

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

DATE & TIME: March 15, 2021 – 6:00 PM
LOCATION: Powered by Zoom Meeting by Dialing (646) 558-8656
Meeting ID: 921 5590 1327
PRESIDING OFFICER: Chairwoman Bartels
LEGISLATIVE STAFF: Deputy Clerk Mahler, Deputy Clerk
PRESENT: Legislators Donaldson (arrived 6:03 PM,) Gavaris, Heppner, Roberts
& Ronk (arrived 6:09 PM, left 6:54 PM)
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Ragucci & Minority Counsel Pascale, Deputy County Executives Milgrim & Rider, Commissioners Dittus & Quigley and Deputy Commissioners Fuentes & Williams, Deputy Director Wainwright – UC Information Services, Paul Ostrander – MidHudson News

Chairwoman Bartels called the meeting to order at 6:01 PM.

Motion No. 1: Moved to **APPROVE Minutes & Transcript of the February 10, 2021 Regular and February 22, 2021 Special Meetings**

Motion By: Legislator Heppner
Motion Seconded By: Legislator Roberts

Discussion: None

Voting In Favor: Legislators Bartels, Gavaris, Heppner & Roberts
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Minutes APPROVED**

Chairwoman Bartels advised the members that she would be taking the discussion of the Board of Elections space needs and relocation plan out of order as the Commissioners had additional meetings to attend. See attached transcript.

Resolutions for the March 16, 2021 Session of the Legislature

Resolution No. 95: Adopting Proposed Local Law No. 13 Of 2020 As Amended, A Local Law Amending The Ulster County Charter, (Local Law No. 2 Of 2006), And Amending The Administrative Code For The County Of Ulster, (Local Law No. 10 Of 2008) To Further Clarify Departmental, Agency, Office Or Unit Estimates

Resolution Summary: This resolution adopts Proposed Local Law No. 13 of 2020.

Motion No. 2: **Resolution No. 95 MOVED FOR DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Donaldson

Discussion: See attached transcript

Voting In Favor: Legislators Bartels, Donaldson, Gavaris, Heppner & Roberts
Voting Against: Legislator Ronk
Votes in Favor: 5
Votes Against: 1
Disposition: **Resolution ADOPTED**

Resolution No. 130: Appointing Chairman David B. Donaldson As The Ulster County Legislature's Member To Serve On The County Jury Board

Resolution Summary: This resolution designates Chairman David B. Donaldson to serve on the Ulster County Jury Board for a term to expire on December 31, 2021

Motion No. 3: **Resolution No. 130 MOVED FOR DISCUSSION**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion: See attached transcript

Voting In Favor: Legislators Bartels, Donaldson, Gavaris, Heppner, Roberts & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution ADOPTED**

Chairwoman Bartels moved on to Old Business on the Agenda; a continuation of the discussion of amendments to the Rules of the Legislature. See attached transcript.

Chairwoman Bartels asked if there was any other old or any new business; and hearing none.

Adjournment

Motion Made By: Legislator Heppner
Motion Seconded By: Legislator Roberts

No. of Votes in Favor: 5
No. of Votes Against: 0

TIME: 7:29 PM

Respectfully submitted: Deputy Clerk Mahler
Minutes Approved: April 19, 2021

**Laws & Rules, Governmental Services Committee
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ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Ragucci & Minority Counsel Pascale, Deputy County Executive's Milgrim & Rider, Commissioners Dittus & Quigley and Deputy Commissioners Fuentes & Williams, Deputy Director Wainwright – UC Information Services, Paul Ostrander – MidHudson News

Chairwoman Bartels called the meeting to order at 6:01 PM.

Chairwoman Bartels

Thank you. Today is the March 15, 2021. Meeting of Laws and Rules and Government Services Committee. It is 6:01pm. Can I get an approved, a motion to accept the February 10 Regular and the February 22 Special, Special meetings' minutes?

Legislator Heppner

I'll move it.

Chairwoman Bartels

Okay, Legislator Heppner, and Do I have a second?

Legislator Roberts

Second

Chairwoman Bartels

Legislator Roberts. Great. Are there any comments? Any, any changes? Anything necessary? Okay, hearing none, all those in favor of accepting both sets of minutes?

Committee Members

Aye

Chairwoman Bartels

Opposed? Okay, passes unanimously. Okay, so we're gonna take, we're gonna take the BOE discussion out of order since everyone's present, do we have Deputy Executive Milgrim back? Is he coming in from the waiting room? Okay, well, let's, since we, since we know we're on kind of tight time for both. For both the Commissioners, let's start the conversation now. And, and I assume he'll be here in a minute. And he does have all the material we're going to start

talking about. So I'm going to hand it over to Commissioners Dittus and Quigley. And we're on a time limit, that's, we're self imposed. So we know, we know that you have time limitation. So we'll head right into it.

Commissioner Dittus

Alright. Sounds good. Thank you. So the materials that were circulated, essentially cover our current space and what we're operating with at the board of elections at present. And then our assessment of what spacing needs we have for both the storage of all of our equipment that goes into Election Day, and our voting systems, as well as other needs that we've run into. A description of our current space needs relating to parking and accessibility, organizational issues, our training and how that is not a dedicated space that we have ownership over. Being that we train a lot of election inspectors. The addition of early voting requirements and just in efficiencies and being split into two different spaces being right now at Golden Hill with two full time members, and then down at the 284 Wall Street. PPE has now become a part of our world. And I think will be to some capacity for at least this year, maybe going into the future. Our reliance on part time staff and not really having adequate space for those efforts. And then more deeply legislation that might require us to even expand beyond the space that we've had at present.

We've also included a draft drawing, not necessarily of a space that we would use, but just a visualization of all of the things that we have. And really just, I think that goes to show just how many things, I think it's not really as well known as, as we maybe think about how many items we actually do have, so that spaces it all out an individual footprint. And then timeframes for us. John and I have talked about when would be a good time for us to move given that for at least the storage space for the voting systems, the stanchions pole pads, our two full time members that are up at Golden Hill, there's really only space for us to move in the middle of the summer once we wrap up the primary. And then not until after an election is done either soon thereafter, or in the beginning of 2022 January, February, at the latest. So that's, that's pretty much it. I don't know if everybody has had time to look through all of the materials, if there's any questions about what we've already sent, if there's any metric points that are not included that people would like for us to source out and research? And really just talking about next steps how, how do we want to go about this, to start really being, getting serious about this project? Anything you want to weigh in on john?

Chairwoman Bartels

I was just going to ask

Commissioner Quigley

Yeah, just like to add that as department heads both Ashley and I, we don't want this to fall to the wayside, and we'll be available whenever, wherever you guys need us. For more resources or whatever it is, questions that might arise. I want to thank Tracy for coming in actually checking out the space and sort of getting a chance to see how things are. And I want to continue to extend the invitation anybody else like to stop by, sort of get a layout of how things are going?

Commissioner Dittus

Yeah. Legislator Gavaris is coming on Thursday, he just said before you hopped on.

Commissioner Quigley

And I just look forward to resolving the issue. What we're laying out there is, is a dream plan. But we're realistic, we know that we're gonna have to find something that works for all parties involved. And I look forward to hopefully getting to that resolution.

Chairwoman Bartels

Okay, before I open into questions, maybe I can extend the floor to the Executive's Department. I don't know if you want to add anything about the work that begun in terms of assessing spaces, if you have anything that you want to add to the conversation, and then I'll then I'll open it for questions.

Deputy Executive Rider

So, um, thank you for the opportunity. There's a few things that I want to bring up, that will, at least, I think, allow us to have a little bit more time on this. And the first is I think there was some questions on whether golden Hill needed to be emptied this year, or when the construction was going to start on that. And we were told last week, that construction will not start until mid '22, at the earliest because they're going to be trying to get their financing in place, etc. So I do think that trying to rush a move for the summer, I think we can avoid that and have the best plan possible. With a December, January, February, move time one of the considerations is that we were going to take emergency management and move them potentially to the BRC, but we just got to report back that the occupancy level that that would require would, would be a fairly large capital project. And so the space at the BRC was originally built out to move IS there. And I think we're gonna move forward with that, as far as moving IS out of its current building and over to a space that's laid out for them at the BRC. That would potentially open the IS building. Right now there is questions on a knee wall, a lot of people think that the roof is, is problematic there, it's actually just a knee wall in the back that could be shored up. And then long term occupancy, whether that's Board of Elections, or whether we move a few other pieces around, I think there's a couple very good options to either have Board of Elections there or figure out a way to get them into the County Office Building. Either way, it's space that we own, as opposed to going out and leasing space. And I think having the time, which is almost a year from now that we'll have Golden Hill opened up I think that allows us to have kind of a thought out plan.

Chairwoman Bartels

Okay, Chair Donaldson

Chairman Donaldson

Yes, I mean Marc is right, in that it's probably the earliest possibility. I mean, I'm on that LDC the earliest possibility will probably be June '22 you know, June '22 that would be a you know, the best scenario because they have to wait for the rounds of funding in order to, you know, actually get the financing. So, we do have some leeway there. The other thing is now where IS is now I mean that's been an issue of a building for two and a half decades that I know of. I mean, they used to have to go up and shovel snow off the roof at points because it couldn't handle the weight of the snow when we had the really bad snows where you would have one piling on top of another. Maybe with global warming we won't have that anymore, I don't know. But I still think it's probably not the best building in the world. But having said that if, it works, but they would have to run through there to look at that, but I agree we have a little time because the Golden Hill situation is going to be well over a year.

Chairwoman Bartels

I'm just curious when is the lease up in, in the the other portion of the, their use? The lease on whatever street that is right now Fair street?

Deputy Executive Rider

Do you have that Ashley? Because I don't have it off the top of my head I feel like

Commissioner Dittus

I believe [inaudible] we signed a five year agreement in 2020 for the current space, the 284 location. Yeah, that's about 60, \$62,000 a year in rent 284 Wall Street. A five year agreement that I believe we just renewed because the building was sold last year. So we renewed the lease.

Chairwoman Bartels

Okay. Are there any other questions? Legislator Heppner?

Legislator Heppner

Yeah, I would just, you know, emphasize that, you know, despite, which is a good thing that there is time to buy a little bit, a year out that, you know, we take time, though, this time to really set a plan. You know, you know, the earlier the better. To work through this, because, you know, I think, since I think not even the previous agreement to the current lease agreement, there's been a general consensus in the Legislature for relocating the BOE. And with, you know, the obvious, you know, expansion of voting, and those different things, that need is even more important, just adding on to that. So I just hope that we don't, we don't wait to the last minute, and we make sure we're taking this time that is granted to us to have a plan earlier than later.

Chairwoman Bartels

I would definitely echo that. Well stated. I think that we need to be moving forward. So I would, I would suggest to both to committee members and anyone else who is interested to, to coordinate with the Commissioners to as Legislator Gavaris has done and as I did to go see the space that they're currently in, and maybe we can coordinate with the Executive's office to have a look at the is building. And the Commissioners want to come along for that too, that might be a good might be good to actually for everybody to get to see the space. So I don't know if that's something we can arrange. Go ahead.

Deputy Executive Rider

One thing I mean, the one parameters that I think we're stuck with is, I believe, unless we wanted to do a referendum, this has to be in the City of Kingston. And so at least, you know, the forward facing public piece has to be within the city. Otherwise, we could look at the BRC space for the Board of Elections too. But again, it's we're kind of stuck within those guidelines.

Chairman Donaldson

But yeah, when the, what is the, the IS move? When is that going to take place?

Deputy Executive Rider

Probably by this summer, I mean, the plan was to originally move them there. And then we looked at, it seemed like a perfect space for emergency management. But again, because it's an EOC and other things, there's a higher level of occupancy required, we had an engineer come in, and it's, you know, half a million dollars just to shore up a couple pieces and then to do the build out. It's not, it was at least a half a million in extra costs, to bring it up to the occupancy level that just made it not worth it. So I anticipate that we would be able to move is there by the mid summer. If that building was chosen to be where the Board of Elections wanted to go, we would shore up, again, the reason we had to go up on the roof and shovel off the snow is not because the roof was bad it was because there's a knee wall in the back that that a piece of it failed. So they didn't want the weight on the roof. That could get fixed. And then the building would be good. Otherwise, I think the move would be then and, and remember that building is actually not owned by the county. It's owned by, I believe UCEDA and so if the choice was not to move the Board of Elections

there we could, we could sell the building as well. You know, there is good space here. If we can figure out a way to get Surrogate Court over to the courthouse that that opens up other space within the County Office Building as well.

Chairman Donaldson

Yeah, but I don't think Surrogates Court would be enough space for the BOE

Deputy Executive Rider

It's pretty big. It has files and everything that go way back. About a half of the third floor.

Commissioner Quigley

We have any square footage on that?

Deputy Executive Rider

I can, on that space, the surrogate court?

Commissioner Quigley

Yeah.

Deputy Executive Rider

Yeah, I can get that

Legislator Heppner

Wouldn't the surrogate court also require a referendum as well though.

Deputy Executive Rider

Not if we were moving it to the courthouse, and, and

Legislator Heppner

Oh, I'm sorry. I thought you said the BRC

Deputy Executive Rider

No. OCA, OCA would prefer that they moved over there. It would make everything easier for their security, it would just mean moving the district attorney out of the courthouse.

Chairwoman Bartels

Alright, so if we can get the square footage on the space in the County Office Building that would be helpful as well. Any other questions for the Commissioners or the Executive staff on, on this, Deputy Executive's on this discussion? Chair Donaldson, are you raising your hand or just moving around? Okay. All right. Thank you both very much for being here. I know you have you're in the midst of other meetings as we speak. So we'll, we will continue this conversation. And I'll be reaching out to the Executive's office to see additional space. And if others want to coordinate with that as well. That would be great.

Commissioner Dittus

Thank you. Yeah, we definitely want to be a part of the explorations of other space. Because, I mean, we have our laundry list of things. But we also have specific parameters, security, all those things that go along with with our

bipartisan or duality. So there's a lot of things to keep in mind. And I think this is a good opportunity for us to not just look at what we need now. But look at what is probably going to come down for us to do in the next couple of years. So we look forward to it.

Chairwoman Bartels

Great. Thank you. Thank you both.

Commissioner Dittus

Thank you. Have a good rest of your day.

Commissioner Quigley

Thanks.

Chairwoman Bartels

All right, we're gonna go on to we're going to go back to the top of the agenda and begin with resolutions. Resolution Number 95 is adopting proposed local law number 13 of 2020, as amended, a local law amending the Ulster County charter, local law number two 2006, and amending the Administrative Code for the county Ulster local law number 10 of 2008, to further clarify, departmental, agency, office or unit estimates,

Legislator Heppner

I'll move it.

Chairwoman Bartels

Thank you. Do I have a second?

Chairman Donaldson

Second.

Chairwoman Bartels

So we got a memorandum from the county attorney that came in, I think, late Thursday, and was circulated to all members. And then today, we have a response from Legislative Counsel, which was circulated a few hours ago, and then I, Clerk Mahler circulated them both to this committee specifically. I'd like to open by asking Legislative Counsel, probably to give Legislative Counsel the floor to talk a little bit about his memo and the, the backdrop to to the county attorney's memo, since we're, since none of us had it for very long.

Legislative Counsel Ragucci

Thank you, Chairwoman. And, yes, I, we received the county attorney's memo on Thursday. And, and I thank him for that. So basically, as is further articulated in my memo, you know, I obviously disagree respectfully, with the county attorney's position with regard to whether a referendum is required on this measure. In my review of Section C 33, as amended by local law three of 2020, which was enacted back in August of 2020. We do not seek to curtail any authority, in my opinion, from the Executive and his budget authority as prescribed by the charter. And I go through in the memo, several points that are raised and cite a case that is I think, particularly relevant, that addresses a situation involving the mayor of New York City, and the city council's attempt to basically regulate certain contractual Bargaining Agreement provisions. And you can see that on page I think it's five in my memo, but in some and

substance, it's my opinion that we do not require a referendum and that we are fully empowered by the charter to pass local law, three of 2020.

Chairwoman Bartels

Thank you, and thank you for your memorandum. I'll open the floor for discussion. Does anyone want to speak on the subject? Okay. Oh, Legislator Ronk.

Legislator Ronk

Thanks. Sorry, the black, background makes it tough to see my hand. You know, I'm not going to belabor this. I think I've said it a bunch of times. I think that, you know, this makes us no more likely to actually receive what we're getting. I agree 100% that we are entitled to it, but I think that we're entitled to it already. Um, I think that if this Legislature was serious about getting the information, we would, you know, instruct our Counsel to, you know, file a article 78, or an order to show cause with the Supreme Court and, you know, take the county Executive's office to court, we're not going to do that. We're unlikely to do that. I think, you know, and sometimes to me, doing something to feel like we're, you know, doing something or feel like we're getting closer to getting information we're asking for or to even look like we're, you know, going to get information that we're asking for that are not actually going to get in the end, I feel like is worse than not not getting it at all, not doing, you know, anything. So, I'll be a no on this. I just don't, I don't think that this accomplishes the end goal. While I agree with the end goal, and it's laudable, I don't believe that this does anything for us that we don't already have in the charter.

Chairwoman Bartels

Okay, does anyone else want to speak? Legislator Archer?

Legislator Archer

Thank you, Chairwoman. I hear where you're coming from, if I may speak through the Chair to Legislator Ronk. I totally understand your perspective on this. I think we're giving every opportunity to the administration, to the county Executive to have total clarity on what we're talking about. And I think that's what we're trying to do here, too. If in fact, this is, if this continues, I think that it gives, it tees us up, and, and we are in a position to challenge this because the charter has given it to us. And we have tried repeatedly. We've, we've last year made a very specific point of clarification. I think this further clarifies you know, what our expectation is. And I think that if in fact it's not complied with, then I think we have very serious next steps to discuss that that's what I would say, this provides. There's no doubt what we're looking for what we're asking for, and we recognize the authority he has as a, as an operating county Executive and the operations but we're still in appropriating and policymaking body. And this information is critical for us to really have a broad understanding of the budget

Chairwoman Bartels

Legislator Ronk.

Legislator Ronk

Thanks. Through, through you, Madam Chair to Legislator Archer. And this is not meant to be, you know, snotty or snide. I and, and I think that we're both going to agree on this, I fail to see where clarity where further clarification is needed. I mean, you know, this is this is all this this local law is almost like saying, Oh, and by budget estimates, we meant budget estimates. You know, it's to me, it's, it's so incredibly clear in the charter, what we're entitled to in the first place. And then we went and clarified it, I just, again, I understand your point of view. And again, I'm not casting any aspersions on you on your you know, your, your goals, you know, or even whether they're worth attaining because

that, you know, I agree with your goal and I think it's worth attaining. I just I don't see where any further clarification is necessary. I totally understand what you're saying I just I fail to see from the administration standpoint, what's missing

Chairwoman Bartels

Chair Donaldson

Chairman Donaldson

I'm unsure why, what the hurt, you know, what kind of error would come about by clarifying one last time I guess. but having said that, I also understand that there's so many ways still around doing this by you know, by what they decide that they want to identify as estimates. So there's many ways to get around it. But I mean, I don't see any problem with clarifying that's what we want to do. Then we should clarify

Chairwoman Bartels

Anyone else like to speak? Okay, I just like to say that to Legislator Ronk. You know, I I hear your points as well. And I agree with Legislator Archer that this, taking this action will better set us up for the serious action that you refer to should we need it. So that's that's, that's just my take on this. So Deputy Executive rider

Deputy Executive Rider

I have one question through the Chair, to Legislative Council if I can, because I know the county attorney has not received this memo if there's an intention, since it's a reply to his memo to, to send it his way.

Legislative Counsel Ragucci

Sure, I'd be happy to send it with the Chair's permission.

Chairwoman Bartels

Chair Donaldson.

Chairman Donaldson

Yeah, that's no problem. I mean, it the the his opinion was sent to me. And so as a result, I sent that out to all Legislators, but I also requested our our Counsel to respond to that opinion. So we have the opinions from both sides. So there's no problem with sharing that we probably should have shared it, actually put it out. I prefer to do that all the time. We're not looking to blindside or do anything that's not transparent.

Legislative Counsel Ragucci

I'll send it out right away.

Chairwoman Bartels

Okay. Would anyone else like to speak on the issue? Okay, so on the resolution, Resolution Number 95. All those in favor? Aye. Opposed? One opposed Legislator Ronk. Okay, moving on Resolution Number 130 appointing Chairman David B. Donaldson as the Ulster County Legislators member to serve on the county jury board.

Legislator Ronk

I'll move it

Legislator Roberts

Second.

Legislator Heppner

Second

Chairwoman Bartels

Okay, that was Ronk. And I think Roberts actually had his name in there quicker.

Legislator Heppner

He can have it

Chairwoman Bartels

Okay. All right. On any issue or any discussion? Okay, all those in favor?

Committee Members

Aye.

Chairwoman Bartels

Opposed? Passes unanimously. Okay. We're gonna move on to old business rules of the Legislature. This has been circulated with the changes. So I just want to get a sense of the feeling of the committee. Are we ready to move it forward next month? I realize there'll be possibilities that we may between now and actually adopting it, we may want to make a change? And if so we could call another special meeting. But our I'd like to put it in by resolution deadline for the first reading, if there's the consensus that that's where we're at. So I open it to the floor. Chair Donaldson.

Chairman Donaldson

Yeah, I have no problem. I think that's a good idea. What we can do is we can all read through those make sure that we're happy or unhappy, whatever we want to be, and decide where any other changes if we need to do that. But it would be good to have that in before the resolution deadline. Worst case scenario, we could always pull it or you know, change it whatever.

Chairwoman Bartels

Okay, Legislator, Ronk.

Legislator Ronk

Thanks, didn't we still have at least one or two open issues on censure and maybe something else?

Chairwoman Bartels

Yeah, why don't we pull them, why don't we pull them up? Jay? Can you, can you screen share? Can we just scroll through? Are you able to pull up just where, where we still had kind of bigger pins? Is this the first one, yes. Okay. So confirmation of appointments. Everyone can see that it's highlighted. It previously said the Clerk shall endeavor to have multiple confirmation resolutions however on one page, that had, the proposal was to strike that and put in, in the event that multiple appointments are considered for the same position in one resolution any Legislator may at his or her sole discretion request that each candidate per appointment be presented on a separate resolution

Deputy Clerk Mahler

The pin in this was that members wanted to discuss with the Clerk what her thoughts were

Chairwoman Bartels

Okay. I don't know that I spoke to her about this specifically, did anyone else reach out to ...

Legislator Ronk

I intended to but

Chairwoman Bartels

I did to

Legislator Ronk

Um, again, I'm against the divisibility on of of resolutions on the floor. I would be perfectly happy if this said in committee and we could just cross it off and move on. Because in our rules resolutions are also divisible in committee and not divisible on the floor. And I stand by my comment that making resolutions and appointments divisible on the floor creates logistical nightmares for our staff. And for the Chair running the meeting.

Chairwoman Bartels

Legislator Heppner.

Legislator Heppner

I'm comfortable with the suggestion Leader Ronk just made. I also have concerns about those actions on the floor, as well, as you know, from my experience, you know, leading a caucus and running floor along with Leader Ronk, I think understands this too. It's the just the chaos and ineffectiveness I think that could cause I think, as well as the reasons he cited that also just preparedness for members of the Legislature. So I'm comfortable with that.

Chairwoman Bartels

Chair Donaldson,

Chairman Donaldson

I think, we should make it, I think we should be able to allow somebody that's not on the committee, though, to be able to also force that divisibility at a committee meeting, just so it's not done, but not having the ability to do it on the floor. I don't know if you get what I'm talking about?

Chairwoman Bartels

I do. That was part of the concern, if I recall, last time, when we talked about confining it to committee was, you know, in the event that someone didn't attend the committee meeting or found out, you know, or realized their concern, or the concern came up by one member at a committee meeting or something and found out after? I mean, can I ask the committee, the committee? Do we Does anyone have a problem with just requiring that they're separate resolutions? I mean, I don't know

Deputy Clerk Mahler

That's actually what you wanted to ask the Clerk about. Just a straight requirement that all appointments are by separate resolution, and then you all discussed, you know, blocking, non blocking and still being able to vote on an individual resolution, if that was the standard,

Chairwoman Bartels

Right. But it seems to me it's rare. I mean, it's not uncommon that we have multiple appointments on one resolution, but it's rarely more than three, you know, so. So, it's becomes three resolutions.

Chairman Donaldson

Well, you had the IDA. And sometimes, I don't know too many others that always get, I can't think of any others that actually are a large number. [inaudible]

Chairwoman Bartels

Legislator Ronk, what did you say?

Legislator Ronk

Community Services Board, fire advisory board, the fire advisory board gets appointed, and it's like 22 members?

Chairwoman Bartels

We do it at one shot with 22 members?

Legislator Ronk

Absolutely.

Chairwoman Bartels

Yeah. All right.

Legislator Ronk

Again, I have no objection to requiring that every, I mean, I think the Clerk's done a pretty good job at you know, anticipating when there was going to be division like the IDA appointments we've been doing on separate resolutions, since, you know, we put in the rules that the Clerk shall endeavor to have multiple resident most multiple confirmation resolutions. Um, you know, and I think that where we leave the, I don't know, if it were up to me, I would leave it alone and express to the Clerk our wish that resolutions like RRA and the IDA are on separate resolutions, because then this gives her the ability to keep the fire advisory board on one resolution, because it's non uncontroversial.

Chairwoman Bartels

Can I ask Legislator Ronk for a confirmation of your or clarification of your proposal? Are you proposing that any, any Legislator to Chair Donaldson's point that any Legislator could request that they be on separate, on separate resolutions at the committee level, basically, prior to session, just that it's not happening on the floor?

Legislator Ronk

Yes. So it would read something along the lines of as it does now, in any event that multiple appointments are considered for the same position on one resolution, any Legislator may in committee at his or her own sole discretion

request that each candidate for appointment be presented on a separate resolution. So all we are adding is in committee to this change, and it says any lead any Legislator, his or her sole discretion, it doesn't say committee member,

Chairwoman Bartels

Can I, can I ask would it be a problem to say rather than in committee, prior to session?

Chairman Donaldson

You would have to do it far enough to be, one you could probably do it where the committee of jurisdiction

Chairwoman Bartels

No what I'm saying is, so if somebody if some, if something unfolded at the point between committee and session and someone wanted to have it separated or, or, or felt the need to be able to vote on them separately, so that it's not happening on the floor, that it's not divisibility on the floor.

Legislator Ronk

I think for, for the sake of all things being legal, I think there need to be a motion somewhere. So it couldn't just happen in a vacuum.

Chairwoman Bartels

Right.

Deputy Clerk Mahler

I also my, my concern would be that your rules elsewhere, don't ask me to find it, requires that all resolutions be voted on in committee. So if you did it, and the, the committee of original jurisdiction or a secondary committee wasn't going to hear that recommendation, like Community Services Board, for example, which is only passed in public health, you would then have to have a special meeting of the committee of original jurisdiction or maybe a committee of the whole situation on session night.

Chairwoman Bartels

Yep. Okay, and Can I ask a legal question of Counsel, does the the language that says that a Legislator may request infer that that request must be granted?

Legislative Counsel Ragucci

It doesn't, I mean, it doesn't dictate that it must be granted.

Chairwoman Bartels

So how do we how do we if we if we keep it in committee, as Legislator Ronk has said, How do we make it so that the request must be must be acknowledged or must be fulfilled?

Legislative Counsel Ragucci

It would have to be the Chairman upon the request of any Legislator in the committee shall separate into you know, and then continuing on separate into the separate resolution. So it could identify the Chairperson, who would be compelled upon the request of any member of the committee or any member of the Legislature present in the committee.

Chairwoman Bartels

Okay, does that make sense? Does that make, is that okay for everybody?

Chairman Donaldson

Yep.

Chairwoman Bartels

Legislator Ronk

Legislator Ronk

Sure.

Chairwoman Bartels

Okay. So can we get that language in? Maybe, Chris, you can, you can give a specific language to Clerk Mahler later, because we're gonna, we're gonna, this is going to be before us, we'll have the opportunity to change it. But okay, if we agree that that's what we're going for, and we'll keep it in committee.

Legislative Counsel Ragucci

As long as Jay continues to take copious notes on the side there will be in good shape.

Chairwoman Bartels

Alright, so everybody's good with that. It'll be in committee, but the request will compel the change. Okay, so let's move to the next pin whenever you're ready, Jay.

Legislator Ronk

Madam Chair, just, just so you're aware, I've got to bounce at like, 6:50 ish, I've got to go to a fire department drill.

Chairwoman Bartels

Okay. Let's hope I hope we can get through most of it. Let's see where we're at. Um, okay, so now we're in the next red section. For purpose of mathematical, any mathematical calculation necessary any Legislator shall, within 30 days of taking, within 30 days of being sworn into office declare themselves a member of the Majority Minority or third party caucus by filing a document that to that effect with the Clerk. There's probably something wonky about that any. Should probably be every Legislator shall. Right. Okay, Legislator Ronk.

Legislator Ronk

Thanks, I'm comfortable with every Legislator shall instead of any. Um, I think that we need to put a caveat at the end, perhaps, that says any Legislator that fails to file or fails to declare themselves in a caucus, shall automatically be added to the third party caucus. And I think that solves our problem of what if someone doesn't file.

Deputy Clerk Mahler

That is exactly what you all discussed. And that was Legislator Gavaris' suggestion last time, but also you were discussing whether or not you wanted to change the term third party to alternate, I believe Counsel was going in the direction of do they get Leadership posts and like that. And then Legislator Gavaris also wanted to know if you wanted to make clear that their voting should be communicated directly to the Clerk. So that's where we went a little in the weeds and put a pin in it.

Chairwoman Bartels

Any other thoughts on this from other members? Chair Donaldson.

Chairman Donaldson

Um, I don't think so. I don't necessarily agree with the idea that if somebody does not declare that they're in one of the caucuses that you put them in a caucus of some sort called a third party. They, my mindset would be that they are not. They're not counted as part of the caucuses. So they're considered outside the caucus. But I don't, I don't know. So I don't know what the reasoning is that why they have to be placed in something if they're not declaring. I mean, that's what I don't understand.

Chairwoman Bartels

Legislator Ronk.

Legislator Ronk

Part of this is for mathematical calculations for a Majority of Minority, Mr. Chairman, and

Chairman Donaldson

I know that

Legislator Ronk

This this particular, this particular issue is, you know, in regards to current Legislator Parete, who declined to sign either designation, that's one of the reasons that we're in this predicament for rewriting this section.

Chairwoman Bartels

But I guess,

Chairman Donaldson

But what harm does that create?

Legislator Ronk

I mean, part of it is vote counting issues for the Clerk,

Chairman Donaldson

Yeah, I understand that. But you know, we are living in a democracy. And if the person chooses not to align with one or the other, that's their choice. And in fact, we, I believe Legislator Parete was elected, probably because he wasn't aligning.

Chairwoman Bartels

Okay, Other thoughts? What does everybody else in the committee think on this?

Legislator Heppner

Yeah. If I may?

Chairwoman Bartels

You may

Legislator Heppner

Chairwoman. I do question whether we can legally force a duly elected member to be part of it named caucus, even if it is an alternate, alternate party. You know, we can't force them to officially be, if they want to call it, for example, what we were citing that, you know, as Legislator Parete jokes, the pizza party, he still just sits not aligned to any caucus, but hasn't created a third alternate caucus. I don't know if we can mandate that someone is in an official caucus. Which is, you know, it's happened in the state Legislature in both houses. Because it also allows for the expulsion of a member from a caucus. Which is usually, that's usually where that case, I've seen that case work out in real life.

Legislator Ronk

So now I'm

Chairwoman Bartels

Go ahead Legislator Ronk.

Legislator Ronk

So now I'm a little confused on because on the one hand, you know, Leader Heppner, you're saying that you don't know that we can. And on the other hand, you're saying it's done elsewhere? So I mean, those are two

Legislator Heppner

No, no. The, in the sense that there's examples where duly elected officials sit in a legislative body, not in an officially designated caucus,

Legislator Ronk

Understand Micki Kerns did it in the assembly.

Legislator Heppner

Yeah.

Chairwoman Bartels

Counsel Ragucci

Legislator Heppner

And I don't know if we, and I don't know if we can take away if we can take away that, that. I don't know if it's a right, but

Chairwoman Bartels

Counsel Ragucci

Legislative Counsel Ragucci

just if I could make a quick observation without delving into the rights of an individual member to caucus with a certain group or not. I think the Legislature as a body is certainly within its rights to govern the intra body structure

in any way it deems fit. For example, if we want to set a rule that an appointment or an, you know, a position will be filled by a member of the Majority, we need to determine what the Majority is, we can for the sole purposes of that tabulation, establish a rule that would allow us to arrive that whatever the Majority number is. I think that that's a discrete distinction.

Legislator Heppner

That's a good point

Legislative Counsel Ragucci

That's a discrete distinction from actual party designation, which is a much I think, more detailed kind of position that each member will take.

Chairwoman Bartels

Yeah, and I think it raises the point.

Legislator Heppner

I think that's well said

Chairwoman Bartels

Yeah, the way that it's worded right now with choosing between a Majority, Minority or third party caucus, I mean, I could read that the third party caucus say might be the conservative caucus. Right. So you might, you that someone might come in and say, I was elected on the conservative line, I'm going to be a member of the conservative caucus, but someone who's choosing not to be Chair Donaldson's point in the Majority and Minority, then might find themselves thrown into that conservative caucus.

Legislative Counsel Ragucci

You could inject. Oh, sorry.

Chairwoman Bartels

Yes, go ahead.

Legislative Counsel Ragucci

You could inject the word you know exclusively for the purpose of any mathematical calculation, so it's just for that tabulation and then continue on. So there's no ambiguity as to what other, you know.

Chairman Donaldson

But how do you do that if you're, if there are in other words, let's make the assumption that there's an 11-11, you know, the worst case scenario. And the, that 23rd person is independent, they've run as an independent, they're not going to align with anybody. They think we're all crazy. And you know, they've got all the answers, and they don't really want to align with Republicans or Democrats. And said they will not. So if you put them in one or the other they're, I think what we'd end up having to have is that in that case, we would not have a Majority and Minority Leader maybe that's the aspect that maybe we need to address the idea of what happens if we do have a tie? What would be what would we call that?

Legislative Counsel Ragucci

Chaos

Chairman Donaldson

Chaos. There you go. Well we have that anyway.

Chairwoman Bartels

Anybody else? Legislator Gavaris

Legislator Roberts

Thank you. So, you know, as we're sitting here, reading through this, and I guess Counsel Ragucci can correct me if I'm wrong, the way I'm reading this the beginning part, which we haven't touched. Does it state that only those Democrat or Republican Legislators can vote for let's say, for example, Leader Heppner, or Leader Ronk? Is that how that reads? Because that's how it reads to me. So for example, Tracey would not have been able to vote for with, for Majority Leader or Minority Leader, am I correct in that?

Chairman Donaldson

Only if, only if she does not align with one. She aligned.

Legislator Roberts

But Chair Donaldson, it doesn't say that. It just says member of the two political parties who pull it doesn't mention about caucusing. It's talking about members of the parties.

Chairman Donaldson

Yeah, but she declares themselves a member of the Majority or the Minority. So she declares herself a member of the Majority just like Mary Waro declares herself a member of the Republican caucus even though she does [inaudible] she's actually a conservative.

Chairwoman Bartels

I see what Legislator Gavaris is pointing out, though, as potential problem, but go ahead Counsel Ragucci

Legislative Counsel Ragucci

I see it, I see it as well. And I would just note that I think he as a, as a composite needs to be read, you know, more as a kind of cumulative provision. But I do it when you isolate the first sentence from the second and the third, it definitely would appear that way. But now we have to go back to the original language that's now been stricken. Because the original language does say every Legislator that's not enrolled in the political party composed of the highest two numbers. So it did actually spell that out a little more clearly, than it is now, when read in conjunction with the first sentence. So I definitely see the point. I think it is addressed, though, in the bottom half.

Legislator Gavaris

Okay. And I think the other point I was gonna make has been made. Is that, you know, if you do have a person or persons that decide to go the third party route or not declare at all, then how does the Majority get chosen? Who is the Majority Leader? If there's not a Majority? Is it a Majority of the one with the highest number of members in that caucus? Or is it Majority of Legislators? I think that point has been raised already. But that's my question as well.

Chairwoman Bartels

Legislator Roberts, do you want to weigh in on this?

Legislator Roberts

Yeah, I think we're looking for a solution to a problem that may not exist. The only thing I could see a problem here is probably 11-11 tie. And that case, we should fall back on what they did in the in the US Senate this year, and in 2000, that is the party. It's a 50-50 tie. But the party in power, the presidency would have the Majority. And how do we choose that in the Legislature? The Majority would be the person that's elected Chairman, would technically be our president.

Chairman Donaldson

Yeah, that's spelled out and that's basically what it says. In F, one way or another.

Legislator Roberts

Yeah. Do we really need to have all this third party caucus involved in that. I mean, if somebody doesn't want to belong, they don't belong. If we want the rules to say Hey, if you don't pick a party, we're going to designate you as a third party. Plain and simple.

Chairwoman Bartels

I think that the challenge. I think we have seen this play out as, as an issue before, not not just what's currently happening, which isn't so much of an issue since member Parete's just chosen not to be in any caucus. But previously, we had Rich Parete, who was a registered Democrat, but had been elected as a Republican but the way to the to the to the paragraph that Legislator Gavaris just read the, the way that this read, because he was a member of the political party that had the most he technically, you know, there was a back and forth about whether he was technically a member of the of the Majority party or Minority. It became an argument about which was Majority, which was Minority. And there was an argument to be made, I think, because of this language. I think that we should allow for members not to not to align with the party, if they so choose.

But I don't know. I don't know how we want to I don't know how we want to handle it. And I do think I do think Counsel Ragucci pointed out that the change in the second sent, the third sentence is what has affected, what has changed the meaning of the first two. And what Legislator Gavaris is pointing out is correct that now it reads that the members of those two parties are the ones that get to vote. So what's the feeling of the of the caucus? What's, what's the aim? What do we want to get to? Do we want to do we want to require that everyone say, what, what caucus, they're going to be a member of, and if anyone chooses not to be a member of a caucus, then they're just that's it. They're not in a caucus for mathematical purposes. Chair Donaldson

Chairman Donaldson

I agree with that. I mean, I really think we should encourage people to declare what caucus they are, we can do that. But if they don't do it, well they just not a part of the caucus. It's just like, what is happening with John Parete this very moment. He has decided not to become one of the part of the caucus. And in the event that becomes an 11-11 F solves that problem, because they took talks about the, whoever gets actually elected to the Chair's position would make that decision. So which most likely would end up being the, you know, whoever gets elected to the Chair would end up being the they would probably choose the party that they are in as the Majority party. Right? Who knows, might be wheeling and dealing and make it the other way. But that's, that's okay, too. I mean, as long as there's a way of solving it so you're not sitting there and having total confusions.

Chairwoman Bartels

So may I make a suggestion, I don't know if it's totally making no sense. But what if we switch the order of these sentences, and we begin with, for the purpose of any mathematical calculation necessary, every Legislator shall within 30 days of being sworn into office declare themselves a member of the Majority, Minority, we could say, or no caucus by filing a document to that, to that effect with the Clerk. And then get into, you know, that they shall each of those caucuses shall elect a Leader of their respective instead of saying party, say, caucus? And then so on and so on.

Chairman Donaldson

Why do we have to even have them declare themselves a member of the Majority or the Minority? Cause, you know, in this case, you might not know what they are?

Chairwoman Bartels

Right? So what are you proposing?

Chairman Donaldson

So you can propose a have to declare themselves a member of a caucus of one of the two caucuses, I'm not sure at a word that. You could say, technically, you don't, when you do that, if it's a tie, there is no Majority there is no Minority until after they've declared and after the Chairman gets elected. And after, you know, they get sworn in and then make that decision. So I don't know if that's a problem or I don't know. I'm looking for a problem that you know, I'm looking for a solution where there isn't a problem. I don't know.

Chairwoman Bartels

Legislator Gavaris

Legislator Gavaris

Sorry. So I think I found a solution here that does address I think all the problems for [inaudible], it may create more but. So the issue I have here is and I think Legislator Bartels, you're the one who just made me think of this was the Parete issue. You could have a Legislator, you can have Legislator Parete who was a registered Democrat vote for the Leader of the Democratic Caucus. But, but they themselves will be caucusing with the Republicans the way this reads. So I, to Chair Donaldson's, where he was trying to reword it, I think maybe the way to do this would be, I'm gonna bumble this, I think a little bit. For the purpose of any mathematical calculations necessary, every Legislator, and I would go back to the old word, may, within 30 days of being sworn into office declare themselves a member of the two political parties which have, which shall have pulled the largest vote in the last general election for the county or third party caucus by filing a document. And we can get rid of third party part if we want to, file a document with the Clerk, to that effect with the Clerk. That that takes care of the issue of they get to choose which caucus, and then the Majority part then goes into the rest of that sentence there. The Leader of, who has the Majority, the Leader of the political party. And I think I'd changed it to the Leader of

Chairwoman Bartels

Caucus

Legislator Gavaris

Caucus, whose membership of the Legislature constitutes a Majority of the Legislature shall be known as the Majority Leader. I think that addresses all issues all the way around.

Chairwoman Bartels

Yeah. I like the idea of switching it to caucus from political party. What does everybody else think? Legislator Roberts

Legislator Roberts

I don't like that 30 days in there.

Chairwoman Bartels

Okay.

Legislator Roberts

It's, you know, January 1, February 1, you know, by that time, we got to make committees, committee assignments, you know, choose attorneys, you know, it should happen, you know, maybe 30 days after being elected.

Chairwoman Bartels

30 days after being elected though, you're not in office yet. Legislator Gavaris

Legislator Gavaris

I totally get Roberts point. I would agree also that it probably should happen sooner rather than later, perhaps within 30 days of taking office. This way, you know, it gives you an extra almost month.

Chairman Donaldson

I don't know I think within 15 days of taking office.

Legislator Gavaris

Okay.

Chairwoman Bartels

Yeah.

Chairman Donaldson

I mean two weeks is enough time. If you can't figure out which is you want to be in, then, you know

Legislator Roberts

You got a problem.

Legislator Gavaris

Depends on who makes the best offer

Chairman Donaldson

Well, I think maybe what we should do is they have to declare which caucus they are in prior to the organizational meeting. That way, you'll know at the organizational meeting, who is in what caucus and who is and who it's not. And that way, whoever is elected to Chair has the ability to, you know, go right into the idea of creating committees or whatever they do and the other things that they need to be doing.

Chairwoman Bartels

thoughts? Legislator Heppner,

Legislator Heppner

Yeah, I'm okay with that deadline. And I don't disagree with the wording of caucus.

Chairwoman Bartels

Okay, so we're now thinking about within two weeks?

Chairman Donaldson

No, prior to

Chairwoman Bartels

Prior to the, prior to the organizational meeting. Okay. Everybody good with that?

Legislator Roberts

Yes

Chairwoman Bartels

Okay. And political parties changing the caucus and the basically, there's an order shift of the sentences. Does that make sense, Jay? And, Chris, since you'll be helping,

Legislator Gavaris

I can send something over to Jay what I was thinking and I guess maybe

Chairwoman Bartels

okay. Great. And can, can you copy?

Legislator Gavaris

Yes, of course.

Chairwoman Bartels

Counsel as well. Okay, all right. And again, we if we need to change things, we can change things. And if we need to have a special meeting, any one of you can let me know. And we'll call a special meeting the week before our regular meeting. Okay, order of business. Substantial change, public comment, which shall be Oh, okay. So public comment shall be limited to two minutes per person.

Deputy Clerk Mahler

This is two minutes or just leave it as is currently at the discretion of the Chair since you are wildly in violation of the 30 minute time limit on the regular anyway.

Chairwoman Bartels

Yeah. All right. I'll, I'll open it to discussion.

Legislator Heppner

I'm fine with leaving it as is for now.

Chairman Donaldson

Yeah, so I don't think, I mean up to two minutes and we can talk about that. That's what we attempt to do. But in reality, if we had three people that signed on to speak, the person's going, you kind of want to give them the leeway to let them to do three more minutes or whatever.

Chairwoman Bartels

Yeah, I just weigh in. I don't I don't like limiting it to two minutes here. I like to leave it to the discretion of the Chair. I don't think any Chairs been unfair with it. Any other thoughts? Legislators Gavaris, Roberts? You're okay with leaving it as is?

Legislator Roberts

As is.

Chairwoman Bartels

Okay, so we'll remove the two minutes. Okay. Now we're into censure, the Legislature hereby recognizes that censure is a formal group recognition that a given member's conduct runs counter to the Legislature's accepted standards of behavior. Censure is to be utilized as a serious rebuke. In turn notwithstanding any other section of these rules of order. Any Legislator may at any time submit a resolution for consideration of the Legislature seeking to censure another member. Such resolution will clearly state the reason for the proposed censure. Such resolution will not be considered in any committee but will be considered by the full body at the next regular meeting of the Legislature, or a special meeting called solely for the purpose of considering the censure resolution. Resolution seeking the censure of a member requires a Majority vote of the members of the Legislature. The resolution is debatable. The resolution is not amendable. The member in question can participate in the debate but cannot cast a vote. In the event that the Chairperson is the subject of the center, the vice Chairperson will conduct the meeting during that portion of the agenda, a resolution to censure cannot be postponed or referred and cannot be reconsidered. A member cannot be censured for twice, twice for the same offense.

Now, much of this language is from Robert's Rules. I'm just going to begin by stating that. So what, what does, I'll open the floor. Thoughts? Does that mean everybody's good with it? As is? I see. I see some nodding from Legislator Gavaris. But,

Legislator Heppner

Yeah.

Chairwoman Bartels

Am I missing somebody? Does somebody have their hand raised that. Okay, Chair Donaldson, go ahead.

Chairman Donaldson

I mean, you know, I'm hoping nobody would. But you know, the idea that any Legislator may at any time submit a resolution, which consideration of the Legislature seeking to censure and then it goes correctly to the floor? Correct?

Chairwoman Bartels

Correct. But I will just remind everyone that the technical rule and Counsel can correct me if I'm wrong, that's in effect currently, because we don't speak to censure in our rules, we defer to Robert's Rules, which means that any Legislator can make a motion on the floor at any time. So it's not even, this actually makes it a little more difficult because it requires some formality of a resolution. Right now, anyone can stand up on the floor and, and make a resolution, make them make a motion for a censure

Legislative Counsel Ragucci

That's correct madam Chair.

Deputy Clerk Mahler

And the one note that that you did have in, relevant to what you just said, Madam Chair, is that Counsel was going to develop language at Legislator Gavaris' and the committee's urging to allow for a motion on the floor at session for solely an action committed at that time on the floor of the Legislature. So you, that's, that's language that's outlying there. You all agreed to that part, the last meeting.

Chairwoman Bartels

Okay. Legislator Roberts, I saw, I saw your hand.

Legislator Roberts

Yeah, I apologize. I wasn't at the last meeting. But I'd almost like to see this go through the committee process. And second, since this is maybe a personnel issue, should it be considered in Executive Session?

Chairwoman Bartels

You know, anybody, anybody want to respond before I respond? Okay, I think that, go ahead Legislator Gavaris. Go ahead.

Legislator Gavaris

I think you're gonna say the same thing. But I think the point of a censure is to publicly, you know, express our dissatisfaction, you know, disagreement with the behavior or comments that are being made. I think doing it, I understand where Legislator Roberts is coming from, but I just think, you know, if we're going to take something, this kind of serious of an action, I think it is meant to be public. Because I don't think any, I don't speak for everybody, but I think we have far less impact if it's done behind closed doors.

Chairwoman Bartels

Yeah, I was gonna say something very similar. And I also think that it's, what worries me about having a go through committee is that then you know, then it could be voted down in a committee by, you know, three people. And then there's a petition to discharge when this is really meant to be something. That's why Robert's Rules allows for it to happen on, on the proverbial fly on the floor. And requires that everyone except for the person in question, weigh in on the vote. So, you know, it's a rebuke for behavior and conduct. I think that, I think that what we're doing actually creates a little more formality. But it's, but it's no less serious of a rebuke, I don't think. Chair Donaldson

Chairman Donaldson

What about the idea of requiring it to have a second? In other words, so it's not being done by just one, you know, because one Legislator could decide that they want to, you know, wreak havoc. And, you know, just decided they want to keep censuring. Everybody.

Chairwoman Bartels

Let me let me ask on that point, to Counsel. Because, because Robert's Rules allows for it to happen on the floor, I forget, does it get considered just on the motion? Or does it require a second on the floor?

Legislative Counsel Ragucci

My understanding is it requires a second, like a regular motion.

Chairwoman Bartels

Like a regular motion.

Legislative Counsel Ragucci

It's a [inaudible] motion to censure.

Chairman Donaldson

So it does require a second.

Legislative Counsel Ragucci

Yeah, I can look it up right now.

Chairwoman Bartels

Let's just confirm that. If that's the case, then that it wouldn't be making it any more restrictive by requiring a second. While we're waiting for the answer to that, does anyone want to speak on that idea requiring a second? Where's the committee on that issue?

Legislator Roberts

I'm good with a second.

Legislator Heppner

Yeah, I believe it, my belief is that it already requires a second

Legislative Counsel Ragucci

Madam Chair

Chairwoman Bartels

Go ahead

Legislative Counsel Ragucci

It does require second, it's amendable, and debatable, just requires a simple Majority.

Chairwoman Bartels

Okay. So

Legislative Counsel Ragucci

It can not be reconsidered, though, which could be interesting, to point out.

Chairwoman Bartels

Yeah. And that's, that's in this we pulled that in here too cannot be reconsidered. So I'm Majority vote. So it requires a second. So what's interesting is it requires a second to be a regular motion, but a resolution because we're requiring it to be a resolution. Resolution doesn't normally require a second, but we would be requiring that there be a second to have the resolution. Is that the, is that the idea? Would require two sponsors essentially. Is that where you're saying Chair Donaldson?

Chairman Donaldson

Yes, yeah, I'd like to make sure that it requires two people. So it's not just one rogue.

Chairwoman Bartels

Okay, so would say any Legislator may at any time submit a resolution of consideration of the Legislature seeking to censure another member. Maybe would say such resolution will require a second. I mean, can we can we do that in the form of resolution? Or would do we want two sponsors? How would we word it?

Legislative Counsel Ragucci

That would be

Legislator Heppner

It would have to be two sponsors

Legislative Counsel Ragucci

Right. Two sponsors would seem to make effective sense and achieve the goal you're seeking.

Chairwoman Bartels

Okay. How does everybody feel about that?

Legislator Roberts

Good

Chairwoman Bartels

Legislators Heppner and Gavaris. Good?

Legislator Heppner

Yeah, I'm okay.

Chairwoman Bartels

Okay.

Deputy Clerk Mahler

Am I saying sponsor, second sponsor, or co-sponsor, Counsel?

Legislative Counsel Ragucci

I would just reference a second sponsor, shall require two sponsors.

Chairman Donaldson

There we go.

Chairwoman Bartels

And then what is the what is the committee's pleasure in terms of allowing for a motion on the floor to censure behavior that happens on the floor?

Chairman Donaldson

Can't you do that anyway?

Chairwoman Bartels

Well, I guess you could. [inaudible] I'd say no, no. I mean, I think I think right now. But when we put in when we pass rules that address censure, our rules are going to take precedence over Robert's Rules on censure

Legislator Heppner

I think we should have Counsel develop that language to include

Chairman Donaldson

Why, if you could do it at any time, I could do it at any time. And I can say I want Legislator Heppner censured because he, you know, called me some type of a name and I was, you know, unprofessional, blah, blah, blah. And somebody else can say, yeah, I second that for the censorship of Legislator Heppner. I mean,

Chairwoman Bartels

But that's what, this is, this is, this is a, like submitting a resolution that states the reason and it gets considered at the next regular meeting, what we're, what we're considering right now is the possibility during a meeting, if something, if some outrageous behavior happens, that someone could make a motion could, could only make a motion on the floor for behavior that happens at that meeting. That would be the only reason you can make a motion in the meeting,

Minority Counsel Pascale

if I if I can just raise a point?

Chairwoman Bartels

Yes, of course, Counsel Pascale

Minority Counsel Pascale

Thank you from Legislator Ronk did drop off the meeting, but had messaged me about the, it could be a distinction between conduct that occurs at a meeting, which at present can be motioned under Robert's Rules, as of course, we default to that. And or I think, a point of information to the Chair who controls the decorum at the meeting. But then the second question would be on the resolution for conduct that occurs outside of the meeting. The point he

wanted me to raise is whether when that is presented to the body, it would pass or face a simple Majority, or what is being suggested as a two thirds to pass that sort of measure.

Chairwoman Bartels

Right now, it's right now it's a simple Majority. Are you saying that that Legislator Ronk, is suggesting two thirds to pass a censure on the floor?

Minority Counsel Pascale

Yeah, and I the only thing I don't know is if he's suggesting it as to just for the resolution for conduct outside the meeting, as opposed to the motion on the floor for conduct at a meeting.

Chairwoman Bartels

Okay

Minority Counsel Pascale

He wanted me to convey that point of information

Chairwoman Bartels

Well thank you. So, in terms of what happens in the meeting, that's currently under Robert's Rules, I do think that we would have to develop the language because I think it would default, I think if we put this in, it will default to this and not allow for it on the fly. I could be wrong. But and I think that language should be relatively easy to address. So to his first point, that would basically, we'd be creating language that would default to Robert's Rules, but limit it to just behavior that happens in the meeting, where the where the motion is being made. To a second point, I want to hear what the rest of the committee has to say, and then I'll speak to that, and that is whether or not to, to extend the requirement for passage to two thirds from a simple Majority. Anybody? Okay, Legislator Gavaris

Legislator Gavaris

I see the value in having a two thirds vote, I can see where it does take some of the political, you know, possibilities out of this. But I also see that in reverse that could be true is that if something could just be reverse politicized, and I mean, your six to one half dozen other, it's gonna either way you run the risk.

Chairwoman Bartels

Yeah, I'll just weigh in. I'm reluctant to make something more strict than Robert's Rules makes it. You know, I think it's we've had it in effect for as long as I've been a Legislator, because it's in Robert's Rules, and it's most certainly has not been abused. So I don't I don't want to make it onerous. I think that, I think we should stick with Robert's Rules. threshold.

Legislator Heppner

I'm comfortable with a simple Majority.

Chairwoman Bartels

Legislator Roberts, Chair Donaldson,

Legislator Roberts

I'm indifferent to it, Chair, but I'd like to maybe get the full body get their opinion on it.

Chairwoman Bartels

Okay. So why don't we I'm going to ask Counsel Ragucci if you could work on the language that Legislator Gavaris suggested at the last meeting something simple that just allows for the for the action in the in the meeting for behavior in the meeting. And then once we have all that language Clerk Mahler what I think we should do is is circulate this even if the aim is to get it in for this month's deadline, which I would like to do, at the same time, I'd like to circulate it to the full body so we can get feedback. And I'd like to circulate it as a red line with maybe we can even highlight, you know, the, the most questionable sections, certainly this censure one just to say we're, this will be discussed, it's gonna be on the agenda we'd like to get feedback. Go ahead, Legislator Roberts.

Legislator Roberts

Thank you. We got one final point on the censure it says on the bottom of the resolution what cannot be done referred, reconsidered or postponed. Can you make a motion on the floor to have it dismissed?

Chairwoman Bartels

I don't I don't know. I don't know. I don't think that's a standard is that um, is that a standard motion? Counselor Ragucci

Legislative Counsel Ragucci

in Supreme Court State of New York, it is. But I've never seen, encountered one in the Legislative Chamber. I don't know if Nick has. But I mean, I think it is dismissed if it's not, if it doesn't pass. Essentially, if you don't get the votes required to pass it is tantamount to a dismissal.

Legislator Roberts

This isn't your typical resolution, though.

Chairman Donaldson

I think what if it doesn't pass the you can just merely put that the Chairman declares that the, the Chairman would then declare that it is dismissed. It would probably be an easy solution. I think. I don't know

Legislative Counsel Ragucci

I think really, it's a really good question. I've just never encountered that before. So I have to think about it for a second.

Chairwoman Bartels

I guess that the I guess that the idea Legislator Roberts is that if a resolution is put in, and someone makes a motion for dismissal, I mean, the question would be, wouldn't you be, you'd debate on a dismissal anyway. So functionally, you'd still the argument would be out there either way. It's just it's it's, it's it's debating the opposite side of the the argument. I but I see the want to if the if it's something's brought up with no merit.

Legislator Roberts

If the censure is so petty in nature, we want to do away with it before a lengthy debate.

Chairwoman Bartels

Right. Right. But, but in practice, I think that even a debate over a dismissal could functionally sound almost identical to a debate over the censure. Chair Donaldson

Chairman Donaldson

No, I don't, I don't think you're going to debate the dismissal. I think the purpose of what I think, I don't know, tell me if I'm wrong here, Legislator Roberts, is that we we're looking at the idea that once, if it gets defeated, then the it can be declared that it was dismissed. In other words, it creates a different fate. They can say, well, they guy was censured, but you know, didn't quite fast. Whereas no he was, it was dismissed. The censorship was dismissed. Is that what you're talking about, Legislator Roberts?

Legislator Roberts

I'm thinking about somebody makes the motion to censure or puts in a resolution and immediately takes effect or we start debating it, somebody raises their hand and say, where is this going? I make a motion to dismiss this resolution.

Chairwoman Bartels

And then are you proposing that that motion to dismiss is not debatable? And we just vote on the dismissal?

Legislator Roberts

I don't know. I'm just throwing it out there. I mean

Chairwoman Bartels

Yeah.

Legislator Roberts

At some point somebody could say, hey, call the question and then we'd have to vote on it anyway. Am I correct?

Minority Counsel Pascale

If I can interject it, if it's made, if it's made on the floor, you could ask the Chair to rule it out of order. And then the only response to that would be to sustain the ruling of the Chair. That would address that issue.

Legislator Heppner

Yeah, I believe that's the proper motion. That would be the proper parliamentary procedure.

Chairwoman Bartels

But in terms of there being a resolution that's been placed, so something that didn't happen in the meeting, there's a resolution that's put in when it's due, you know, it's, it's, it's laid out, and it has two sponsors, and now it's on the floor, and it's debatable. It's not amendable. So,

Legislator Heppner

But our rules don't allow for a motion to dismiss a resolution, it'd be treated like any resolution

Minority Counsel Pascale

But [inaudible]

Chairwoman Bartels

Can you say that again? Counsel Pascale

Minority Counsel Pascale

I'm sorry. I think the Chair could still rule it out of order and then the response is a motion to sustain the rule of the Chair

Chairwoman Bartels

How could you rule it out of order if it had two sponsors when it says it's allowed in the rules?

Minority Counsel Pascale

I'm, I'm fairly certain there's precedent that resolutions have been if not expressly and Chairman Donaldson can correct me. Have been ruled out of order [inaudible]

Chairman Donaldson

That's correct. You know, I've seen it a number of times where the Chairman decided that something was ruled out of order for one reason or another, and then we had to vote on it to decide to either overturn the Chair's decision.

Chairwoman Bartels

But wait a minute, so could just ask a question?

Chairman Donaldson

I have not done it myself, but I can remember

Chairwoman Bartels

What I would like to just ask for clarification on this. So, so if I'm to understand this correctly, if we're creating a rule that allows for censure with two sponsors, and says that it's no longer up. So it's not in front of me, but says that the censure is allowable, and that you have to be submitted. I mean, the problem that I'm seeing now is that Counsel Pascale has pointed out that there could be a workaround where a Majority could just say, okay, was, we're going to rule it out of order, even though it's plainly not out of order.

Chairman Donaldson

The Chairman can rule it out of order right?

Chairwoman Bartels

That's what I'm saying

Chairman Donaldson

And decide whether it is out of order or not.

Chairwoman Bartels

Which functionally means that that it needs a two thirds vote.

Chairman Donaldson

No. I think, what's it take to override the Chair's rule?

Legislator Roberts

two thirds

Chairwoman Bartels

two thirds

Chairman Donaldson

Are you sure?

Minority Counsel Pascale

Simple Majority, no a simple Majority.

Chairwoman Bartels

Okay.

Minority Counsel Pascale

To sustain the rule

Legislative Counsel Ragucci

It's been a while since we've overruled

Chairwoman Bartels

Very confusing. Legislator Roberts go ahead.

Legislator Roberts

Yeah. You know, if I remember right, Chairman Donaldson ruled out of order on two of my resolutions back in 2008.

Chairman Donaldson

Oh yes, I was trying to remember what they were

Legislator Roberts

On advice of Counsel, on advice from Counsel and I made a motion to overturn it. And it took a two thirds vote to do that which we fell short.

Chairman Donaldson

No, I don't I just was reading something just recently, and I'm pretty sure it's just the Majority.

Chairwoman Bartels

All right. This is get, it's getting sticky. And we were trying to figure out dismissal or not dismissal. Do we want to, do we want to hold this for another month on the dismissal, dismissal issue?

Chairman Donaldson

No, I'm good with it. But I think what we need to do is we do need to separate the two different censorships. One for it'd be a 4 A and a 4 B possibly, one talking about a resolution the other one on the floor.

Chairwoman Bartels

Legislator Roberts, what are your thoughts?

Legislator Roberts

I don't find it necessary to separate but I'll go with the flow.

Chairwoman Bartels

But no, I mean, what are your thoughts on the idea of whether or not, if we don't move forward with a dismissal function are you still are you still okay with this?

Legislator Roberts

I'm okay. I was just throwing it out there.

Chairwoman Bartels

All right, and let's mull it over. Let's, let's still think about it and have both Counsels think about it. Because like I said, I'm perfectly, I'd like to put it, I'd like to submit it if the if the committee agrees once we have these changes by resolution deadline. And I'll certainly circulate it to the whole committee, and then it'll go out to the whole Legislature. But if the committee would like a special meeting prior to our our meeting, so that we have time to make any changes, I'm more than happy to call a special meeting. And keep it on point just to get through any

Chairman Donaldson

When is the next resolution deadline?

Deputy Clerk Mahler

The 26th

Chairwoman Bartels

Yeah, so

Legislator Heppner

I say we get this out to before the Legislature ASAP, then go by the response. If we get you know, responses that looks like we should have a special meeting, then go by that.

Chairwoman Bartels

Okay. Excellent. And, and I'll work with Clerk Mahler to, to highlight things, points we especially want people to look. because there's a lot of little changes and technical changes all throughout, but we'll which we want everyone to see all those changes, but we want to highlight the potential points of division, so to speak. Does anybody else any Legislator Gavaris, are you good with where we're at? Okay. Okay, so and that was the last that was the last pin in the proverbial rules. Okay, good. Um, okay. So as soon as we as soon as we make those changes, which we'll try to get done in the next couple of days. We'll get them out to the committee and then get them out to the full Legislature with an invitation for comments and concerns, and if needed, we'll call a special meeting the week before our regular meeting, which seemed to work in times past. Okay, so is there any other old business anyone wants to bring up or any other new business anybody wants to bring up Everybody's good? Alright. Am I missing anything? I don't, I don't have my agenda in front of me right now. So I will entertain a motion

Legislator Heppner

I will make a motion.

Chairwoman Bartels

Thank you

Legislator Heppner

To adjourn. And just a reminder that there will be a democratic caucus right after this.

Chairman Donaldson

And as we adjourn, I do want, people need to think about the idea, we have been doing zoom meetings, and those things are going to be most likely a thing of the past. You know, in the not too distant future, I believe. Now, I don't know if anybody is considering the idea of having, allowing zoom meetings of some sort, limiting them, having none. But it's something that we probably should think about, you know, even for special meetings and things of that nature. If we call a special meeting, maybe they could be a zoom meeting, due to the fact that, you know, sometimes people will other agendas, and as a result, they may not be able to get, you know, to Kingston, New York for the meeting. Not a big deal for me. I mean, I live three blocks from the office. But I'm sure Legislator Gavaris has quite a way to drive.

Chairwoman Bartels

Legislator Gavaris, you have your hand up?

Legislator Gavaris

Yeah. So I think we should probably wait until a decision made to Open Meetings Law, I read something recently, they are working on. Coming up with rulings on that I think there is an extension of the Governor's orders that carries it through till I think it was September, allowing for virtual meetings. But I guess to argue against the Chairman's point, though, I actually prefer that we meet in person, I think our meetings were shorter when we were in person, because people aren't as comfortable. So I can't wait to get back because I drive to Kingston get back home in shorter time these meetings take so I'm waiting for in person again.

Chairman Donaldson

Right. My mindset was really not that, it's just the idea like we had special meetings a lot of times. And sometimes that may be difficult for some people, okay, we're gonna have a special meeting in three days, and they have to rearrange all their scheduling whereas they may be able to make the cold phone call in and, you know, still baby sit the kid or whatever it may be

Chairwoman Bartels

I think though, Legislator Gavaris is right. We're gonna have to see what the final ruling in terms of having a fully virtual meeting, it's only allowed right now, by an exception to the Open Meetings Law, due to the pandemic. So we'll have to see what the final ruling is on that. We did have a discussion about extending the tele, you know, tele meeting to committee meetings. And we agreed to not address it right now in the rules just for functions sake. Um, I'm also I'm looking forward to when we can be in person as well, although it is convenient. It's definitely, we're I think we're missing out on a lot.

Chairman Donaldson

But Legislator Gavaris is exactly right. We have, there been, we have more meetings and we have longer ones. I've never been to so many meetings in my life because of these. Oh, well just having another meeting. No big deal, another zoom meeting.

Chairwoman Bartels

Yep.

Chairman Donaldson

Alrighty. Very good. Thank you

Chairwoman Bartels

Even as we're talking about another special meeting. Okay. All right. So there was a motion to adjourn from Legislator Heppner. Did we get a second?

Chairman Donaldson

Second

Chairwoman Bartels

Second by Chair Donaldson. All in favor?

Committee Members

Aye.

Chairwoman Bartels

Thank you all so much for your time and see you tomorrow night and see some of you later.