

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

DATE & TIME: February 19, 2019 – 4:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Donaldson
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Bartels, Heppner, Roberts & Ronk
ABSENT: Legislator Rodriguez
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Archer, Collins, Greene, Litts, Nolan & Woltman, Tom Kadgen – League of Women Voters, Patricia Doxsey – Daily Freeman

Chairman Donaldson called the meeting to order at 4:38 PM.

Motion No. 1: Moved to APPROVE the Minutes of the December 17, 2018 meeting

Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

Resolutions for the February 19, 2019 Session of the Legislature

Resolution No. 212 of 2018: 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, March 12, 2019 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, March 12, 2019 at 6:00 PM to allow the public to offer comments on Proposed Local Law Number 16 of 2018.

Resolution No. 361 of 2018: 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, March 12, 2019 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, March 12, 2019 at 6:00 PM to allow the public to offer comments on Proposed Local Law Number 21 of 2018.

Discussion:

Chairman Donaldson recognized Legislator Nolan who informed the members that it was her understanding that she, Legislator Donaldson, and other interested Legislators would be getting together outside of the committee to work on a compromise law. Chairman Donaldson advised the members that he would let them know when a meeting was scheduled.

Motion No. 2: Motion to consider Resolution Nos. 212 of 2018 and 361 of 2018 AS A BLOCK

Motion By: Legislator Heppner

Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolutions BLOCKED

Motion No. 3: Motion to POSTPONE Resolution Nos. 212 of 2018 and 361 of 2018

Motion By: Legislator Heppner

Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: Resolutions POSTPONED

Resolution No. 281 of 2018: 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 prohibiting County elected officials from appearing by likeness, picture, or be named, or otherwise identified or referenced on any 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, excluding his or her official web page or the Ulster County Directory or during a declared state of emergency.

Motion No. 4: Resolution No. 281 of 2018 MOVED FOR DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator Heppner

Discussion:

Legislator Ronk stated his opposition to the policy. Chairman Donaldson advised the members that the sponsor was not present and asked if the members would consider postponement.

Motion No. 5: Motion to POSTPONE Resolution No. 281 of 2018

Motion By: Legislator Heppner

Motion Seconded By: Legislator Donaldson

Voting In Favor: Legislators Bartels, Donaldson & Heppner

Voting Against: Legislators Roberts & Ronk

Votes in Favor: 3

Votes Against: 2

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. 6: Resolution No. 324 of 2018 MOVED FOR DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator Roberts

Discussion:

Chairman Donaldson asked if there was any discussion and hearing none he called for a vote.

Voting In Favor: Legislators Roberts & Ronk

Voting Against: Legislators Bartels, Donaldson & Heppner

Votes in Favor: 2

Votes Against: 3

Disposition: **Resolution DEFEATED**

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.

Chairman Donaldson stated that the sponsor was not present and asked if the members would consider postponement.

Motion No. 7: Motion to POSTPONE Resolution No. 329 of 2018

Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

Resolution No. 473: Setting A Public Hearing On Proposed Local Law No. 23 Of 2018, A Local Law Entitled “Ulster County Ethics Law”, To Be Held On Tuesday, March 12, 2019 At 6:05 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, March 12, 2019 At 6:05 PM to allow the public to offer comments on Proposed Local Law Number 23 of 2018.

Motion No. 8: Resolution No. 473 of 2018 MOVED FOR DISCUSSION
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:
Legislator Ronk stated that he felt the law was an important thing for the Legislature to do, but was not necessarily time sensitive and could wait a month to be discussed. Chairman Donaldson asked what the time frame was for the measure to be put to voters. Legislator Ronk responded that June would be the deadline, adding that he would like to have the public hearing in April or May. He added that he was open to comments, but would like to move forward. Chairwoman Bartels commented that she would appreciate the month to consider the law and complimented Legislator Ronk for the draft before them. Legislator Nolan asked if a comparison between the current law and the proposed law could be prepared.

Motion No. 9: Motion to POSTPONE Resolution No. 473 of 2018
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

Resolution No. 481 of 2018: Establishing A Policy To Prohibit The Use Of Public Funds To Place The Likeness Or Name Of Elected Officials On All Ulster County Board Of Elections Material

Resolution Summary: This resolution establishes a policy to prohibit County elected officials from appearing by likeness, picture, or be named, or otherwise be identified or referenced on any Ulster County Board of Elections material, including but not limited to, signage, publications, mailings and the Board of Elections website.

Motion No. 10: Resolution No. 481 of 2018 MOVED FOR DISCUSSION
Motion By: Legislator Heppner
Motion Seconded By: Legislator Ronk

Discussion:

Chairman Donaldson explained that the policy resulted from a number of instances where the former County Executive's face was displayed on the Board of Elections website. Legislator Heppner commented that the images were not there any longer. Chairman Donaldson stated that the Board of Elections especially should be independent. Legislator Heppner agreed and stated his support for the policy. Legislator Nolan commented that she was unsure if the law was necessary. Legislator Ronk agreed that the policy may not be necessary if the issue has been rectified. Chairwoman Bartels asked if there might be a benefit to bringing the Board of Elections Commissioners in to offer their opinion on the policy. Chairman Donaldson advised the members that the Commissioners have been invited to a Special Meeting of the Committee scheduled for March 6th to discuss school district elections and asked Legislative Staff to add the Resolution to the agenda for that meeting.

Motion No. 11: Motion to POSTPONE Resolution No. 481 of 2018
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Roberts & Ronk
Voting Against: None
Votes in Favor: 5
Votes Against: 0
Disposition: Resolution POSTPONED

Resolution No. 7: Adopting Proposed Local Law No. 24 Of 2018, A Local Law Amending Local Law No. 5 of 2018, A Local Law Promoting The Use Of Reusable Bags And Regulating The Use Of Plastic Carryout Bags And Recyclable Paper Carryout Bags

Resolution Summary: This resolution adopts Proposed Local Law No. 24 of 2018.

Motion No. 12: Resolution No. 7 MOVED FOR DISCUSSION
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion:

Chairman Donaldson advised the members that two amendments to the law have been proposed. Chairwoman Bartels explained that the amendments provided for bag fee exemptions for WIC and SNAP beneficiaries and moves the enforcement date to January 1st.

Motion No. 13: Motion to ADOPT Resolution No. 7

Motion By: Legislator Ronk

Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: **Resolution ADOPTED**

Resolution No. 15: Setting A Public Hearing On Proposed Local Law No. 1 Of 2019, 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, March 12, 2019 At 6:15 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, March 12, 2019 At 6:15 PM to allow the public to offer comments on Proposed Local Law Number 1 of 2019.

Chairman Donaldson advised the members that the Resolution was the primary topic of discussion for the Special Meeting scheduled for March 13th and asked for postponement.

Motion No. 14: Motion to POSTPONE Resolution No. 15

Motion By: Legislator Roberts

Motion Seconded By: Legislator Heppner

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Roberts & Ronk

Voting Against: None

Votes in Favor: 5

Votes Against: 0

Disposition: **Resolution POSTPONED**

Resolution No. 67: Appointing Chairwoman Tracey A. Bartels As The Ulster County Legislature’s Member To Serve On The County Jury Board

Resolution Summary: This resolution appoints Chairwoman Bartels to the Ulster County Jury Board for a term to expire on December 31, 2019.

Motion No. 15: **Motion to ADOPT Resolution No. 67**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Heppner

Discussion: None

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

LATE Resolution No. 80: Setting A Public Hearing On Proposed Local Law No. 20 Of 2018 As Amended, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request, To Be Held On Tuesday, March 12, 2019 At 6:00 PM

Resolution Summary: This resolution sets a public hearing for Tuesday, March 12, 2019 At 6:00 PM to allow the public to offer comments on Proposed Local Law Number 20 of 2018.

Motion No. 16: **Resolution No. 80 MOVED FOR DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Donaldson

Discussion:

Chairman Donaldson explained that there were a few amendments to the Proposed Local Law, including in the heading and changes to make the law as voluntary as possible. Legislator Roberts stated that the Resolution to set the public hearing was submitted as a late resolution and asked if it met the criteria for lateness under the rules. Legislator Ronk commented that he did not believe the Resolution met the criteria for lateness. Chairwoman Bartels stated that the law was amended in committee which required another public hearing. She added that it could wait a month if the members determined that the Resolution did not meet the criteria for lateness.

Legislator Ronk suggested that the Resolution be withdrawn and Resolution No. 400 of 2018 be amended to set the new Public Hearing. Chairwoman Bartels agreed with the suggestion.

Legislator Nolan advised the members that she would like to see the notification requirement removed before the proposed law is sent for a second public hearing. Chairwoman Bartels stated that Laws & Rules, Governmental Services Committee is not the appropriate place to debate the substance of the law. She added that she disagreed with removing the notification requirement, stating that it is another opportunity to educate the public on the law. Chairman Donaldson agreed, commenting that one of the most important provisions of the law is the notification requirement. Legislator Ronk questioned if the term “provide” should be defined in the law. Chairwoman Bartels stated that passive distribution was discussed at length in the Energy & Environment Committee and did not feel the definition was necessary.

Disposition: Resolution WITHDRAWN BY SPONSOR

Resolution No. 400 of 2018: Adopting Proposed Local Law No. 20 Of 2018, A Local Law Requiring Restaurants And Fast Food Service Establishments Provide Plastic Beverage Straws Solely Upon Request

Resolution Summary: This resolution adopts Proposed Local Law No. 20 of 2018

Motion No. 17: Resolution No. 400 of 2018 MOVED FOR DISCUSSION
Motion By: Legislator Heppner
Motion Seconded By: Legislator Donaldson

Discussion:
The members discussed amending the language to provide for a Public Hearing on the proposed local law as amended in the Energy & Environment Committee. Legislator Ronk advised the members that while they can vote on an amendment, it will still need to be amended on the floor as Resolutions cannot be amended in committee on the night of session.

Motion No. 18: Motion to AMEND Resolution No. 400 of 2018 TO REPLACE WITH THE LANGUAGE IN RESOLUTION NO. 80 SETTING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 20 OF 2018

Motion By: Legislator Heppner
Motion Seconded By: Legislator Ronk

Discussion: None

Motion No. 19: Motion to ADOPT Resolution No. 400 of 2018 AS AMENDED
Motion By: Legislator Heppner
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Bartels, Donaldson, Heppner, Roberts & Ronk
Voting Against: Legislator Ronk
Votes in Favor: 5
Votes Against: 0
Disposition: Resolution ADOPTED AS AMENDED

LATE Resolution No. 81: Calling For A Special Election To Fill The Position Of County Executive Pursuant To Ulster County Charter § C-29

Resolution Summary: This resolution calls for a Special Election to be held on April 30, 2019 to fill the vacancy in the position of Ulster County Executive.

Motion No. 20: **Late Resolution No. 81 MOVED FOR DISCUSSION**
Motion By: Legislator Heppner
Motion Seconded By: Legislator Ronk

Discussion:

Legislator Ronk informed the members that there was a meeting earlier in the day called by the Acting County Executive which included leaders from both parties to discuss the calling of a Special Election. He stated that neither caucus has had an opportunity to have a substantive discussion on the matter. He added that it was entirely possible that hundreds of thousands of dollars could be spent on an uncontested election. He felt there the Acting County Executive and staff of the former Executive were capable of handling affairs until the November Election. Chairman Donaldson stated that the Charter requires the holding of a Special Election to fill the vacancy and it is therefore the responsibility of the Legislature to provide one. He added that Legislators take an oath upon taking office to uphold the federal and state Constitutions as well as the Charter.

Chairwoman Bartels advised the members that leadership was informed at the meeting that the Governor's Counsel has issued an opinion that the responsibility to call a Special Election falls to the county. She added that while she understands the concerns about spending money to hold an uncontested election, the Charter clearly calls for the holding a Special Election. She advised the members that she would be calling a Special Meeting of the Legislature the following week in order to give the caucuses time to discuss the issue. The members briefly discussed the possibility of Article 78 actions if the Special Election was not called for.

Legislator Nolan commented that the Charter language is not entirely clear on whose responsibility it is to call the Special Election. The members discussed the language in various sections of the Charter referring to the Special Election and the mechanism for calling for it. She added that she has heard from many constituents on the topic and none of them wanted to have the election. Chairman Donaldson restated his belief that it is their responsibility to call the election. He asked Minority Counsel Pascale for his opinion on the topic. Counselor Pascale responded that he believed that he and Legislative Counsel Ragucci agreed that the Charter states that there shall be a Special Election, but is vague on who must call for it. He added that there is a provision in the Charter that empowers the Legislature to act in matters where the Charter is otherwise silent on authority.

Legislative Counsel Ragucci stated that he agrees that the Charter is clear that there shall be a Special Election and added that because there is vagueness on the responsibility to call, he believes the Legislature is the appropriate entity to call for the election. Legislator Heppner commented that he felt everyone shares the same concern about financing the Special Election, but felt that the sanctity of the Charter and the Legislature's responsibility to uphold it has been at the forefront of numerous conversations in his time in the Legislature. He added that the failure of a political party to field a candidate should not determine whether the Legislature chooses to uphold the law.

Legislator Archer questioned whether the entire Charter was put at risk if the Legislature sets a precedent of picking and choosing when to enforce it. She added that it is the guiding principle as to how the county proceeds as a government. Legislator Ronk stated that he felt that this vagueness in the Charter was unique in this case and the case of a vacancy in the Legislature. He added that the entire body agrees that these provisions of the Charter should be corrected this year. The members

continued to discuss whether the Legislature was required to call a Special Election. Minority Counsel Pascale stated that he would appreciate the opportunity to review the communication from the Governor's Counsel regarding their interpretation of the Charter. Legislator Collins commented that the members should be asking themselves how the Special Election will be called, not whether they should have it. Legislator Roberts asked the members if they were prepared to vote on the Resolution. Chairwoman Bartels stated that she made an agreement with the Minority Leader to allow the caucuses time to discuss the matter after having the leadership meeting this afternoon.

Disposition: NO ACTION WAS TAKEN on the Resolution

Chairman Donaldson advised the members that two Special Meetings of the committee have been scheduled; Wednesday, March 6th at 7:00 PM and Wednesday, March 13th at 6:00 PM.

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

Adjournment

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

TIME: 5:32 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: March 18, 2019