions Approving The Execution Of Private Contracts And Private Contract Amendments In Excess Of \$50,000.00 Entered Into By The County For Public Services) To Be Held On Tuesday, June 17, 2014 At 7:00 PM

Resolution No. 159 Summary: This Resolution will set a public hearing to hear comments on Proposed Local Law No. 3 which requires a cost benefit analysis be provided to County Legislators as part of the financial impact on resolutions approving the execution of private contracts and private contract amendments in excess of \$50,000.00 entered into by the county for public services

Discussion:

County Attorney Beatrice Havranek informed the committee that she just received the resolution earlier that afternoon and did not have sufficient time to complete a thorough review of it. She requested more time to review the resolution and pointed out that she was the party responsible for defending the Local Law against any potential litigation.

She advised the committee that Section C referencing potential environmental impacts should be reconsidered because environmental impacts often require completion in steps throughout a projects evaluation.

Legislator Parete offered that the person responsible for completing that section of the cost benefit analysis could supply “not known at this time” in Section C.

Legislator Parete asked County Attorney Havranek to clarify why the Legislature would be asked to vote to approve any project if its environmental impacts were not assessed.

County Attorney Havranek used the STRIVE project as an example citing the fact that 3-4 resolutions on the project have been passed by the legislature yet final approval for the purchase of the property was not complete until this month.

Counselor Weiner expressed his opinion that getting a partial answer is preferable to not asking the question at all.

County Attorney Havranek expressed her concern that a partial answer could lead to litigation if the SEQRA process is not followed.

There was further discussion about the time that was given to County Attorney Havranek and the members of the Committee to review the Local Law.

Legislator Archer said that, despite just receiving the Local Law earlier, she did spend a couple of hours investigating some of the references and felt that she would like more time to review all of the elements.

Legislator Parete reminded Legislator Archer that they would not be voting on the Resolution tonight and that the Resolution is calling for a Public Hearing to be held in a month to evaluate and seek public comment on the local Law.

Legislator Roberts asked for clarification on the section stipulating the types of contracts and services that the Local Law would not apply to.

Legislator Archer added that she felt that was an example of why the Local Law needed additional work.

Counselor Weiner pointed out that he only received one phone call regarding suggestions on changes to the Local Law.

Legislator Roberts offered his opinion that discussion of legislation and vetting changes was a primary function of the committee system. He then asked Deputy County Executive Ken Crannell for input in the financial impact section of the resolution.

Deputy County Executive Crannell said he has been involved in a number of public-private partnerships and said that he believed that the privatization of mental health services would not have been subject to the local Law, but thought that would be something the legislature would not want exempted. He continued by saying that he is always prepared with that information and the committee is always provided with it by way of the “backup” that is supplied.

Legislator Parete commented that the mental health services were privatized, and he has received calls from a school district that they are having difficulties they did not have before getting prescriptions for students. He continued with another example regarding Flow Control and said that the RRA will be asking for rate increases because an analysis was not done. Things need to be put in writing to the legislature because when things are in writing people are held accountable. He said he felt the initiative was a good one.

County Attorney Havranek cautioned the committee that if changes that are more than ministerial are made after the public hearing, the public hearing process has to start over.

Counselor Weiner pointed out that a comment was made by individuals in the Executive’s office that this initiative would “bankrupt the county and we would have to hire at least 3 new people to respond to the requirements of the resolution.”

Mr. Crannell clarified his statement by saying that they would definitely need more staff.

County Attorney Havranek responded that she too would need more staff.

Counselor Weiner responded that he felt that the legislators would find that scary as they would hope that the work was already being done. He continued by reading the requirement in the Local Law to list any additions or deletions of personnel.

Mr. Crannell admitted that information was already provided.

Counselor Weiner stated that the Local Law is an attempt to formalize the process and that the legislature has a fiduciary duty to ask these questions. He added that, although it is appreciated when Mr. Crannell and others attend committee meeting to answer questions, the legislators would like a more formal information sharing process.

Legislator Parete said that budget time is a particular issue when backup is not provided because of the 2/3 majority needed to override. He continued by citing a staffing change

from 1 aide per 10-12 residents to 1 aide per 35-40 at Golden Hill as another example of a negative consequence of privatizing. Patients are experiencing longer periods of time before being looked in on.

Legislator Archer acknowledged that the legislation was a good start and felt that more research was needed. She suggested that the committee should be given some more time to work on it in committee.

Legislator Roberts agreed that the intent of the legislation was great and acknowledged that the Executives office has been good at answering questions, but he felt that answers should be in writing. He continued by saying that the legislation needed more work.

Legislator Ronk pointed out that there are times when resolutions appear before committees without all the supporting information or someone present to answer questions and that committees are asked to vote blind. He suggested that the Legislature set a policy that they will not vote on legislation until all information is provided and questions answered.

Legislator Archer stated that she thought it was the Committee's responsibility to request information and ensure that it is obtained before a vote is taken.

Legislator Parete pointed out the resolution that was voted on by the Laws and Rules Committee the previous month that was received 15 minutes before the meeting.

Legislator Archer stressed the time limitations of being a part time legislator and emphasized the potential benefits of the legislation and suggested a one page fact sheet might also be valuable. She continued by reiterating her opinion that more work should be completed.

Legislator Parete stated that having information on paper holds people accountable.

Legislator Donaldson pointed out a number of instances where a cost benefit analysis would have been useful. He cited his former school district's decision not to outsource their school buses contrary to the actions of neighboring districts. After 2 years it turned out that it was cheaper to keep the buses rather than outsource the service.

There was more discussion about mental health services in schools. Mr. Crannell again stated that he was willing to talk to anyone who had questions.

Counselor Weiner pointed out that the intent of the legislation is to not just talk about things, but to get information in writing. He pointed out that Mr. Crannell and County Attorney Havranek and Executive Hein would not always be in those positions and that individuals holding those positions in the future may not be so knowledgeable and accommodating.

Legislator Parete suggested that other counties must have a similar requirement.

Legislator Archer offered that this type of process was just starting to be implemented at the federal level and that years were spent going back and forth on it.

Legislator Parete said that it would be nice to have this legislation in place before budget time.

Legislator Archer asked if there was a process to identify issues that had any potential budget impacts at the beginning of the year. There was a discussion about certain committees receiving information but not the whole legislature.

Tom Kadgen from the League of Women Voters suggested that the Legislature should be doing the analysis themselves.

There was a discussion about the part time nature of the legislature and the potential need to contract out for that type of analysis.

The committee discussed the nature and form of the suggested changes to the legislation being offered by Mr. Crannell and County Attorney Havranek.

Motion No. 3: **Resolution No. 160** – May 20, 2014

Text of Motion: **Resolved to approve Resolution No. 160** - Setting A Public Hearing On Proposed Local Law No. 4 of 2014 (A Local Law Amending Local Law No. 2 Of 2006 (A Local Law Adopting A County Charter Form Of Government For The County Of Ulster, State Of New York) And Amending Local Law No. 10 Of 2008 (A Local Law Adopting An Administrative Code For The County Of Ulster, State Of New York), To Update The Term Of Membership To The Environmental Management Council) To Be Held On Tuesday, June 17, 2014 At 7:05 PM

Motion Made By: Legislator Archer

Motion Seconded By: Legislator Ronk

Resolution No. 160 Summary: This Resolution will set a public hearing to hear comments on proposed updates to the terms of membership to the Environmental Management Council.

Discussion:

The committee discussed why the legislation was necessary. County Attorney Havranek explained that there was a conflict created when the legislation was initially drafted for the Charter and the term as described in the state enabling legislation.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 4: **Resolution No. 169** – May 20, 2014

Text of Motion: **Resolved to approve Resolution No. 169** - Authorizing The Chairman Of The Ulster County Legislature To Execute A Lease With Ulster Savings Bank For Space To Be Used By The Board Of Elections – Department Of Public Works (Buildings And Grounds)

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Roberts

Resolution No. 169 Summary: This resolution authorizes the Chairman to execute a lease with Ulster Savings Bank for offices at 284 Wall Street, Kingston to be used by the Board of Elections

Discussion:

Legislator Ronk mentioned that previous conversations of the space committee which identified those offices as particularly expensive. But that the location is preferable despite the parking shortage.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 5: **Resolution No. 185** – May 20, 2014

Text of Motion: **Resolved to approve Resolution No. 185** - Establishing A Financial Records Access Policy

Motion Made By: Legislator Ronk

Motion Seconded By: Legislator Archer

Resolution No. 185 Summary: This resolution will establish a financial records access policy allowing the Clerk of the Legislature and/or his/her designee access to financial reports available through the county New World Systems financial management system.

Discussion:

Legislator Ronk pointed out that the Comptroller issued a memo in support of the resolution.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Motion No. 6: **Resolution No. 186 (LATE)** – May 20, 2014

Text of Motion: **Resolved to approve Late Resolution No. 186** – Approving The Execution Of A Contract In Excess Of \$50,000.00 Entered Into By The County – Drescher & Malecki LLP– Legislature

Motion Made By: Ronk
Motion Seconded By: Donaldson

Resolution No. 186 Summary: This resolution approves a contract in the amount of \$195,000 Drescher & Malecki LLP for auditing services to be provided for 2013, 2014 and 2015 at the cost of \$65,000 per year.

Discussion:

Legislator Parete explained that the contract was for 3 years at \$65,000 a year with the option to do 2, 1 year agreements at the county’s sole option.

Legislator Archer complimented the Audit Committee on their good work.

Roll Call Vote: No
Voting In Favor: Legislators R. Parete, Archer, Donaldson, Roberts, Ronk
Voting Against: None
No. of Votes in Favor: 5
No. of Votes Against: 0
Disposition: Carried

Resolution No. 187 (LATE) – May 20, 2014

Resolution No. 186 Summary: This resolution seeks to appoint members to the Ulster County Railroad Advisory Committee

Discussion:

Legislator Donaldson advised the committee that the resolution did not meet the criteria for lateness and advised the committee that it would be submitted timely for the June meeting.

There was discussion about the committee being inactive at the present time.

County Attorney Havranek advised the committee that individuals should be selected with caution as the county was currently in litigation. She also offered to brief the legislature on the status of the litigation in executive session.

The committee agreed that that would be beneficial

New Business

Legislator Ronk advised the committee that he intends to introduce a couple of Local Laws amending the Charter next month on term limits and extensions for County Legislators effective 2021. He expressed his intention to have four year terms with a maximum of 3 terms.

There was a brief discussion on the subject.

Legislator Donaldson brought up the way redistricting was done the last time by the redistricting commission. He feels that district lines should be able to be challenged by petition by the voters.

County Attorney spoke to the method of submitting permissive referendums and that there were structural issues right now in order to have it subjected to a permissive referendum.

There was further conversation about a provision in the charter regarding redistricting, the redistricting commission and legislative approval.

Legislator Parete stated that he would like to have the Charter reflect that the selection of the Audit firm is not subject to Executive Approval. He also suggested that the method of filling appointments be formalized.

Legislator Donaldson agreed that appointments should be processed through committee.

There was a brief discussion of the selection of individuals for the RRA. Legislator Donaldson advised the committee that he was not happy with the way the second appointee was selected and felt that the discussion should have taken place in a committee rather than in caucus so that both parties could have a chance to participate.

Legislator Archer, a member of the Economic Development Committee, informed the committee about the special meeting scheduled to work out the interview questions and process for making appointments to the IDA.

Legislator Ronk complimented the Economic Development Committee for waiting until the matter that was before them was settled so that the current IDA members did not have additional pressure on them while considering their decision. He then expressed his view that he would like the appointment process revised. He stated that on the matter of the RRA appointments, he felt that the Legislature may be acting in violation of the NYS Public Authorities Law Section 2050 (c)(1) and that he would address the matter further at session the next day.

There was more discussion about whether the one of the RRA appointments was supposed to be a Minority or Majority appointment.

Old Business

None

Adjournment

Motion Made By:	Legislator Ronk
Motion Seconded By:	Legislator Archer
No. of Votes in Favor:	5
No. of Votes Against:	0

TIME: 7:27 PM

Respectfully submitted this 16th day of June, 2014

Jay Mahler, Deputy Clerk

Minutes Approved on June 16, 2014