

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

DATE & TIME: September 29, 2020 – 6:00 PM
LOCATION: Powered by Zoom Meeting by Dialing (646) 558-8656
Meeting ID: 968 2584 0127
PRESIDING OFFICER: Chairwoman Bartels
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Gavaris, Heppner, Roberts & Ronk
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Archer, Cahill, Corcoran, Haynes, Litts & Parete, Legislative Counsels Ragucci & Gordan and Minority Counsel Pascale, Tom Kadgen – LWV, Mr. James Logan – member of the public

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

The members discussed the Rules of the Legislature and considered various amendments.

See attached transcript

Adjournment

Motion Made By: Legislator Gavaris
Motion Seconded By: Legislator Ronk

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

TIME: 7:12 PM

Respectfully submitted: Deputy Clerk Mahler & Confidential Secretary Lichtenstein (transcript)
Minutes Approved: October 19, 2020

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<https://otter.ai/s/jwldskLoQJm1ss2JUEqE9g>

Chairwoman Bartels: I am going to call the meeting to order because I know, I'm just going to confirm, Legislator Roberts, you have a limited timeframe, right? You have about an hour? You're on mute.

Legislator Roberts: I'm sorry. I'd like to be done in an hour, if you don't mind.

Chairwoman Bartels: Okay. So, we'll do this. I'm fine with that. And I think we'll do this as a first kind of general pass and then we'll have to do another. Some of the some of the issues I'm sure going to take some more detail, a more detailed discussion on. And then some are some are just going to be kind of technical amendments. So, I'll call the meeting to order. Jay, do you mind taking attendance?

Deputy Clerk Mahler: Absolutely. Chairwoman Bartels.

Chairwoman Bartels: Here.

Deputy Clerk Mahler: Deputy Chair Roberts.

Legislator Roberts: Here.

Deputy Clerk Mahler: Legislator Gavaris.

Legislator Gavaris: Present.

Deputy Clerk Mahler: Legislator Heppner.

Legislator Heppner: Here.

Deputy Clerk Mahler: And Legislator Ronk says he should be joining us shortly. You have four present one absent.

Chairwoman Bartels: Okay, great. Now I'm, I am for the first time doing this on my iPad. So, I can tell you now that I cannot see everybody at once. So, if for some reason, I don't call on you and your hand is raised, please just unmute yourself and let me know. Because it's not that I'm trying to ignore you. It's that I can't physically see you.

Legislator Roberts: Madam Chair. Who can you see?

Chairwoman Bartels: I can see you. I can see Jonathan, Legislators Cahill, Haynes, Litts, and Parete. And then I can see Legislative Counsel and Tom Kadgen.

Deputy Clerk Mahler: Chairwoman Bartels, for your information, I see Ronk.

Chairwoman Bartels: Okay, I see Ronk now too. So, it moves, it's going move a bit who I see, but don't be afraid to speak up.

So, I think we'll start. We'll just... let's start on page one. And this way we can, I can at least mark down where we're going to be paying more attention.

Rule 1 is the Rules of Order Not Subject to Executive Approval. Does anyone have any comment on Rule 1? Okay, I see none.

RULE 2 is Amendment of Rules...

Legislator Haynes: Okay. I just want to know, what is the purpose of this meeting, actually?

Chairwoman Bartels: We're doing... we do this periodically, where we look through the Rules of Order to make amendments and improvements. We do it as a holistic view. So, we're starting that process.

Legislator Haynes: And it's been a while since we've done this?

Chairwoman Bartels: It has we've made some minor amendments here and there over the years. But the last major amendment was, I don't know, Jay, do you know what year that was?

Legislator Ronk: 2013.

Chairwoman Bartels: '13, Yeah.

Legislator Ronk: Is that right, Kev?

Legislator Roberts: It sounds about right. I was going to say three or four years ago, but I think yeah, I

Legislative Counsel Ragucci: I think Counsel Guerin actually spearheaded that.

Legislator Roberts: Erica was the Legislative Counsel ...

Legislative Counsel Ragucci: Right.

Chairwoman Bartels: Yeah.

Legislative Counsel Ragucci: That was at least five years ago. Maybe six.

Chairwoman Bartels: Yeah. So, it's been a substantial amount of time. Some of them, Legislator Haynes, some of the changes are going to be technical changes, and some are just things that we've seen over time. And then I also expect that we'll have some spirited conversation about changes based on what we've seen in practice over the years.

Deputy Clerk Mahler: Chairwoman Bartels, before you get cooking, I'm about to admit a number. I don't know. So, if I could just beg a minute of your time to get their name?

Chairwoman Bartels: Sure. Yes.

Deputy Clerk Mahler: Good evening. Caller from 267. Your number moved, 22118572. I botched your number. I'm sorry. Can we get your name for the record?

James Logan: James Logan.

Deputy Clerk Mahler: Great. Thank you.

Chairwoman Bartels: Okay, so, moving on, right. Rule 2: Amendment of Rules.

Okay, I do have a comment on this section if no one else does. And that is related to "by a majority." If you look at the last portion of the sentence, "by a majority vote of the total members of the legislature and only after having been read at two consecutive meetings of the legislature." I'd like to offer the suggestion that we put in the provision, that that cannot be adopted at an organizational meeting. In other words, it can't have happened over the previous year, and then be adopted at an org meeting. Any thoughts?

Go ahead, Ken.

Legislator Ronk: Kev, did you have something to say?

Legislator Roberts: No, just wondering if Tracey had a reason why she didn't want to do the org meeting?

Chairwoman Bartels: You know, I'm thinking... Well, actually, first of all, the suggestion came from our Clerk. And I agree it was something that I don't think I would have caught. But I agree, is a good suggestion, given that in our organizational meeting, it's often a new body. You know, we're dealing with new members. We're, you know, beginning a new session. Just think changing rules at that point, probably not the appropriate point to make a rule change.

Legislator Ronk?

Legislator Ronk: Thanks. And this might be a question for either Chris or Nick. I'm not sure at that point, it would be an amendment to the rules. Because prior to the organizational meeting, we don't have any rules. We adopt rules at the organizational meeting. So, as far as I know, from a legal perspective, we can adopt any rules we deem fit. And it wouldn't be an amendment to rules because we don't have current rules.

Chairwoman Bartels: I think you're probably correct. I think the question is, do we want to adopt a brand new set of rules at an org meeting?

Legislator Ronk: I don't think that there's an amendment to these rules that would preclude us from doing that. That's my point.

Chairwoman Bartels: Oh, I see. Yeah. Oh, interesting. Yeah.

Legislative Counsel Ragucci: I agree with, I agree with Legislator Ronk. I actually think, legally, that is the sound point of reasoning.

Chairwoman Bartels: Yes, that's a good point. Okay.

Legislator Ronk: As much as I agree with you. And I've never supported changing the previous year's rules at the org meeting. I just don't think there's a way we can force a new body not to.

Chairwoman Bartels: Right, it's an it's a kind of a Catch 22. No, that's a good point. Okay. All right. So, we'll move on. Does anyone have any other questions or comments for Rule 2? Okay.

Legislator Ronk: Do we want to clarify, and perhaps not, the word, "read" at two consecutive meetings, because previous Legislators have suggested that they actually have to be read out loud?

Chairwoman Bartels: Mm hmm. Yeah. They used to, we used to waive the reading. They used to.

Legislator Ronk: We used to, I mean, only after having been presented for consideration at two consecutive meetings?

Chairwoman Bartels: Yeah, that's, um...

Legislator Ronk: Maybe it's maybe it's silly. But...

Chairwoman Bartels: No, I don't think I don't think it's silly. I'm making a note. And, Jay, you're keeping notes as well.

There's also the issue this two consecutive meetings, which will come up later. Technically, my understanding is because we're a charter form of government. We don't, we don't even have to have these readings. I think the readings are good, because it allows the public the opportunity to hear and participate in the process. But the Executive upon, prior to signing law, the laws, that's what.

Legislator Ronk: You're talking about the second public hearing, Tracey.

Chairwoman Bartels: I'm talking about the second Yeah. Okay. So let's, let's move on. I think that's a good suggestion. Does anyone else have any comments about Legislator Ronk suggestion in terms of clarifying reading?

Okay, so we're going to put that in note to make the change.

Rule 3: Resolutions, Local Laws, Rules for Procedure and Presentation and Consideration.

Legislator Gavaris: Chairwoman. Sorry, I just had a question.

Chairwoman Bartels: Oh, yes. Go ahead.

Legislator Gavaris: Is that a requirement that we wait for two consecutive meetings? Or is that just because that has been the practice?

Chairwoman Bartels: Right now, it's a requirement for local laws. And a requirement for amendments. It's a requirement for amendments to the rules. Two consecutive meetings.

Legislator Roberts: I think John was asking, can we change that from two to one?

Chairwoman Bartels: We could, I mean, that would be a change to the rules. Yeah.

Legislator Gavaris: Because I've written a lot of bylaws for different committees in different groups, especially like even our rescue squad. And we have it where you can pass something in one meeting with a three-quarter majority vote. So, if you have three-quarters of the membership, or the body voting for something, you can pass it in one meeting. Otherwise it would require a simple majority in two consecutive meetings.

Chairwoman Bartels: And what does everyone think about that? Any thoughts?

Legislator Ronk.

Legislator Ronk: I've always supported the two readings rule. Mostly because I feel strongly that, you know, amendments to our rules, you know, that's, that's kind of a big, you know, it's kind of a big step. I wouldn't want it to be taken in haste. That's why I've always continued to support the two meeting rule, because it really gives us time to think.

Legislator Gavaris: Okay.

Legislator Ronk: I mean, I wouldn't be necessarily against the idea, just offhand, of like a three-quarters, you know, majority support. Because if something has that much support, it's probably non-controversial. But...

Chairwoman Bartels: Right.

Legislator Ronk: In a case where we would need to change the rules in that much haste, we also have the ability to suspend the rules with a two thirds majority.

Legislative Counsel Ragucci: Correct.

Legislator Gavaris: Okay.

Chairwoman Bartels: Any other thoughts on that?

So, Jay, can you make a note, and we can, we can highlight this for discussion?

Deputy Clerk Mahler: I just... so that I get it all ready for you. I think you all remember the extensive and multiple conversations we had around the proposed ethics law. And one of the things that we did to track your conversations were to put notes in as you went along, that weren't technically amendments, but they were your, like you're a tracking of your thoughts conversation. Would you like me to do that so that you have a more robust working document moving forward? And I can just put them all in. And for example, I would put that it was Legislator Gavaris' suggestion, one meeting with three-quarters, or two meetings with simple majority. And then you can have that document in advance of the next meeting.

Chairwoman Bartels: Yes, I think that would be great. That would be a big help.

I'm joining, Jay, with a different computer because it's hard for me to do this without seeing everybody. Okay, so. Moving on.

Legislator Ronk: You have to mute one of them Trace.

Chairwoman Bartels: There we go. Sorry, I had to get out of the other meeting, it was echoing.

Okay. So, then moving on to Rule 3: Resolutions, Local Laws, Rules for Procedure and Presentation and Consideration. Starting with "A. Adoption, amendment and repeal." For those who don't know, the highlighted is Charter language, the italicized. So, we have that B is the "Procedure." And then see "Procedure for Submission and Consideration of Resolutions and Committee." Does anyone have any comments on that portion?

Okay, (a) Regular Resolutions. Any comments on regular resolutions?

I have a couple of technical comments.

Starting with the first sentence: Resolutions shall be deemed regular resolutions if they are filed with... "if they are filed with the Clerk of the Legislature "by resolution deadline." We can insert "by resolution deadline" not later than 12 noon. And then I think.... just for housekeeping, we can strike the last portion of the last sentence, or "in case of 2013 as soon as practicable...."

Legislator Ronk: I have no objection to those two changes.

Chairwoman Bartels: Okay. Legislative Counsel.

Legislative Counsel Ragucci: Just quickly because maybe I'm looking at a draft that's not correct. But it says, "Resolutions shall be deemed Regular Resolutions if they are with the Clerk of the Legislature filed by resolution deadline." Wouldn't it make more sense if it says, "if they are filed with the Clerk of the Legislature by resolution deadline, not later than 12:00 noon?"

Chairwoman Bartels: Yeah.

Legislative Counsel Ragucci: Just move that "file." I think that...

Chairwoman Bartels: Yeah.

Legislative Counsel Ragucci: Scriveners error there.

Chairwoman Bartels: I agree. And for the rest of that section, I don't have any comments. Does anyone else have any in (a)?

Okay, so moving on to (b) Late Filed Resolutions. Any general comments on the whole section of this? I mean, this is a detailed section. Does anyone have any thoughts on late filed resolutions?

Okay, so I have a technical, another technical one. That's in (i). The Resolution was introduced upon the request of the County Executive, Comptroller, Sheriff, District Attorney or County Clerk which shall be specifically identified as being introduced at the request. The Resolution, if meeting this criteria shall contain a "written" explanation. So, it is requiring that it be written not just be an explanation.

Yes, Legislator Ronk.

Legislator Ronk: Thanks. I... Sorry, I'm looking. I'm looking forward. Just give me one second. [Inaudible]...

Chairwoman Bartels: I can't hear you, Legislator Ronk. I don't know. Do you have a technical difficulty?

Legislator Ronk: Can you hear me now?

Chairwoman Bartels: Yes.

Legislator Ronk: All right. Yeah, that's that good Spectrum Internet. So, there was a case this year where a resolution may have met two criterion. But the Chair of Laws and Rules did not want to put it on the agenda, and therefore it was not put on the agenda. I'm trying to find the specific passage. But, you know, the question I had was, all the other committees, it says "shall be placed on the agenda." I think for Laws and Rules, if you know, if the other committee had met, it "may be placed on the agenda." I'm trying to find that, I can't find it..

Chairwoman Bartels: On top of page three, "a late filed resolution shall be referred to and may be placed on an agenda."

Legislator Ronk: Yeah, I feel like if we're going to have a "shall be" placed on the agenda for the committee of original jurisdiction, we should also have a "shall be" placed on the agenda for Laws and Rules. So far, as you know, they're already being two criterion met by the late resolution.

Chairwoman Bartels: I actually think I directed you to the wrong one. Because that's, "It may be placed on an agenda of the committee of original jurisdiction." So let's find where you're talking about.

Legislator Ronk: That "maybe." Because it... A late filed resolutions shall be referred to and may be placed on the Okay, "may be placed." I think we should have a "shall be" there. I think that if we're going to have to criterion for late resolutions, then there should be a "shall be" placed on the agenda there. I'd like to offer that for discussion.

Chairwoman Bartels: Can I just clarify, because I think I directed you in the wrong manner.

Legislator Ronk: Okay.

Chairwoman Bartels: That "may" is referring to placing it on the committee of original jurisdiction if there's still time, if they haven't met yet. So, we have to find where the "may" that you're talking about is?

Legislator Ronk: Yeah.

Chairwoman Bartels: And I think it's not, it's not that one. Just let me just look for a second.

Legislator Ronk: I think it's right at the end of that paragraph, Tracey, where it says, "if the committee of original jurisdiction has already met, at the option of the chairperson of the appropriate committee, if any of the two circumstances exist."

Chairwoman Bartels: Okay.

Legislator Ronk: I just want to offer that for consideration. That perhaps we would like it to, you know, be like a regular resolution, which a Chair doesn't have the authority to place on his or her agenda or not, you know?

Chairwoman Bartels: Okay. And so, that "shall" would mean that it should, it "shall be placed on the committee of original jurisdiction." Or "it shall be placed on the agenda of Laws and Rules," depending on the timing?

Legislator Ronk: Correct. And it says, if, you know, "if any of the two of the following circumstances exist."

Chairwoman Bartels: And you would have to you remove the sentence, "at the option of the chairperson of the committee." Which actually applies to all the committees. It's just it's late filed resolutions, in this case, have to fall under the option of the chairperson of the appropriate committee, at this point.

Legislator Ronk: We used to have all late filed resolutions go to Laws and Rules. Several years ago, we changed it to be that if the late resolution was introduced prior to the committee of original jurisdiction meeting, that the committee of original jurisdiction could review the resolution prior to Laws and Rules.

Chairwoman Bartels: Yes. Okay. So

Legislator Ronk: We don't have to decide now. I just I want that as a point of discussion.

Chairwoman Bartels: Okay. Perfect. And then Jay, you got the written explanation as well. Okay, any other, any other comments in late resolution section?

I have another technical one, actually, that's in the paragraph, following the top paragraph for page four, in such Chairperson of Laws and Rules... blah blah blah... for an advisory opinion on such resolution, if that committee "has already met." Instead of has not met for the Legislative calendar month, "has already met." That actually came from the Clerk, I think, for clarification.

So, we'll just make a note and we'll put it in so that everyone can see it, we'll consider. I think it's actually a technical, but it's a correction.

And then in section 2, about halfway down, "If the Sponsor rejects the amendment," it's probably two sentences down in number two, "if the sponsor rejects the amendment, the Resolution shall not be advanced and shall be considered a regular resolution," just adding the clarification, "in unamended form."

Legislator Ronk: Makes sense.

Chairwoman Bartels: Okay, so moving down page four, D: Consideration by the Legislature of Resolutions which have passed Committee, any comments?

Okay.

Legislator Ronk: No.

Chairwoman Bartels: All right, Petition to Discharge. Any comments there?

Legislator Ronk: No.

Chairwoman Bartels: F: Procedure for the submission in consideration of Local Laws, the routing process? Comments?

Legislator Ronk: The technical amendment in subsection three seems to make sense. That's what happens anyway.

Chairwoman Bartels: Yep, the Clerk shall generate. Yep.

Okay, so that's just for everyone else's edification on the top of page six. First paragraph, the first full sentence, "Within 60 days of receipt of the proposed local the proposed law or longer, if consented to by the sponsor, unless it

has been sent back to the originating Committee, the "Clerk" shall generate a resolution. Laws and Rules doesn't... in practice, we haven't been generating the resolutions.

Okay, 4? 5?

Legislator Heppner: Can I just pause for one second, Chairwoman Bartels. I just want to note, I just got caught up, a little bit behind reading. Kind of to that point, you know, that the Clerk does that anyway. Something I feel like we should just for consideration update, is just going back to E. Petition to Discharge, subsection (a) a document on a form... must be filed.

I think, you know, just for clarification, because of how we traditionally do it, is that we should also add language, yes, that can still be a possibility, but that the Clerk of the Legislature may also collect signatures digitally, you know, by email. Because I think that's how we've done every petition of discharge in the last two years.

Chairwoman Bartels: Yeah, that's an excellent catch.

Legislator Ronk: It says, but at least 75% of the total Legislators make up the minority caucus shall have signed such petition, blah, blah, blah. Such signature may be an actual signature on the petition to be held in the custody the clerk or a written request to the clerk hand delivered, mailed, emailed or faxed, and in any event received by the clerk within 30 days of such petition being filed.

Legislator Heppner: Okay, sorry, I didn't get to Section B. I just got...

Legislator Ronk: I just want... it's there. I remember it being there. Because I remember we went through this the last time.

Chairwoman Bartels: I think we can also make the clarification in the spot that you point out, Jonathan, because that has to do with the petition itself.

Legislator Heppner: Yeah.

Chairwoman Bartels: Which is very often created and distributed digitally, so just a technical.

Okay, so, we have to have a closer look at the second paragraph of number five, on page six, "substantive changes made by the laws and rules committee". I'm just going to paraphrase or shall require another public hearing which shall be set by the legislature via resolution. Nothing shall preclude the calling of a special meeting, etc., etc. So, the question and this is something we should flag for discussion is, whether or not we want to continue to have the second public hearing. In some cases we've done third public hearings.

Legislator Ronk.

Legislator Ronk: Thanks. I tend to agree with eliminating this section, predominantly, because as a Charter form of government, we're not even required to have the first public hearing, and we do anyway. Because under charter forms of government, for those that don't know, the County Executive is required to have a public hearing; the Legislature is not.

Chairwoman Bartels: Okay, so, Legislator Heppner...

Legislator Heppner: Yeah, I just want to say, I totally agree. Okay. It's very often unnecessary.

Chairwoman Bartels: Yeah, and it's sometimes, you know, it's substantive, but not substantial. I mean, it's not a substantial difference. It's a substantive difference, but not a substantial. I know, in talking to the Clerk, there have been times where we've had three public hearings prior to the Executive's.

Legislator Heppner: And I also think it hinders our ability, like our, you know, number one task is, you know, the nuts and bolts of what comes before us. And it can often hinder the willingness of a sponsor to want to make needed changes, or even multiple supporters, just because they don't want to hold something up or have another public hearing. I think it kind of hamstring us a little bit to actually do our function.

Chairwoman Bartels: You know, that's an excellent point. Okay, so we'll flag that as a possibility

Deputy Clerk Mahler: And Chairwoman Bartels, if I... there's a note on my copy on Section F, subsection three, that was a conversation request regarding the term substantive.

Chairwoman Bartels: Yes, I don't... did anyone want to talk about the term substantive?

Legislator Ronk: I mean, to me, it's got a legal definition.

Chairwoman Bartels: Yeah, I that's pretty much how I felt too. I mean, I saw the flagged point, but I didn't want to... I felt like we'd be open... to be overly prescriptive in defining who is defining substantive, I think, would create a different level of problems. And so far it's... it seems to have served us fine I mean, while we may have argued over individual issues, we've gotten through it on this substantive, non-substantive point. So, is everyone okay with leaving that as is?

Alright, so, number six, technical change. I don't even have to read all these out. I can just provide them later. But last sentence, 'the tracked changes format shall show new languages underlined "or bolded."

Legislator Ronk: Yep.

Chairwoman Bartels: Number seven, I don't have any comment.

Legislator Ronk: No.

Chairwoman Bartels: And then technical fix on G is instead of "Rules of Procedure," the "Rules of Order." Just updating that correctly.

And then H. Jump in if anyone wants to stop me. And I: Divisibility of Resolutions.

Legislator Ronk: No.

Chairwoman Bartels: Okay? No. J: General provisions regarding Resolutions.

Okay, I do have one technical change in three, at the request of the Clerk that's sequential number of resolutions for each, the last sentence for each set of each amendment for each "amended version" the letter shall change. Okay.

Rule 4: Confirmation of Appointments is primarily charter language.

And Rule 5: Standing and Special Committees of the Legislature and Calendaring of the Legislative Sessions. Okay, in Section D, again, we have the language specific to the changes we made in 13. So, propose striking that since we're now well beyond it.

And then also we will go through, there's, there's an instance here actually, that has a her designee but we'll go through and we'll make sure that everything is either gender neutral or contains both so that would be his her.

E and F, G: Making Appointments to Standing Committees.

And H. Okay.

Rule 6: Chairperson, Ex Officio Member of All Legislative Committees. Any comments here?

Legislator Ronk: Other than what was presented?

Chairwoman Bartels: Yeah, well, I don't think this was, I don't think that was circulated to everyone. Yeah.

Legislator Gavaris: Chairwoman Bartels I have a question.

Chairwoman Bartels: Yes.

Legislator Gavaris: Going back to Section F. So, to me, it feels like a gap here. Every Legislator shall serve on at least one standing committee of the County Legislature. And then the next one says no Legislator shall be required to serve on more than three standing committees of the Legislature. What happens if you don't want to serve on two and three?

Chairwoman Bartels: I don't know, you know, with this, this, this was changed to add the requirement to serve on at least one because we did have a member years ago, who didn't want to serve who refused to serve on any committee. Legislator Ronk.

Legislator Ronk: Yeah, I was just going to give you a little bit more context back then. I believe that, you know, Chairman Parete was Chair of the Legislature at that point, and there was some objection by members of one caucus to the manner by which he was elected Chair. And there was a mass refusal of committee Chairmanships and committees at that point. And there was one particular Legislator who refused to serve on any of the committees he was appointed to. So, we had, you know, as a Legislature made this change. So, everyone was required to serve on at least one committee, unless given a health reason or other reason, to be excused, which is the next subsection.

And then there was an argument made, if memory serves, that, you know, a Legislator could be required to serve on five committees, by a Chair, and that that was too much work. So, that, you know, that's where the, you know, the three committees came from. In theory, under this rule, yeah, you could serve on, you could be required to serve on two or three committees, you know, without violating the rules. Of course, no Legislator has to go to the committee meetings, you would just be marked absent.

Legislator Gavaris: But my point is that you're requiring minimum one, which I completely agree with, and I think it actually should be two. But putting that aside, what do you... you're saying that you can't be required to serve more than three? Does that mean, you're required to do two since the minimum was one? Well, I mean, there's, there's a, there's a gap here.

Chairwoman Bartels: You're only required to do two, if you're appointed to two.

Legislator Ronk: Again, these issues have been few and far between, you know, on a regular basis, you know, the majority or minority leader would work with the chairperson of the Legislature to ensure that Legislators were not

...serving on more committees than they desired to. And I don't know that other than that, one instance, we've ever had a problem with any of this.

Chairwoman Bartels: There was one instance, prior, prior in my previous term.

Legislator Gavaris: But again, the point is, though, why have the one? If you're required, if you can't be required... you're required up to three? Because you can't be required beyond that, then you're required, your minimum requirement, it could be three.

Chairwoman Bartels: Because if...

Legislator Gavaris: If you're placed on them, your requirement is three then.

Chairwoman Bartels: But that would require that you'd be placed on three. If it said that you're meant you're required to serve on three you'd be required to be placed on three.

Legislator Gavaris: Yes, but then there needs to be language that you require to be on the committee that you're assigned to, up to three, there's, there's a gap in this. And I'm just thinking,

Chairwoman Bartels: Oh.

Legislator Gavaris: Somebody's doing... because I'm familiar with what Legislator Ronk is speaking about. I remember that history. And I know, the instance where people have had, you know, issues, and they've done things. I think if there's an opportunity in the future for somebody to do it. Somebody's going to do it.

Legislator Heppner: Yeah, I mean, technically, he's technically correct. I mean, traditionally, you know, in my experience here, you're begging someone to serve on a third committee. But you know, technically it is really up to three that you would be legally required under the rules.

Chairwoman Bartels: Right.

Legislator Ronk: I guess I'm struggling to understand. I understand that you can be required to serve on up to three. But the intention of the rules is that you can only be required to serve between one and three. The one committee rule was in order to make sure that no Legislator could deny appointment to all of the committees they've been appointed to. That they have to remain on at least one.

Legislator Heppner: I mean, I guess the question is, are we comfortable with Legislators being able to deny or reject appointments to two and three?

Chairwoman Bartels: I mean, and that's the intention is...

Legislator Ronk: I get what you're saying now.

Chairwoman Bartels: I feel like that was the intention to allow for a little latitude, because. But I think it's also, functionally speaking, it's been a very rare problem.

Legislator Heppner: Yeah. I mean, I think it kind of the language is a little bit different than what's traditionally been the realities of how the committees get parsed out. But I feel like, technically, I totally see this point.

Legislator Ronk: I feel like Legislator Gavaris is, you know, definitely, I mean, I don't feel like he's right.... he's definitely right. I feel like maybe, you know, the "no more than three" is unnecessary at that point then.

Legislator Gavaris: That's my point, I always think of what somebody in the future is going to try to do or think about doing. And if the language allows for it, it's just gray. I don't see the need for the three part, if you're eligible for one, the one that you don't have to take any more assignments. Maybe you put something in there, they can be assigned to "no more than." That's something to consider, potentially. They can't be on more than three committees. But the mandatory... the mandatory amount is up to three.

Legislator Heppner: Yeah. And also, like, I don't know if it is even necessary. I mean, the reality is, what is the likelihood of a Chair, actually mandating every member serve three, you know what I mean, otherwise, they're not going to be Chair very long.

Legislator Ronk: I mean, I'll tell you this when I was Majority Leader back in 2011... 12. Anyway, we, you know, we had a caucus with several members who only wanted to serve on one committee. And as leader, I took it upon myself to fill on unwanted committee seats, I served on five committees one year. It was unpleasant. But, I feel like banning people from serving on more than three... I feel like if we just say every Legislator must serve on at least one committee and that does the, that does the job. And we just remove the you know, the three and then that eliminates the problem.

Legislator Heppner: I agree.

Legislator Gavaris: And that's what I'm fine with.

Legislator Ronk: Yes.

Legislator Gavaris: I guess being the only discussion, argument... you could have would be that you limit the number, but I'm agreeing. But somebody could go rogue, Ken. And all of a sudden start saying they're going to get back at the minority party, and they're going to assign them to three committees.

Legislator Ronk: Yeah.

Legislator Gavaris: You know, anything could happen. I and I always look at it from that perspective.

Chairwoman Bartels: I think that the thing is... and I think I see, I see it... what you're seeing, Legislator Gavaris. I think the thing that we were trying to prevent, in practice, is a Chair assigning, to Ken's point, five committees, as a kind of punishment. And requiring that they serve. And even if he didn't go, then you just would have a record of absence.

Legislator Gavaris: But you can refuse, though, as [inaudible] said.

Legislator Ronk: You can refuse.

Legislator Heppner: Yeah.

Legislator Ronk: As long as you don't refuse all of the committees.

Legislator Gavaris: Correct.

Chairwoman Bartels: Right. Alright, let's... if everyone refused and only served one, we would, we'd have a hard time. So...

Legislator Gavaris: Yep. And that's why I'm saying it, maybe it's one isn't the minimum number. I'm just saying, to have that... If you're going to put a minimum of one, then you can't also have a minimum of three.

Chairwoman Bartels: Right.

Gavaris: You got to have one or the other.

Chairwoman Bartels: Right, you're saying you could delete the minimum and you could say that no Legislator shall be required to serve on more than three standing committees?

Legislator Heppner: No, no. Just all Legislators are required to serve on at least one committee and just leave it at that

Legislator Gavaris: Or you say minimum of two committees. I'm just saying you can't have the third part. The three committee max doesn't work if you're going have a minimum of one and two.

Chairwoman Bartels: All right.

Legislator Gavaris: Legislator Litts is holding up one finger so, I'm assuming that he agrees with one.

Multiple speakers: Laughter. [Inaudible]

Legislator Litts: I agree with one minimum, some people should only sit on one committee and not more. [Laughter].

Legislator Ronk: Do you want to be the one who decides that Herbie?

Chairwoman Bartels: All right. We'll flag it and move on.

Okay, so, now G: Making Appointments to Standing Committees. Get assigned... blah, blah blah.?

H. I think we went through G already. H, any comments?

Okay, so we were at 6: Chairperson Ex Officio member. There's a technical change: The Chairperson shall be a member ex-officio of all legislative committees with "a vote thereon." The suggestion was, "certain voting rights therein;" I don't know about the difference.

Deputy Clerk Mahler: I don't believe that is a technical change. Chairwoman Bartels I apologize for...

Chairwoman Bartels: No, no, it's a whole... if we were to adapt the whole thing. I mean, this... Yeah, this if we were to adopt the whole thing, but this I thought was this was an internal note, I realized that Legislator Ronk has it as well. I don't know was circulated to the entire committee.

Legislator Heppner: I think...

Deputy Clerk Mahler: It was circulated to you members, like, 10 minutes before the meeting, because many of them had asked for it, but just your members have it.

Chairwoman Bartels: Okay, so, I don't agree with this in its current form.

Legislator Ronk: I don't agree with it either. Can I...?

Chairwoman Bartels: Yes

Legislator Ronk: ... be heard on it?

Chairwoman Bartels: Well, Legislator, Heppner had his hand first.

[Inaudible] Multiple voices.

Legislator Heppner: No, I want to re-read it again. So, Legislator Ronk can go ahead.

Legislator Ronk: Alright. I don't feel... one of the whole points of this, this change was made, and I think Legislator Cahill might remember this, as well, when Dave Donaldson was Chair the first time. But it was in 2008. It was my first year in the legislature. And there were some issues with attendance at committee meetings and lack of quorum. And this eliminates the Chair, you know, serving as an ex-officio, addressing quorum problems, because, you know, votes needed to pass a certain item, would be increasing, because of the Chairman's presence, whether or not all members were there or not.

That was why we had we had put that the presence of the Chairperson shall not increase the number of votes necessary to pass a particular matter unless all sitting members are present. So, you wanted a scenario where the Chairman could come in, and ensure that business can get done properly. And things can pass without affecting, you know, you know, the number of votes, say, if it's a seven member committee, you need, you know, four votes to pass it, if the Chairman sits down, you need five votes to pass it. You know, if there are two Legislators missing, and he's the only one there, and one person is a is a no on a particular matter, the Chair being at the meeting would then increase the number of votes needed, and everything would fail. You know, if someone's having a bad night, they could come in and do that. But if the entire committee is there, the Chair shouldn't be able to come in and make an intentional tie. And that was the purpose of "unless all sitting members are present" being put there. I think that the process works fine. And it has worked fine since 2008.

Chairwoman Bartels: Legislator Heppner.

Legislator Heppner: No, I'm good. Legislator Ronk and I've had back and forth on this, but Legislator Ronk convinced me.

Chairwoman Bartels: I've had back and forth on it too, depending on where I'm sitting. But I think all things considered, it's...

Legislator Ronk: I've been on both sides of it.

Chairwoman Bartels: Me too.

Legislator Heppner: You know, it's interesting. A lot of the times it does even pair out, you know, majority or minority. It's more, it almost creates like a third party, a third caucus on certain issues.

Legislator Ronk: A Pizza Party you might say...

Legislator Heppner: Yeah, like, oh, sorry, and a fourth, no offense, Legislator Parete. A fourth caucus. Legislator Ronk has convinced me. So, I'm happy to move on.

Chairwoman Bartels: Alright, Rule 7: the Rules for Committees. I'm not going to read each subsection. Does anyone have any comments they want to begin with?

I'll bring the one that's noted. And that's... which has come up recently. That's to add the clarification, on page 11. In terms of postponing to the next regular committee meeting, for Ways and Means, allowing the opportunity postpone to the following month, or the next committee meeting, which I think is prudent.

Legislator Ronk.

Legislator Ronk: Thanks. I understand the purpose of that. And I agree with it, I almost think that we should take it a step farther perhaps, and allow a standing committee, such as the Health Committee, to postpone a resolution to a special meeting that they're going to have. Rather than, you know, rather than require that every committee, except for Ways and Means, because it has two committee meetings, have to postpone until the next month.

I think that postponing to a special meeting is not necessarily a bad thing, especially if folks have questions. That would, you know, that would eliminate in some of our committees where we have to say, you know, I'll pass it to the floor, but I still have questions. We could say, I'd like to have a special meeting, I move we postpone until a special meeting to be determined by the majority members of the committee. And then be able to have questions answered before we actually vote on it.

Chairwoman Bartels: Okay, Legislator Heppner.

Legislator Heppner: Yeah, again, I totally agree with Legislator Ronk. I would just request that the specific language to the note the counsel and the clerk that ensures that any special meeting occurs, you know, at a time, like I don't want this can't be like, day of, you know, day of Laws and Rules or day of. So, like, if they meet at four o'clock and Laws and Rules meet at six o'clock, then, you know, we only have, you know, X amount of, you know, whatever, a couple minutes after work to read what I whatever might have been amended, for example.

Legislator Ronk: Agreed.

Legislator Heppner: So, I just ask for some type of structure in there that the meeting has to occur before... if that, you know, if that legislation is happening either the day before session, or if it's going to Laws and Rules and Ways and Means, it's a two committee piece of legislation, that it has to be prior to the day before either the Laws and Rules, or the date before Ways and Means.

Chairwoman Bartels: Yeah, I would argue that the special... I mean, one, it needs to be obviously with the consent of the sponsor, but the special meeting, I would like to see, it'd be a defined... I know, we don't we're not always able to define when the meeting is, but I would also want to ensure that wasn't a tactic to postpone to a special meeting and then the special meeting never gets scheduled, or it gets scheduled six months from then, or whatever.

Legislator Heppner: We could put a clause in that it automatically...

Legislator Ronk: Agreed.

Legislator Heppner: ... if it the special isn't held held; it's automatically then postponed the following month.

Chairwoman Bartels: Yeah. So, we'll flag this to get language

Legislator Ronk: Yeah.

Chairwoman Bartels: ... for postponing to a special meeting. And for allowing the postponement to the next Ways and Means meeting from the first one... if that's what's desired.

Legislator Ronk: Yep.

Chairwoman Bartels: Okay, Rule 8 is Advisory Committees, Commissions and Boards. That's Charter language.

Rule 9 is the Organization of the Legislature Chairperson Majority and Minority Leaders.

Legislator Ronk.

Legislator Ronk: Yeah, we've had issues with this in the last several years. I want to flag it for discussion. And we're going have to do some serious legal footwork with all of our attorneys. You know, I believe that several times, in the 13 years I've been a Legislator, we've tried to make this more clear, and more functional.

And right now, if you run as a Democrat, you're considered to be a Democrat as far as caucus goes. And if you serve as a Republican, you're, you know, assumed to be a Republican.

It is subsection E. And it says, "For purposes of any mathematic calculation necessary, a Legislator not enrolled in the political party composed with the highest two number of Legislators, may within 30 days of taking office declare themselves as a member of the majority or minority caucus by filing a document to that effect with the Clerk of the Legislature.

I believe that the clerk has been, you know, just from a paperwork standpoint, accepting majority and minority leader designating petitions as a document filed with the Clerk. For the purposes of Legislator Bartels, who is not enrolled in any political party, Legislator Wawro who's registered in the Conservative Party. In previous years, Legislator Joe Maloney, who was registered in the Independence Party.

But I feel like we need a more concise process as it pertains to you know, which caucus folks are choosing. Because in the past, we've had Democrats caucus with the Republicans. We've had people switch mid-year. You know, right now we have a Legislator, Mr. Parete, who's, you know, not serving in either caucus. I just feel like we need to, I feel like this needs work. I'm not sure how to do it yet, but it definitely needs work.

Chairwoman Bartels: Yeah, as it's written right now. Its defining, for example, Legislator Parete, as a member... as which party he's a member of in registration.

Legislator Ronk: Loosely. And again, even that's not 100% clear.

Chairwoman Bartels: But you're right. I think this is going to need some deeper discussion.

Legislator Parete: Yeah. Can I say something about this?

Chairwoman Bartels: Absolutely. Thank you.

Legislator Parete: I mean, it's an ironic situation. Right now we have a caucus, who has 12 members. And sometime around Election Day or the beginning of the year, two of those members were not enrolled in that party. We have another caucus, because that has 10 members. And two of them are not enrolled in that caucus. And then you got one other yahoo that is enrolled in a party but doesn't want to... but is in the Pizza Party. Which sort of would indicate a caucus of 10, eight, and possibly five.

Legislator Ronk: Yeah.

Legislator Parete: And, you know, it doesn't seem to be too difficult. I doubt very much with too many other people would join the Pizza Party. But the fact of the matter is, it's precluded. Thank you.

Legislator Ronk: It depends on if it's pizza night.

Legislator Parete: I can arrange that quickly. [Laughter]

Chairwoman Bartels: Okay, so this is this will get a big flag, and we'll consult with all counsel on it as well.

Legislator Parete: Thanks for the opportunity.

Chairwoman Bartels: No, thank you, Legislator Parete.

Rule 10 is Monthly Special Meetings Notice and Rules of Order. So, with monthly meetings for this section. Comments?

Okay, Special Meetings?

Legislator Heppner: I have one comment.

Chairwoman Bartels: Yeah.

Legislator Heppner: So, in special meetings, I would, you know, maybe we want to consider, you know, since, you know, we've experienced, you know, what we've experienced this year. We a lot of times we talk about certain special meetings, especially like in terms of presentations, and so on. You know, just to consider, you know, language that, you know, say like, for example, the Solid Waste Management Plan. You know, that's a lot to kind of sit through and go through that PowerPoint presentation, with all of the craziness of getting ready, you know, for votes on that session day. So, why don't we consider allowing, you know, for a presentation like that to be done virtually? So, where so like, on a, you know, a different night, we could have a presentation on the Solid Waste Management Plan, or, we could have a budget presentation done, you know, via Zoom.

Chairwoman Bartels: I think we could do that so long as the Open Meeting laws stay amended to allow for a quorum...

Legislator Heppner: My concern is I don't imagine they stay, you know, the same.

Chairwoman Bartels: Then we won't be allowed to. I mean, the minute...

Legislator Heppner: That's why... so, that's my whole point. Is should we consider, and you know, the John Gavaris method of thinking ahead, you know, having that language, some type of stipulation in there, that would allow for that. So, that, you know, we can do that. You know, even when, you know, the Executive Order is uplifted.

Chairwoman Bartels: Basically, for a noticed public meeting, via Zoom, for a special meeting.

Legislator Heppner: Yeah.

Chairwoman Bartels: We'll have to see when it's lifted, if that would be allowed, because pre COVID, it wouldn't have been allowed to have a full video conference meeting.

Deputy Clerk Mahler: I think that the biggest sticking point with that, like the biggest part of your... of the Executive Order is that you don't need to publish your remote attendance location. So, you might have the meeting location, and all 23 of you with your different attendance addresses...

Legislator Heppner: I was just trying to make all of our lives easier.

Deputy Clerk Mahler: ... I think.

Chairwoman Bartels: Yeah. And, and technically allowing access to the public at all of our different addresses. But I think it's a good point, Jonathan. You know what, I think coming out of COVID, there may be many things that change. You know, as we really... like it may be that when the Executive Order gets lifted, there will be some changes even to the Open Meetings Law to allow for that, as we've seen.

Legislator Heppner: Yeah. I mean, I just think it's, you know, some people, you know, have to drive 45 minutes for a 25-minute presentation. You know.

Legislator Parete: May I ask one other question, Legislator...Chairwoman

Chairwoman Bartels: Absolutely. Absolutely, Legislator Parete.

Legislator Parete: I think they've got... the laws, the guidelines allows, when there is regular, a regular meeting before the pandemic, where people could FaceTime in or Skype in.

Chairwoman Bartels: Yes.

Legislator Parete: I don't think... there may be a rule or a guideline that says how many times I may Skype in, but I don't know if there's a rule or a guideline that says how many of the 10 or 12 or 23 members are allowed to Skype in.

Chairwoman Bartels: Well, I think in terms of the rule for how many times you can Skype in, that's an internal rule. That's a word that's our rule. And it's two times. But I think Jay is right. That if we were in pre-COVID right now, and we decided to do to allow for everyone to video conference. I mean, right now that the amount of times would apply, we'd have to change that, but we'd also have to notice all the meetings and all of our homes, or wherever we were video conferencing from.

Legislator Heppner: I would mean this as non-voting special meetings. I'm talking about sometimes when,...

Legislator Parete: Yes.

Legislator Heppner: oftentimes they get pushed right before session or caucus night. But that would, you know, a non-voting nights, you know, things, you know, like a presentation like that, where, you know, we're not just, you know, all sitting in Chambers for the purpose of sitting in the Chamber.

Legislator Parete: I haven't seen anything that would preclude that by not with us.

Legislator Heppner: Yeah, I specifically mean, to avoid that situation where we always get into where all of sudden we can't figure something out. We don't want to, you know, go through the, you know, we just end up cramming presentation or a Q&A with a consultant, right before a caucus or a session.

Chairwoman Bartels: I mean, I think, again, it'll depend on how the Open Meetings Law looks when the restrictions get lifted. Because if it looks as it did before, it has less to do with whether we're voting on something, then whether or not we have a quorum, because we're conducting public business...

Legislator Heppner: Gotcha.

Chairwoman Bartels: ... quorum. So, think we could probably do it, in the in previous to COVID, we could probably do it, but with the caveats that Jay has brought up.

Legislator Ronk.

Legislator Ronk: I was going to say, I agree with Legislator Heppner, I definitely think that we could do it. You know, as long as there's no votes being taken. I would be comfortable with that.

You know, and, you know, to Legislator Parete's point. As of right now, in our rules, you know, as long as everyone doesn't do it two months in a row. I believe that we can have as many Legislators Skype in, and or Zoom in as our resident tech expert, Jay, can handle.

Chairwoman Bartels: It's two... isn't it two times, two non-consecutive.

Legislator Ronk: The two times, and two times, and you can't do it consecutively.

Chairwoman Bartels: Right, but two times total, per year.

Legislator Ronk: Yes. But yeah, but you also can't do them both consecutively.

Chairwoman Bartels: Right. Yeah. I mean, I think I really, again, I think Open Meetings Law is going to apply to a quorum of the body. I see that John, I haven't looked at it. But ...

Legislator Gavaris: Yeah

Chairwoman Bartels: ... quorum of the body, whether or not we're voting. So we'd have to... my understanding is we... of it previous. Now it may get changed post COVID. And they may allow for this kind of thing. But I think it would still be considered an open meeting, and would require notice, access to the public, and access to the public to all of our homes. It would be in the pre-COVID...

But I think it's worth looking into. And what I'm going to do, or and I'll talk to Jay about it. Is we can start now having the conversation with Committee on Open Government just to see what they're thinking. And how and if they're anticipating any changes as we come out of this. I think it's a good suggestion, especially considering we do try to cram those things into meetings.

Okay, quorum, video conferencing, we just talked about video conferences. A bunch of technical changes to video conference. Now that is, when this was first passed. It was a very, very new technology. So, if we look at number two, we propose striking everything past the first semi colon, "The Clerk of the Legislature shall make arrangements for the video conferencing," and get rid of all the rest of the stuff about funds, and costs, and paying.

Legislator Ronk: That's all obsolete.

Chairwoman Bartels: That's all obsolete. Exactly. And in three, again, the first sentence is related to funds. So, we can, we can remove that.

And number four, I think we can remove in its entirety, which is related to funds again. And we'll renumber.

Okay, D: Chairperson To Secure A Quorum, such measures is required by law. Roll Call; Minutes; Absence. Stop me if there's something you want to discuss. Order of Business. That's F.

Decorum is G.

Legislator Ronk: Tracey?

Chairwoman Bartels: Yes.

Legislator Ronk: Something that has been brought up in the past that I think that we should have at least a discussion about is, you know, per se in Dutchess County, they have a period of public comment at the beginning of their meeting, like we do, but on agenda items only.

And then they have a period of public comment at the end of the meeting on non-agenda items. Meaning that if 50 people want to come and talk about something thing that has nothing to do with what's on our agenda, they actually have to wait through the people's business before doing so. I think that that's something that we should have a conversation about.

Chairwoman Bartels: Okay, well, we'll put it on the list. You're right, we have brought it up multiple times. Okay.

Legislator Ronk: And not to say that we're disallowing it. But we're just having it at the end of the meeting. So, people who were there for agenda items, on the agenda, have the, you know, benefit of their time.

Chairwoman Bartels: Okay, that's a good point. And we have periodically brought it up over time. So, we'll make a note to include it.

G is Decorum. Comments?

H: is Appeal From the Chair's Ruling; I: Acting Chair; J: Privilege of the Floor; K: Member Not to Speak or Leave His Place; L: Priority of Business and Limitation of Time of Speech and Majority Vote Recording a Vote; P: Borrowing Money; Q: Vote On Distinct Propositions; R: When a Member May Be Excused From Voting; S: Speaker to be Recognized By Chair; T: Suspension of Rules; U: Presentation of Motion; V: Committee of the Whole; W: Withdrawal of Resolution; X: Motions not Amendable or Debatable; Y: Previous Question And Amendments Thereto; Z: Motions for Reconsideration, AA: Motion to Rescind; BB: All Points Not Covered by These Rules.

And then we move to Rule 11: Clerk of the Legislature Duties. Making up the agenda. So, the Clerk put in a technical change on D, and making up the agenda, the Clerk of the Legislature... excuse me, she changed, "shall group items in the following order, unless otherwise directed by the legislature should follow the order of..."

I don't mind the language, "to group items in the following order," but I'm wondering, in terms of the agenda, because it's the Chair's agenda, and we saw that previously, somewhere. It probably should be "unless otherwise directed by the Chair."

The order of business under F, on page 16. The order business of each session shall be as follows except the chairperson at his or her discretion may change the order of business. I feel like it probably should be, "unless directed by the Chairperson." Does anyone have an issue with that?

Legislator Cahill: Hey, Tracey, this is Brian, do you mind if I ask a quick question?

Chairwoman Bartels: I totally don't mind. Go ahead, Brian.

Legislator Cahill: So, I'm looking at the D there. And unfinished business. I'm trying to think of when, and if someone could please give me an example of when that was used, and how it would be used?

Chairwoman Bartels: Go ahead, Legislator Ronk.

Legislator Ronk: Well, that would be if a resolution is postponed at the Legislative Meeting. That would that would then be unfinished business.

Chairwoman Bartels: Oh, it would be the previous Legislative Meeting.

Legislator Ronk: Yeah.

Legislator Cahill: Okay. Thank you.

Legislator Ronk: Yep.

Chairwoman Bartels: Alright, and then... That's it. I don't have any other comments on the Clerk's.

I do have two outliers, but rather, just does anyone else have any outliers right now that they want to... anything that hasn't been covered in here, they want to bring up?

Okay, so, the two... my two that aren't in here, and in between now and when we get this down, one is censure. Legislator Ronk and I spoke about this. Since we defer to Robert's Rules. I think that we should be specific about censure in our rules. And what censure could be used for and how to use it.

And then the other, on page 18, be excused from voting. Which I forgot to bring up while we were there. I think we need to be more specific in our rules about how we use abstention versus recusal. When we talked about this, at some point when I was at the NYSAC meeting, spoke to an attorney there who advised us that we're using the wrong language when we abstain from a vote. That we should be recusing from a vote if it's due to a conflict, which is the reason that we're allowing our members to not cast a vote. And the rules of recusal are very specific. So, I'd like to just work with counsel and some language for that as well.

Legislator Ronk: I'm open to the discussion.

Chairwoman Bartels: Okay. All right. Does anybody else have anything to add? We're pretty close to an hour.

I know. Eight minutes.

Legislator Roberts: A little bit over, Trace. I have a point, if you don't mind me bringing it up. You kind of skipped over it.

Chairwoman Bartels: I don't mind you bring up anything. Go ahead.

Legislator Roberts: It is, I believe, on page 12. Number D. And that would be a vacancy in the chairperson position.

Chairwoman Bartels: Okay, on mine it is 13. So, I don't know what everybody's looking at. But, Okay, go ahead.

Legislator Roberts: Basically, it says, if we don't appoint or elect, choose a chairperson within 30 days, the County Executive shall appoint a member. And I think we should have this clearer. Have a fallback in case we cannot come to a conclusion with a, say on 11/11 tie.

Chairwoman Bartels: Good catch.

Legislator Ronk: In the 1800s there was one year where it took like two and a half weeks to elect a chairperson, and they had like 175 votes or something like that.

Chairwoman Bartels: I saw that in the book in the office. Yeah.

Legislator Ronk: Yeah.

Chairwoman Bartels: Voting and voting, and voting, and voting for 30 days.

Legislator Ronk: At one point, previous Chairs of the legislature came to try and talk them into a compromise.

Legislator Roberts: Me and Ken talked about this at length back in '13. And the only thing we could come up with at the time was the word "shall," meaning that we shall do it, but that doesn't mean we're going to do it.

Chairwoman Bartels: Mm hmm. Yeah, and if we weren't, and you're looking for some clarification, in terms or some...

Legislator Roberts: Mechanism.

Chairwoman Bartels: Some further mechanism for us to ensure that we actually break the tie prior to it going to the Executive, because in order to change the Executive's authority, that would that would be a Charter change, and probably would be open to a referendum because it arguably would change the Charter.

Legislator Roberts: It would be if we wait the 30 days and don't come up to a conclusion. But if we shall be able to pick someone within the 30 days, if we have a mechanism to pick that new Chairperson, then we don't have to change the 30-day.

Chairwoman Bartels: Right. All right. So, let's flag that to think through as well. We'll get our heads together on that one.

All right. Well, thank you. Thank you all. I know, this is riveting stuff, but we're going... we'll get through it. I appreciate everybody's input. And we'll collate all the information in the notes. Jay will get us a working document with people's comments. And we'll go from there.

Legislator Roberts: Thank you, Madam Chair.

Chairwoman Bartels: Thank you all for participating.

Legislator Cahill: Go Yankees.

Chairwoman Bartels: Oh, motion to adjourn.

Legislator Ronk: So moved.

Chairwoman Bartels: All favor?

Committee Members: Aye.

Chairwoman Bartels: Good. Have a great night.

Legislator Litts: Stay healthy.