

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

DATE & TIME: September 17, 2018 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Donaldson, Haynes, Heppner & James Maloney
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Nolan & Rodriguez, Legislative Counsel Barnett, Minority Counsel Ragucci, Jennifer Clark – UC Attorney’s Office, Tom Kadgen, Cindy Bell, & Gai Galitzine – League of Women Voters

Chairman Roberts called the meeting to order at 6:30 PM.

Motion No. 1: **Moved to APPROVE the Minutes of the August 13, 2018 meeting**

Motion By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Minutes APPROVED**

Resolutions for the September 20, 2018 Session of the Legislature

Resolution No. 212: Setting A Public Hearing On Proposed Local Law No. 16 Of 2018, A Local Law Regarding Campaign Finance Reform in Ulster County, To Be Held On Tuesday, October 9, 2018 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, October 9, 2018 At 6:05 PM to allow the public to offer comments on Proposed Local Law Number 16 of 2018.

Motion No. 2: **Moved for DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Roberts

Discussion: None
Motion No. 3: **Moved to POSTPONE Resolution No. 212**

Motion By: Legislator Heppner
Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Nolan, sponsor of the Resolution, stated for the record that she opposed the postponement.

Voting In Favor: Legislators Haynes, Heppner, James Maloney & Roberts
Voting Against: Legislator Donaldson
Votes in Favor: 4
Votes Against: 1
Disposition: **Resolution POSTPONED**

Resolution No. 275: Amending The Rules Of Order To Permit Memorializing Resolutions

Resolution Summary: This resolution amends the Rules of Order to allow for Memorializing Resolutions.

Motion No. 4: **Moved for DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Donaldson

Discussion:

Legislator Donaldson stated that he had previously offered a compromise requiring at least one member of each caucus to sponsor a Memorializing Resolution, or a minimum number of sponsors equal to one less than the number of Legislators required to execute a Petition to Discharge.

Legislator Rodriguez stated that the Democratic Caucus does not support placing any restrictions on Memorializing Resolutions. Chairman Roberts expressed his support for the compromise. Legislator Haynes asked for confirmation that the amendment was to offer either one sponsor from each caucus or one less than the number of Legislators necessary to execute a Petition to Discharge. Legislator Donaldson confirmed that his amendment was to offer a choice of either one from each caucus or one less than the Petition to Discharge.

Motion No. 5: **Moved to AMEND Resolution No. 275 in the form as attached**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator Roberts

Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, James Maloney & Roberts
Voting Against: Legislator Heppner
Votes in Favor: 4
Votes Against: 1
Disposition: **Amendment ADOPTED**

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution ADOPTED AS AMENDED**

Resolution No. 281: Establishing A Policy To Prohibit The Use Of Public Funds To Place The Likeness Or Name Of Elected Officials On All Promotional And Informational Signage On County Owned Property

Resolution Summary: This resolution establishes a policy that no County elected official shall appear by likeness, picture, or be named, or otherwise be identified or referenced on any and all promotional and informational signage on County owned property, where same is paid for or produced in whole or in part with public funds of any kind including grant funds except in certain circumstances.

Motion No. 6: **Moved to POSTPONE Resolution No. 281**
Motion By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney

Discussion:

Legislator Donaldson, sponsor of the Resolution, asked the members to postpone the resolution.

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: **Resolution POSTPONED**

Resolution No. 324: Repealing Resolution No. 24 Of 2018, Establishing A Policy To Prohibit The Use Of Public Funds To Place The Likeness Or Name Of Elected Officials On Public Service Announcements, Non-Commercial And Non-Political Advertising By Ulster County

Resolution Summary: This Resolution repeals Resolution No. 24 of 2018, adopted on February 13, 2018.

Motion No. 7: **Moved for DISCUSSION**
Motion By: Legislator James Maloney
Motion Seconded By: Legislator Heppner

Discussion:

Legislator James Maloney commented that Legislator Woltman, sponsor of the Resolution, had advised the Republican Caucus that he may be withdrawing the Resolution. Chairman Roberts asked Legislator Nolan, also a sponsor of the Resolution, for her thoughts on the withdrawal. Legislator Nolan responded that she did not support withdrawing the Resolution, but did support amending it

to make certain changes to the existing policy as opposed to repealing it. She added for the record that she was opposed to the postponement.

Motion No. 8: Moved to **POSTPONE Resolution No. 324**
Motion By: Legislator James Maloney
Motion Seconded By: Legislator Heppner

Voting In Favor: Legislators Heppner, James Maloney & Roberts
Voting Against: Legislator Donaldson
Votes in Favor: 4
Votes Against: 1
Disposition: **Resolution POSTPONED**

Resolution No. 329: Adopting Proposed Local Law No. 13 Of 2018, Establishing The Ulster County Electrical Licensing Board And Providing For The Qualifications, Examination, Licensing And Regulation Of Electricians In Ulster County, New York

Resolution Summary: This Resolution adopts Proposed Local Law No. 13 Of 2018.

Motion No. 9: Moved for **DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator James Maloney

Discussion:

Chairman Roberts recognized Legislator Rodriguez, sponsor of the Proposed Law. Legislator Rodriguez advised the members that he has proposed amending the fee section of the law to mirror the City of Kingston's fee schedule. He informed the members that research was conducted at the request of Legislator James Maloney regarding the cost to administer similar licensing laws in other jurisdictions. Legislator James Maloney advised the members that he supported proper and legal building, but felt that there was still a lot of questions as to the actual cost and logistics of administering the law in Ulster County. Legislator Rodriguez responded that at a certain point those details are considered operations and would be determined by the County Executive's Office. He added that the law establishes the policy and the licensing board and leaves budgeting and administration to the Executive. Legislator James Maloney responded that he would not feel comfortable moving forward with the law until a plan and an estimated budget is provided.

Motion No. 10: Moved to **POSTPONE Resolution No. 329**
Motion By: Legislator James Maloney
Motion Seconded By: Legislator Haynes

Discussion:

Legislator Rodriguez stated for the record that he was opposed to the postponement.

Voting In Favor: Legislators Haynes, James Maloney & Roberts
Voting Against: Legislators Donaldson & Heppner
Votes in Favor: 3

Votes Against: 2
Disposition: Resolution POSTPONED

Resolution No. 337: Establishing A Policy To Prohibit The Use Of Recording Devices By Elected Officials And Personnel Of The County Of Ulster Without All-Party Consent

Resolution Summary: This Resolution establishes a policy prohibiting Ulster County Elected Officials and personnel from recording private communication transmitted by telephone, telegraph, radio or other device between two or more individuals by any County owned device, electronic, cellular or otherwise, designed to record and/or transmit said communication, unless the consent of all the participants in the communication is first obtained

Motion No. 11: Moved for DISCUSSION
Motion By: Legislator Heppner
Motion Seconded By: Legislator Haynes

Discussion:

Legislator Donaldson stated that New York State Law allows one party consent to make recordings which protects whistleblowers and individuals who are subjected to harassment in the workplace. He added that he was concerned the policy removes that protection from those vulnerable individuals. Legislator Rodriguez stated that the policy was specific to the use of county recording equipment and did not prohibit the use of personal recording devices. Legislator Donaldson responded that there may be occasions when an employee only has access to county equipment.

Chairman Roberts recognized Legislator Haynes for an amendment. Legislator Haynes recommended amending the second Whereas and first Resolved to add cellular to the list of covered devices. Resolution Sponsor Rodriguez considered the suggestion a friendly amendment and consented to the change. Legislator Nolan commented that the policy does not prohibit the use of county equipment if both parties are advised that they are being recorded.

Chairman Roberts informed the members that Counselors Barnett and Ragucci suggested amending the second Resolved to include the County District Attorney and his or her staff as exempted from the policy if recordings are required during the performance of their duties. Legislator Donaldson questioned whether the Public Defender should also be exempted. The members and counselors discussed whether including the Public Defender's Office is necessary. Legislator Rodriguez considered the suggestions to be friendly amendments and consented to the changes.

Motion No. 12: Moved to AMEND Resolution No. 337 in the form as attached
Motion By: Legislator Haynes
Motion Seconded By: Legislator Heppner
Discussion: None

Voting In Favor: Legislators Donaldson, Haynes, Heppner, James Maloney & Roberts
Voting Against: None
Votes in Favor: 5
Votes Against: 0

Disposition: Amendments ADOPTED
Voting In Favor: Legislators Haynes, Heppner, James Maloney & Roberts
Voting Against: Legislator Donaldson
Votes in Favor: 4
Votes Against: 1
Disposition: Resolution ADOPTED AS AMENDED

Chairman Roberts advised the members that Resolution No. 361 - Setting A Public Hearing On Proposed Local Law No. 21 Of 2018, A Local Law Regarding Campaign Finance Reform in Ulster County, To Be Held On Tuesday, November 13, 2018 At 6:00 PM, appeared on their agenda under new business. Resolution sponsor Legislator Donaldson explained that he asked the Proposed Law be included on the agenda and provided to the members to give them an opportunity to review the law before it is introduced the following month. Chairman Roberts asked if the proposed law was the product of the subcommittee meetings. Legislator Donaldson responded that it was.

Chairman Roberts recognized Legislator Rodriguez, sponsor of Proposed Local Law No. 22 of 2018 - A Local Law Of The County Of Ulster Requiring Residential Fire Sprinklers In New Construction Within Ulster County which also appeared on the agenda under new business. Legislator Rodriguez advised the members that he wanted the committee to look at the law before it was introduced the following month. He added that a New Paltz Village Trustee and the Deputy Mayor, who is also a volunteer fire fighter, asked him to look into introducing the measure on a county level.

Chairman Roberts asked the members if there was any other new or any old business, and hearing none;

Adjournment

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator James Maloney
No. of Votes in Favor: 5
No. of Votes Against: 0

TIME: 6:59 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: October 15, 2018

Resolution No. 275 September 20, 2018

Amending The Rules Of Order To Permit Memorializing Resolutions

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

Legislator David B. Donaldson and Legislator Maloney (Joseph) offer the following:

WHEREAS, pursuant to Resolution No. 91 dated April 18, 2017, the Rules of Order of the Ulster County Legislature were amended to prohibit Memorializing Resolutions; and

WHEREAS, there is value to the Legislature, the County and the Ulster County residents in allowing the vetting of Memorializing Resolutions; now therefore be it

RESOLVED, that Rule 3. Resolutions, Local Laws, Rules For Procedure for Presentation and Consideration, Section C. Procedure for the submission and consideration of Resolutions in Committee, subsection (c) Memorializing Resolutions, is hereby amended as follows:

(c). Memorializing Resolutions. Any resolution which memorializes the New York State Legislature, Congress of the United States, or any other body to take an action which will not require a home rule message, shall be ~~prohibited~~ **sponsored by at least one member from each caucus OR one Legislator less than the number of Legislators required to successfully execute a Petition to Discharge as required in Section 3. E. b. of these Rules of Order;**

and, be it further

RESOLVED, that pursuant to Rule 2, entitled "AMENDMENT OF RULES," of the Rules of Order of the Ulster County Legislature, this resolution and the amendment proposed herein shall be read at two consecutive meetings of the Ulster County Legislature, and, be it further

RESOLVED, that this rule change shall take effect upon an affirmative vote of this body subsequent to two consecutive readings,

and moves its adoption.

FIRST READING: September 20, 2018

SECOND READING:

Resolution No. 275 September 20, 2018

Amending The Rules Of Order To Permit Memorializing Resolutions

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Postponed in Committee: Laws and Rules, Governmental Services on June 18, 2018

Postponed in Committee: Laws and Rules, Governmental Services on July 16, 2018

Postponed in Committee: Laws and Rules, Governmental Services on August 13, 2018

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

FINANCIAL IMPACT:

NONE

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

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

Minority Leader Hector S. Rodriguez offers the following:

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

WHEREAS, except as otherwise governed by New York Open Meetings Law, the Ulster County Legislature hereby determines that the public benefit is better served if notice and consent of the use of recording devices by Ulster County Elected Officials and personnel is given to all parties **when County recording devices of any kind are being used in any communication, including but not limited to telephonic, online, cellular, and in-person communication** ~~to telephonic and in-person communication~~; now, therefore be it

RESOLVED, that Elected Officials and personnel of the County of Ulster are hereby prohibited from recording private communication transmitted by telephone, telegraph, radio or other device between two or more individuals by any **County owned** device, electronic, **cellular** or otherwise, designed to record and/or transmit said communication, unless the consent of all the participants in the communication is first obtained; and, be it further

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

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

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

Resolution No. 337 September 20, 2018

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

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

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

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

and be it further,

RESOLVED, that this Resolution shall take effect immediately,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

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

FINANCIAL IMPACT:
NONE