

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

**DATE & TIME:** June 15, 2020 – 6:00 PM  
**LOCATION:** Powered by Zoom Meeting by Dialing (646) 558-8656  
Meeting ID: 925 7417 3164  
**PRESIDING OFFICER:** Chairwoman Bartels  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Heppner, Roberts & Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Walter, Legislative Clerk Fabella, Legislative Counsel Ragucci & Gordon, Minority Counsel Pascale, Representative from Mid-Hudson News

Chairwoman Bartels called the meeting to order at 6:03 PM.

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**Motion No. 1:** **Moved to APPROVE Minutes & Transcript of the May 18, 2020 meeting**

**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Roberts

**Discussion:** None

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

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Resolutions for the June 16, 2020 Session of the Legislature

**Resolution No. 7:** Adopting The Ulster County Code Of Conduct

**Resolution Summary:** This resolution adopts the Ulster County Code of Conduct

**Motion No. 2:** **Resolution No. 7 MOVED FOR DISCUSSION**  
**Motion By:** Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

**Motion No. 4:** **Motion to POSTPONE Resolution No. 7**  
**Motion By:** Legislator Roberts

**Motion Seconded By:** Legislator Heppner

**Voting In Favor:** Legislators Bartels, Gavaris, Heppner, Roberts & Ronk

**Voting Against:** None

**Votes in Favor:** 5

**Votes Against:** 0

**Disposition:** **Resolution POSTPONED**

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**Resolution No. 223:** Adopting Proposed Local Law No. 3 Of 2020, 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 Require Submission Of Departmental Budget Estimates From Elected Officials And Department Heads To The Legislature

**Resolution Summary:** This resolution sets a public hearing on Tuesday, June 9, 2020 at 6:05 PM for the purpose of allowing the public to offer comments on Proposed Local Law No. 2 Of 2020

**Motion No. 5:** **Resolution No. 100 MOVED FOR DISCUSSION**

**Motion By:** Legislator Ronk

**Motion Seconded By:** Legislator Roberts

**Discussion:** See attached transcript

**Motion No. 6:** **MOVED TO AMEND Proposed Local Law No. 2, Section 2. Definitions to read in the form as presented**

**Motion By:** Legislator Ronk

**Motion Seconded By:** Legislator Heppner

**Discussion:** See attached transcript

**Voting In Favor:** Legislators Bartels, Gavaris, Heppner, Roberts & Ronk

**Voting Against:** None

**Votes in Favor:** 5

**Votes Against:** 0

**Disposition:** **AMENDMENT ADOPTED**

**Voting In Favor:** Legislators Bartels, Gavaris, Heppner, Roberts & Ronk

**Voting Against:** None

**Votes in Favor:** 5

**Votes Against:** 0

**Disposition:** **Resolution ADOPTED WITH PROPOSED LOCAL LAW AS AMENDED**

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**Resolution No. 168:** Setting A Public Hearing On Proposed Local Law No. 4 Of 2020, A Local Law Establishing Certain Consumer Protection Practices In Ulster County And Penalties For Violating Same, To Be Held On Tuesday, June 9, 2020 At 6:15 PM

**Resolution Summary:** This resolution sets a public hearing on Tuesday, June 9, 2020 at 6:15 PM for the purpose of allowing the public to offer comments on Proposed Local Law No. 4 Of 2020

**Motion No. 7:**                   **Resolution No. 168 MOVED FOR DISCUSSION**  
**Motion By:**                   Legislator Ronk  
**Motion Seconded By:** Legislator Roberts

**Discussion:**                   See attached transcript

**Voting In Favor:**           Legislator Ronk  
**Voting Against:**           Legislators Bartels, Gavaris, Heppner & Roberts  
**Votes in Favor:**           1  
**Votes Against:**           4  
**Disposition:**           **Resolution DEFEATED**

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**Resolution No. 192:** Setting A Public Hearing On Proposed Local Law No. 6 Of 2020, A Local Law Amending Various Provisions Of Local Law No. 1 Of 2020, A Local Law Amending The Code Of The County Of Ulster To Include Mandatory Food Scraps Composting By Large Generators, To Be Held On Tuesday, June 9, 2020 At 6:10 PM

**Resolution Summary:** This resolution sets a public hearing on Tuesday, June 9, 2020 at 6:10 PM for the purpose of allowing the public to offer comments on Proposed Local Law No. 6 Of 2020

**Motion No. 8:**                   **Resolution No. 192 MOVED FOR DISCUSSION**  
**Motion By:**                   Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

**Discussion:**                   See attached transcript

**Voting In Favor:**           Legislators Bartels, Gavaris, Heppner, Roberts & Ronk  
**Voting Against:**           None  
**Votes in Favor:**           5  
**Votes Against:**           0  
**Disposition:**           **Resolution ADOPTED**

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### Adjournment

**Motion Made By:**           Legislator Ronk  
**Motion Seconded By:** Legislator Heppner

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

**TIME:** 6:28 PM

**Respectfully submitted: Deputy Clerk Mahler & Confidential Secretary Lichtenstein (transcript)**  
**Minutes Approved: June 15, 2020**

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

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**PRESIDING OFFICER:** Chairwoman Bartels  
**LEGISLATIVE STAFF:** Jay Mahler, Deputy Clerk  
**PRESENT:** Legislators Gavaris, Heppner, Roberts & Ronk  
**ABSENT:** None  
**QUORUM PRESENT:** Yes

**OTHER ATTENDEES:** Legislator Walter, Legislative Clerk Fabella, Legislative Counsel Ragucci & Gordon, Minority Counsel Pascale, Representative from Mid-Hudson News

Chairwoman Bartels called the meeting to order at 6:03 PM.

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Here is the link to the Otter audio transcript: [https://otter.ai/s/NtB\\_gP5MRdmBjTHLPWOrCw](https://otter.ai/s/NtB_gP5MRdmBjTHLPWOrCw)

**Chairwoman Bartels:** Going call the meeting to order. It's 6:03. Jay, do you mind taking the attendance?

**Deputy Clerk Mahler:** Sure thing.

**Deputy Clerk Mahler:** Chairwoman Bartels

**Chairwoman Bartels:** I'm here.

**Deputy Clerk Mahler:** Deputy Chair Roberts

**Legislator Roberts:** Here.

**Deputy Clerk Mahler:** Legislator Gavaris

**Chairwoman Bartels:** He's connecting.

**Deputy Clerk Mahler:** He's is still connecting. Legislator Heppner.

**Legislator Heppner:** Here.

**Deputy Clerk Mahler:** Legislator Ronk.

**Legislator Ronk:** Present.

**Deputy Clerk Mahler:** You have five present, zero absent.

**Legislator Bartels:** Okay. I'll entertain a motion for approval of the May 18...

**Legislator Ronk:** So moved.

**Chairwoman Bartels:** ... meetings, minutes and transcripts. Do I have a second?

**Legislator Heppner:** Second.

**Chairwoman Bartels:** Any discussion?

**Legislator Bartels:** Okay. All in favor of accepting the minutes.

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed?

**Chairwoman Bartels:** Okay. It's unanimous.

**Chairwoman Bartels:** And moving on to Resolutions. Resolution No. 7: Adopting the Ulster County Code of Conduct.

**Legislator Roberts:** Motion to postpone.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Thanks, Madam Chair. I'll move it for discussion.

**Legislator Heppner:** I'll second.

**Legislator Ronk:** I just sincerely hope that, you know, between the two of us, and I think that we're both derelict with everything that's going on, we'll be able to find time to, you know, get together and talk about these things as a whole. You know, I mean, and next month, we'll actually be able to get together in person for things, so that'd be good.

**Chairwoman Bartels:** Yeah, I'd like to make a commitment to that, to making that happen this month. To talking about both Code of Conduct, and to some extent, the Ethics I know I sent you my notes. And that was some time ago now, I think was before all this happened. So, if we get together and potentially have counsel there as well, hopefully we can get some more we can bring maybe even both of them forward next month. And have a discussion about the holistic issue. So, yeah, I would entertain a motion to postpone with consent, but with the commitment that this is the last month.

**Legislator Ronk:** Okay.

**Chairwoman Bartels:** Legislator Roberts.

**Legislator Heppner:** I'll second.

**Legislator Ronk:** Yeah.

**Legislator Bartels:** Thank you. All in favor of postponing Resolution Number 7?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed?

**Legislator Bartels:** Okay. Resolution Number 223: Adopting Proposed Local Law No. 3 Of 2020, 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 Require Submission Of Departmental Budget Estimates From Elected Officials And Department Heads To The Legislature.

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Do I have a second?

**Legislator Heppner:** Second.

**Chairwoman Bartels:** Okay. Discussion?

**Chairwoman Bartels:** Okay, hearing none, all those in favor of Resolution No. 223?

**Committee Members:** Aye.

**Chairwoman Bartels:** Okay. Opposed?

**Chairwoman Bartels:** It's unanimous.

**Legislator Bartels:** Resolution Number 224: Adopting Proposed Local Law No. 6 Of 2020, A Local Law Amending Various Provisions Of Local Law No. 1 Of 2020, A Local Law Amending The Code Of The County Of Ulster To Include Mandatory Food Scraps Composting By Large Generators.

**Legislator Ronk:** I'll move it.

**Chairwoman Bartels:** Do I have a second?

**Legislator Roberts:** Second.

**Legislator Bartels:** Second. Legislator Roberts,

**Chairwoman Bartels:** Is there any discussion? This is extending the implementation date out. Was that your hand Legislator Walter?

**Legislator Walter:** No.

**Chairwoman Bartels:** Okay. All right, hearing no discussion. All in favor of Resolution Number 224?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed? Hearing none, it's unanimous.

Resolution Number 231: Setting A Public Hearing On Proposed Local Law No. 7 Of 2020, A Local Law Amending The Code Of The County Of Ulster In Relation To Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel And Motel Room Occupancy Tax) To Clarify The Tax Law's Application To Short-Term And Vacation Rentals, To Be Held On Tuesday, July 14, 2020 At 6:15 PM.

**Legislator Ronk:** I'll move it for discussion.

**Chairwoman Bartels:** Okay.

**Legislator Heppner:** Second.

**Chairwoman Bartels:** Second. Legislator Heppner. Okay discussion? Legislator Ronk.

**Legislator Ronk:** Thanks. You know, as I said in Ways and Means, I'll say again here, I'm not sure that this law is ready to move forward this month. I know that our Minority Counsel has some concerns about it, as he has with many of the incarnations of this law that we've seen over the past three or four years.

You know, our occupancy tax does not allow us to collect from third party vendors. And as well intentioned, as this law is to try and clarify that, I don't think, A.) I don't think that we can clarify that by local law without actually going back to the State Legislature to change our occupancy tax authorization.

But, you know, this raises some concerns with for me, you know, with how we're going to be able to access important information. Like where, you know, where some of these locations are. And then be able to share that information with the towns. So, I would be I would be in favor of postponing this until next month, and, you know, give us all a chance to have some more discussion on it. And perhaps belay some of my concerns, or make some changes, that might make it more permissible.

It's not a motion yet. I just I wanted to put that on the record and then everyone else can have their say before we make any motions.

**Chairwoman Bartels:** Okay, and I just want to point out there are changes in the packet. Did everyone have a chance to look at the proposed changes? Which I'm expecting that we'll want a motion to accept the changes at some point. Has everyone had a chance to see those? Is that a yes, everybody?

**Legislator Ronk:** I'll be honest. I didn't look at them in the packet. But ...

**Chairwoman Bartels:** Take a moment. I mean, take a moment. But in the meantime, Legislator Walter.

**Legislator Walter:** Thanks. I appreciate Legislator Ronk wanting to feel as comfortable as possible with this. I think it's important as we are moving along, and the County Executive is also moving along. I would request that this get approved. This is for a public hearing. That's not set until mid-July and so this gives opportunity to look into whatever other issues you're concerned about.

And so, I'm just hoping that you'll just pass it at this point, for the public hearing. And it's not approving it. It's not passing it. It's just allowing the public hearing, and the time.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Thank you. You know, I have in the past supported quite a few public hearings on issues that I don't necessarily agree with, from a policy standpoint. You know, this resolution is before Laws and Rules because it's a local law. And our charge, under our rules, is to discuss legal sufficiency, pretty much.

I believe that this law, and I think Counsel Pascale, if he wants to weigh in at some point, with some of the concerns that he's raised to me, you know, I believe, as he does that this law may be legally insufficient. And I don't support having public hearings on a law that may be legally insufficient, because it's a waste of the taxpayer's time and a waste of the taxpayer's money to have a public hearing on something that's not going to pass legal muster.

**Chairwoman Bartels:** Legislator Heppner.

**Legislator Heppner:** To you, Chair Bartels, if I could just ask Legislator Walter if she can clarify there are multiple counties in New York state that have similar resolutions on the book. Sorry, local laws on the book? Am I correct?



**Legislator Walter:** Yes. Very many and for several years.

**Legislator Heppner:** So, I'm just trying to figure out what's the difference between ours and theirs, that have been upheld? That's a general question, just trying to clarify.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Thanks. Two things on that. You know, number one, not every County's occupancy tax is written the same way. So, that may be one of the reasons.

Another reason is because they're just ignoring the fact that they don't have the authority to collect from Airbnb. You know, I mean, we've been through this, you know, several times. I think, you know, you know, Leader Heppner, you and I have had this very same conversation several times, in that, you know, just because they're doing it doesn't make it legal. And just because no one is challenging the fact that it's not legal doesn't mean that we should go ahead and do it either.

I feel strongly about that. I felt strongly about that for all four years when Elliot brought it up, and I still feel strongly about that today. I in fact, put in a home rule request that was sent to our Assemblymen and Senators back... I want to say it was 2016. But that might be wrong. And it was actually blocked in the State Assembly and the State Senate, by both Majority Counsels, because the New York City HTC did not want it to move forward. And I got that from home rules counsels in both houses of the State Legislature. That the HTC lobbyists had blocked that because, you know, they had an issue with our asking for our occupancy tax authority to actually be changed to allow us to collect from third party vendors. It's not that I don't want to do this. It's just that currently my attorney's telling us we don't have the authority to collect from third party vendors. And just because other people do it doesn't mean that it's illegal for us to do it.

**Chairwoman Bartels:** I'm going to ask a question, Ken, if you if you don't mind, and that's do you have an example of a county or municipality that has the authority to collect from a third party that you find to be legally sufficient? Is everybody operating in this legally insufficient, from your perspective, is everybody operating in this legally insufficient way? And it's just...

**Legislator Ronk:** I mean, Nick might know better. He's done a lot of research into this over the years. I believe Orange County has a voluntary collection agreement with Airbnb. But there's something different about it, and I can't remember it was. Nick is, through the Chair to Nick, if you want to jump in here anytime.

**Nicholas Pascale, Esq.:** Sure, if I can be recognized.

**Chairwoman Bartels:** You can be recognized.

**Nicholas Pascale, Esq.:** Okay. Yeah, sure. So, I guess just to follow-up on two points. The first one would be I'm not aware of any other county having been challenged or upheld. So, I think that it's something that is not a settled question.

Yes, the other counties in the state are doing it, but I'm not aware of any court decisions upholding the way that they're doing it. Orange County is doing it in such a way that did not require them to amend their enabling legislation, their local law. I think it's a compromise that they've arrived that. It might be right for Ulster County, it might not be, our contract process is not exactly the same as Orange County.

**Chairwoman Bartels:** Can I ask you, a compromise with who?

**Nicholas Pascale, Esq.:** Well, when I use the word compromise, it's a compromise between the choice of exceeding your authority under the state hotel tax legislation, which other counties have done, and not doing anything.

So, what they've done, as I understand it, is they accept, as a matter of contract, or just accepting the payment from the third-party platforms, but they have not codified it in any way. So, you know, it's working for them. You know, but nothing has been challenged. So, they have...

**Chairwoman Bartels:** I'm sorry, Nick, but wouldn't it be the same legal challenge? If they're not allowed... If you're saying that there, it's technically, legally insufficient to allow for a third party to collect, and you allow a third party to collect, you just don't codify it, you take the money from them. It's the same thing, whether you codified it or not.

**Nicholas Pascale, Esq.:** I think the difference is. what we're attempting to do here, and what other counties have done is that we're, as a matter of statute, or local law, relieving owner-operators of the obligation to collect and remit, and shifting that to a third-party platform, as a matter of law.

So, Orange County can say, "Oh, we didn't do that." They're still on the hook, as a matter of statute. We didn't change anything. So, there isn't that, I think that is probably the principal difference.

**Legislator Ronk:** Yeah, if I could just jump in on the back of that, Tracey?

**Chairwoman Bartels:** Eve, were you going to speak on the same point?

**Legislator Ronk:** Oh, sorry. Go ahead.

**Chairwoman Bartels:** Her hand was up first, but if...

**Legislator Walter:** Sure. I mean, that may be true. But of the 29 counties that have the agreement with Airbnb, many of them do, including Dutchess County, have a local law.

**Chairwoman Bartels:** Go ahead, Legislator Ronk. Ken?

**Legislator Ronk:** Yeah, I mean, my comment to that would be, again, just because it hasn't been challenged, you know, doesn't mean it won't be at some point. And I just, you know, there's several problems that I have.

One of them is that every Airbnb contract that I've seen thus far, including when I was on the phone with both of their, you know, tax attorneys in San Francisco, have said that one of the caveats in all their contracts is that you cannot attempt to register or attempt to locate the operators.

The whole goal of Airbnb, in doing these voluntary collection agreements is, to give us the money in the aggregate and to not have us be able to know where the operators are for A.) enforcement; or for B.) collection.

You know, I don't agree with that. I think that there's much more value in knowing where these places are for code enforcement. You know, and for other types of enforcement, then the value we're going to make up in what we're missing out on occupancy tax revenue.

I just, you know, it's one of the reasons I've supported the current scenario where we seek them out and try to sign them up rather than collect from Airbnb in the aggregate. And, you know, on top of the fact that, you know, I don't believe that it's legally permissible for us to do so under our current occupancy tax.

**Chairwoman Bartels:** Legislator Walter.

**Legislator Walter:** Thanks. So, just a couple of points. Apparently, just a few hours ago, San Francisco and New York City, the lawsuit ended with Airbnb and they are changing their codes and there will be the capacity for them to get the individual information. So, that's just, that's in the news today.

I agree with you, Legislator Ronk. I think that if we weren't able to get this agreement, we would still need a registration system. It doesn't go against... it's really more about getting more money into the county. But I just wanted to make sure people were aware that that was in the news today about San Francisco, and New York City.

And I was just going to ask, if I could, to Nick, whether he had any suggestions for an amendment. Or any other suggestions that he felt would make this resolution feel more appropriate?

**Nicholas Pascale, Esq.:** I did have a conversation with Counsel Ragucci earlier today about this. And, and I did look over the changes that were submitted in the packet. So, I guess working backwards, the revenue issue looks like it's been totally redacted from the revised law. Is that correct?

**Legislator Walter:** Sorry, what part of the revenue that...

**Nicholas Pascale, Esq.:** Looks like, I'm sorry, it looks like the entire paragraph dealing with allocation of revenue has been stricken, or is there more language?

**Legislator Walter:** No, it's been stricken to allow the original law, the home rule law to just carry forth.

**Nicholas Pascale, Esq.:** The default provision.

**Legislator Walter:** Yeah.

**Nicholas Pascale, Esq.:** Okay. Yeah, that was one of the things we had talked about in terms of the requirements of state law, allocating 10%, or \$150,000, whichever is greater to tourism. And so, that apparently is not going to be an issue if we're taking it out and just defaulting to the original language.

So, we then did also talk about the portion of the law that which is the subject of our commentary here, that shifts the responsibility from the owner-operator to Airbnb. If there was some way, and because it sounds like all of this is tailored to back into an eventual contract, a VCA with Airbnb.

You know, if there was some way to know what the outcome of those negotiations would be, that they would be amenable to not relieving the owner-operators of liability, so that we wouldn't have to change our tax law, we could leave that in place but still authorize the VCA. That would probably go a long way towards the concerns that, you know, not only of myself, but the former County Attorney and Counsel Ragucci had all sort of articulate in the past. Which led did lead to our effort to try to get special enabling legislation that couldn't get picked up by any senator. I think no one would carry it. You know, but it wasn't because it was legally insufficient. There was just no political will to get it done at the state level.

**Chairwoman Bartels:** Legislator Heppner.

**Legislator Heppner:** Yes. A couple questions to some points that were made before, just for clarification. Maybe either Counsel Ragucci joined us, can answer. Would there be any reason why the county couldn't continue that contract with the provider we have now, that was formerly known as Bear Claw, and I forgot what it's currently known as, that provides that information? Which I agree with Ken is very valuable to the towns.

Towns I represent have entered the zero dollar into municipal agreement to get that information. It was very helpful with their, you know, zoning issues and addressing those. But why can't... What is it that we... Why couldn't we enter into a contract with Airbnb, and not continue our, I don't even know the dollar amount, and if it's under \$50,000, it doesn't come to the Legislature, contract with the provider, as we have to continue receiving those packets, you know, for our towns, and for our own information as a county as a whole?

**Chairwoman Bartels:** Counsel Ragucci, did you want to weigh in?

**Christopher Ragucci, Esq.:** Sure. I'd have to review that agreement again. I don't see any reason as long as [inaudible] the aspects of [inaudible] which I don't think [inaudible] I don't see why we can't continue with that agreement.

**Chairwoman Bartels:** Legislator Heppner. Did you want...

**Legislator Heppner:** Legislator Ronk can go.

**Legislator Ronk:** Just as an answer to that question, the former voluntary collection agreements that I've seen with Airbnb have all disallowed any research or trying to find where these places are, no more effort to sign anybody up for the actual occupancy tax. There were a lot of privacy protections that were written into these voluntary collection agreements. You know, the 28 of them, or however many of them everyone keeps saying, are signed around the state that don't allow counties to do anything, that would allow them to audit the receipts that were given by Airbnb. The way one county attorney referred to it, to me, you know, Airbnb writes a check and puts it our hand, and we don't ask questions.

**Chairwoman Bartels:** Legislator Heppner.

**Legislator Heppner:** Yeah. I mean, obviously we wouldn't have to pursue Airbnb clients. But it would still allow us to pursue clients that utilize other services such as HomeAway and so on. I mean, I don't think it's the intention that we would sign an agreement with Airbnb, and then allow any other provider, and or user, to not be, you know, be held to the same, you know, requirement. And continuing the system, you know, that we have, that unfortunately, just isn't as sufficient as an agreement with Airbnb.

**Chairwoman Bartels:** Legislator Walter.

**Legislator Walter:** So, the language that I'm reading one of these VCAs, during any period for which Airbnb is not in breach of its obligations under the agreement, the taxing jurisdiction agrees to audit Airbnb on the basis of its returns and supporting documentation. It agrees not to directly audit any individual guest or host unless and until an audit of Airbnb by the jurisdiction has been exhausted and a matter is unresolved. So it's saying that you can audit, I believe, it was once a year they can be audited. They're asking that you can't audit the actual renter or host unless the audit that you had with Airbnb was not sufficient.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Thanks. Just to that point I, I understand you can audit Airbnb on an aggregate basis, but no one's been able to tell me how you audit them on an aggregate basis without knowing where all the hosts are. And, and without having individual host data. Because these Airbnb, voluntary collection agreements don't send you a listing of, you know, how, you know, what they send you is they send you this many dollars and it was this many nights, they don't tell you where they were, they don't give you any of that information. You know, you can audit that that many dollars, you know, divided by that many nights is an average of this per night. But, you know, the information that they agree to give you in the voluntary collection agreement, I don't believe is sufficient to audit them even on a yearly basis.

**Chairwoman Bartels:** Legislator Heppner.

**Legislator Heppner:** Unfortunately, this is probably more of a question for Deputy County Executive, but someone might know the answer. But it's my understanding, from what I've been told, but I could be 100% wrong, is that the data collected through our contracted provider, it doesn't tell you how much each person's getting for that weekend,

or this week, or anything like that. It's just owner's name, address of the rental property, and the owner's primary residence.

So, we wouldn't... even if we wanted to, we wouldn't be able to accurately audit Airbnb, under the current contract and the service we're getting with this product. Because we don't get any dollar numbers from it. We just get physical locations and aggregate numbers in terms of, you know, of properties for rent, and the homeowners' information. We don't get a dollar figure. So, even if... so, I don't think we could even sign that agreement with Airbnb, and not be in conflict with their concerns, because we couldn't audit them with what we currently have with this provider.

**Chairwoman Bartels:** I'm going to weigh in just for a minute. That's accurate, Legislator Heppner. We just have a record of all those that are registered with Airbnb, but not how much they make in their rentals.

One thing I want to weigh in on this... well, a couple of things. It is my understanding that there are municipalities that have similar agreements with providers, not the identical provider we have, but similar providers for that information, while having a collection agreement with Airbnb.

And also, it is my understanding, that other counties that have their own registration component, not through necessarily an outside agency, but that they have their own registration for all the different platforms, and have the Airbnb. And I think today's drop of the legal challenges in San Francisco and New York City speak to a shift in that situation, probably nationwide.

I also want to remind everyone that while this is a public hearing, if and when we get a contract with Airbnb, or any of these short-term rental vendors, it is going to come back to us. And if the portions of the contract aren't acceptable, if, for example, some of the things that Legislator Ronk has brought up, are in or not in the contracts, we have every right to not approve the contract, or push it back and say we need to have these things in.

And I think we should, in the interim, as these contracts are being negotiated, I think we should be clear about what we'd like to see. Because that municipal data is very important to me, not just for the code enforcement, but for understanding the impacts in various communities based on the usage of these short-term rentals, in various communities, and how they're being used. I think in the interim, we're leaving a lot of money on the table.

Legislator, Walter.

**Legislator Gavaris:** I just wanted to add that the other challenge, and I'm especially concerned this year with the pandemic, is what's the incentive for people to register? Because, right now, the system expects people to register to get that specific information. The third party, which was formerly called Bear Cloud, only can guesstimate doing searches on the internet. It doesn't really have that much detail about whether those places were rented, etc. So, we really rely on the registration.

I'm concerned with people who are really struggling economically, what's their incentive to register? In our current system, them registering and reporting how much actual rentals they had, then yields almost like a fee to them, because then they're going to get a bill related to it. If we have this agreement, it takes the host out of the story. It makes the allocation of the money really, with whoever's renting it. The host is out of the story.

And I really, truly believe that the incentive to be honest and thorough in their reporting, in a registration system, would be much higher. Because again, they're not going to be fined, essentially, based on what they're reporting. They would just be reporting it.

**Chairwoman Bartels:** Legislator Ronk, did you have your hand up?

**Legislator Ronk:** No, I mean, it doesn't... Yeah, I don't even know if I'll make the motion to postpone. It sounds like everyone's comfortable moving forward. I'm just not.

**Chairwoman Bartels:** Okay. Before we move forward, let's look at the resolution. I'd like to talk through the...

**Legislator Heppner:** Chair Bartels, Legislator Gavaris has his hand up.

**Chairwoman Bartels:** Legislator Gavaris.

**Legislator Gavaris:** Actually, if you want to go through the changes first, then I'll speak.

**Chairwoman Bartels:** You sure? Okay. So, does everyone have the resolution up or do we need Jay to put it up? And we can talk them through. Or I'll entertain a motion to accept the amendments. Some of them were discussed earlier. But they're marked in the, in the copy. Has everyone had a chance to look at them now?

**Legislator Ronk:** I looked them over. I agree with them, but I don't think it changes my opinion.

**Chairwoman Bartels:** Okay. Could we get a motion to discuss the amendments? Or a motion to amend the resolution as presented in the packet?

**Legislator Ronk:** I'll make that motion.

**Chairwoman Bartels:** Okay. Is there a second to that?

**Legislator Roberts:** I'll second, Tracey.

**Chairwoman Bartels:** Legislator Roberts. Okay, discussing the amendments.

**Chairwoman Bartels:** Legislator Gavaris.

**Legislator Gavaris:** Thank you. So, while the amendments are better, for me. It still has an issue, for me, is that if the goal is just to collect revenue that we are not currently getting, because it's money that's just floating out there, we don't know the true detail. Then all of the language in there related to housing shortage, which I believe we do have, and I think affordable housing is an issue. I think while they're independently true, I don't think they're mutually exclusive.

So, if the goal of this law is to create an agreement with Airbnb, and any other platform, then it should just be left specifically to that. And then, later on, we can go back and look at and then deal with where to put the money. But I can't support anything that has related to where the money is going to go or what it should be used for. If we're just going to talk about getting revenue, then I could support it. But other than that, I can't support that.

**Chairwoman Bartels:** Legislator Walter.

**Legislator Walter:** So, I appreciate that. And I also appreciate you identifying that there were certainly the need to remove the language, especially before the resolves, because they were still addressing what once was a resolve that got taken out. So, I'm I completely agree with that idea.

I guess the only thing I would like the Legislators to consider is whether some reference to the impact of the short-term rentals on housing, whether there was some element, even in the earlier part of the resolution, just so that it's... because this will be the first codification related to short-term rentals. And whether you'd be willing to accept it with just the reference to it in the earliest stages of the resolution, to say that we recognize that it does have that impact, but that all of the other elements where it refers to its distribution are struck.

**Chairwoman Bartels:** Legislator Gavaris.

**Legislator Gavaris:** Thank you. I just don't know what one has to do with the other. While I agree that it does have an impact. It's not what the law is intending to address. And to have it in there, it just doesn't seem like it's part of it.

I don't know. I'm having a hard time with when you add things that are not really related to the subject at hand. While they may be very true, it's just not germane to this exact law though. Without collecting the money, whether we collect it or not, there's still going to be a housing issue. And if we have this contract or not, there's still going to be a housing issue and an issue with Airbnb. But it's not because we're not collecting money. It has nothing to do with that directly.

**Chairwoman Bartels:** Okay, I'll have Legislator Heppner and then Legislator Ronk.

**Legislator Heppner:** Legislator Ronk can go. I'm re-thinking my thoughts.

**Chairwoman Bartels:** Legislator Ronk.

**Legislator Ronk:** Yeah, thanks. You know, I'd hate to see this fail when in another month might be able to make people feel more comfortable. You know, Legislator Gavaris, I was unaware of his of his concerns about that. I think in a month, you know, those concerns can be worked through with amendment language, potentially.

You know, and I'd like some time to take a look at the actual lawsuit with counsel and try to find out what effect that has in Ulster County. A lot of times cities have different allowances under state law than counties do. So, I'd like to take a better look at the application of that lawsuit to Ulster County. So, I guess at this time, I'd like to make a motion to postpone this until next month.

**Chairwoman Bartels:** We have a motion to amend on the table right now.

**Legislator Ronk:** That's fine...

**Chairwoman Bartels:** Can we get ...

**Legislator Ronk:** ...if we want to. Yep, that's fine.

**Chairwoman Bartels:** So, what I wanted to ask is, Legislator Gavaris and Legislator Walter, as the representative sponsor, do you want to talk through... is there a way to reach an agreement on what the two of you are talking about, right now, and share it with the committee? That goes out, I guess, to both of you.

**Legislator Walter:** Sure. You know, I would like us to go through. I was a little late because I wanted to confer with the co-sponsor with Legislator Uchitelle because I didn't want to be speaking for his part. He also agrees that it's really important to talk about this, the issue related to housing. Because of its implications, however, we both feel like if that is going to be a stopgap that we are willing to accept those amendments, if that's what's necessary.

**Chairwoman Bartels:** So, Legislator Gavaris, do you want to talk through what amendments you are proposing so that everyone in the committee can follow? Can we can we do that?

**Legislator Gavaris:** Sure. So if you're looking at section two, I would... you have a motion on the floor now.

**Chairwoman Bartels:** Does everyone want to pull up, pull up the resolution so they could see it? Or do we want Jay to put the resolution on the screen?

**Legislator Heppner:** Either works for me. I have in front of me.

**Chairwoman Bartels:** Legislator Roberts. Do you need it on the screen? Are you okay with it?

**Legislator Roberts:** I can find it.

**Chairwoman Bartels:** Okay. All right. So, you're in legislative intent, correct, Legislator Gavaris?

**Legislator Gavaris:** Correct. Yep. The first paragraph under legislative intent. Now, since we already have a motion on this floor, do we have to accept the changes yet, or no?

**Chairwoman Bartels:** You know, let's do that to be clean. So, let's call for a vote on the amendments that were before us. The packet of amendments that are in the group. Is that all right? Let's move that one and then we'll do this one.

All in favor of the proposed amendments that were included in the packet?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed?

So, that's unanimous. I will entertain a motion to amend from, I believe, Legislator Gavaris. Is there a second?

**Legislator Roberts:** Second.

**Chairwoman Bartels:** Okay, second. For discussion, Legislator Gavaris, the floor is yours.

**Legislator Ronk:** I believe Legislator Gavaris should state the amendment before we make a motion to amend and second, I'm just...

**Chairwoman Bartels:** Okay. That's fine. So Legislator Gavaris, you want to talk it through?

**Legislator Gavaris:** Yeah. All right. So, the motion I'll make is to amend the first paragraph under section two, Legislative Intent, would be to strike out the word "both." It would be "provides a significant opportunity for economic growth to our county through tourism dollars, period"

I would strike through the rest of that paragraph. Then on the third paragraph down, strike through that entire paragraph, "The legislature finds..."

And then on the next page, it would be the second, I guess, technically the first paragraph, "Therefore..." I would strike through that paragraph.

And then number two, under "the local law" strike through...and I believe that's it, the rest of it was already struck through and...

**Deputy Clerk Mahler:** You were somehow spontaneously muted on the last part there, John.

**Legislator Gavaris:** Sorry, no. I think that was after...

**Deputy Clerk Mahler:** "After striking the paragraph, "Therefore..."

**Legislator Gavaris:** Okay, so, number two (2), on to the next paragraph, it would be to get rid of the (2). And obviously, the "(1)", would just be part of the paragraph.



**Chairwoman Bartels:** And if I could make a friendly amendment, to your amendment, that would be just in terms of cleaning up the final paragraph language, to have the final paragraph... You're striking number two, it would read, "This Local Law would," strike, "perform the following functions (1), so it's, "This Local Law would contract with the online hosting companies," just in the interest of keeping a clean.

Everyone followed that? Okay, so do I have a second on that amendment?

**Legislator Heppner:** Second.

**Chairwoman Bartels:** Legislator Heppner. Okay. So on the proposed amendment? Discussion?

**Chairwoman Bartels:** Okay. So, on the proposed amendment, all in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Opposed?

Okay. So, now we have an amended local law, twice amended. So, now on the resolution, as amended, discussion?

**Legislator Ronk:** I mean, I just, if I could, Madam Chair?

**Chairwoman Bartels:** You may, and then Legislator Heppner after you.

**Legislator Ronk:** I just don't know what the rush is. I feel like our goal should be to have something that, you know, we could hopefully all agree on. You know, I don't feel like asking for a month is too much. You know, I've had local laws that have been, you know, postponed over and over again, you know, for up to 11-12 months, issues of great importance in order to try to get folks to be comfortable. I just, it's troubling to me that we're trying to, you know, rush into something like this where, you know, I think that there are some serious legal concerns.

**Chairwoman Bartels:** Legislator Heppner.

**Legislator Heppner:** No, I was just scratching my nose.

**Chairwoman Bartels:** Oh, you were? Okay.

Just speaking for myself, I, you know, this is, I appreciate Legislator Ronk what you said. And I too, have had local laws that have taken extended period of time to move through the process. And I'm comfortable with that in this case. I mean this this local law has been here in varying forms. And we've been discussing it now going on, I think, many, many, more than, it seems like 10 years. I don't know how long, it's been a long time.

I'm concerned that we are missing an opportunity, that we have missed an opportunity for collection. I think that the issues raised in the language that was removed are issues that exist and that we need to talk about as we move forward. And I think there's a commitment to do that.

I also agree that the municipal data is critically important for so many reasons. And if and when a contract comes before us, I would want to make sure that we could still collect our municipal data, and ideally, get municipal data from Airbnb that would help us to understand the implications, and help our municipalities to understand the implications in their very various districts. Both as it relates to housing, and as it relates to potential strain on resources, whether it's code enforcement, etc.

So, I'm comfortable with moving this forward to a public hearing, understanding that it is a public hearing, and understanding that a contract from any of these platforms is going to come before us. So just to explain my vote.

Would anyone else... Legislator Gavaris.

**Legislator Gavaris:** I just want to be clear, again, I do believe, and I think we do have to put effort towards addressing the housing issues that we have. And I think we need to put focus on that. But that needs to be the sole focus of that discussion. Not clouded with other parts of this. I think there's an issue that we have. It's not just Airbnb, it is all these different platforms. And I think if we commit with each other to really work on this, I think we can get it done, but it needs to be a really a single discussion, solely on that purpose.

**Chairwoman Bartels:** Okay. So on the resolution as amended. All in favor?

**Committee Members:** Aye. (Bartels, Heppner, Gavaris)

**Chairwoman Bartels:** Opposed?

**Legislator Ronk:** Opposed. (Ronk and Roberts)

**Chairwoman Bartels:** That's Legislators Roberts and Ronk.

**Chairwoman Bartels:** Okay. Is there any old business that anyone would like to discuss?

Any new business that anyone would like to discuss? Okay. I think we're through the packet.

**Legislator Heppner:** I'll make a motion to adjourn.

**Chairwoman Bartels:** Do I have a second?

**Legislator Ronk:** Second.

**Chairwoman Bartels:** Okay. All in favor?

**Committee Members:** Aye.

**Chairwoman Bartels:** Okay, thank you. Wait, Vicki, you are saying goodbye. Okay. All right. Thank you very much, everyone. Have a great night.

**Legislator Heppner:** Thank you.