

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

DATE & TIME: December 10, 2020 – 5:00 PM
LOCATION: Powered by Zoom Meeting by Dialing (646) 558-8656
Meeting ID: 971 1547 6753
PRESIDING OFFICER: Chairwoman Bartels
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Donaldson, Gavaris (arrived at 5:10 PM), Heppner,
Roberts & Ronk (arrived at 5:36 PM)
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Bruno, Cahill, Corcoran, Litts & Walter, Legislative
Counsels Ragucci & Gordan and Minority Counsel Pascale

Chairwoman Bartels called the meeting to order at 5:02 PM.

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

See attached transcript

Adjournment

Motion Made By: Legislator Donaldson
Motion Seconded By: Legislator Ronk

No. of Votes in Favor: 6
No. of Votes Against: 0

TIME: 6:32 PM

Respectfully submitted: Deputy Clerk Mahler & Confidential Secretary Lichtenstein (transcript)
Minutes Approved: February 10, 2021

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Chairwoman Bartels called the meeting to order at 5:02 PM.

Chairwoman Bartels: It is 5:02. We're going to call the Special Meeting of the Laws and Rules Committee to order. And it's for the purpose of discussing the Rules of Order. So, I don't think we need to take a motion since it's not a Resolution. We can just... we went through one pass. So, hopefully, you all have the document. I know Jay, put it on, put it online. And, Jay, if we decide, we might end up going to a screenshare if everyone thinks that's more helpful. Kevin, Dave, members, I know Jonathan's calling us we can't see. Would you, Dave, you're saying you'd like a screen share?

Chairman Donaldson: Yes, that would be good.

Chairwoman Bartels: All right. So, Jay, if you can share your screen with the document that you gave us. I have a couple little tweaks that I want to go through. But then, then I'm, then I'll open the floor. We have two as I see it, two sort of bigger issues to work through. But if we go through on the first page...

Deputy Clerk Mahler: I'm just... sorry, Chairwoman Bartels, can you just tell me how you're seeing it? I have it super zoomed in, because the notes in the margin, if you will, are kind of small. So I just wanted to look right for what you see. Is it big, Is it small? Is it...

Legislator Litts: Looks normal.

Legislator Cahill: It looks just fine Jay

Chairwoman Bartels: Yeah. All right. It's great.

Deputy Clerk Mahler: Sorry. Thank you.

Chairwoman Bartels: No problem. So, and it's interesting, because the one that I have when I open it, it's a little it, was a little different, but I am wondering... I'm wondering if it's because I opened it in a different, in a different computer. So, I'm going to go off the one that you have right there.

Chairwoman Bartels: Alright, so, I think we're, for the most part, we're good on the first page. We'll have... we'll check that note. The second note related to Gavaris later again because I didn't see that, which says Legislator Gavaris

suggested, allowing for adoption of the rule changes at the first reading with three quarters vote, at the second reading, for simplicity with a majority vote. But what did we end up going to no second reading? Isn't that what we...?

Legislator Roberts: No second reading?

Chairwoman Bartels: Is that what we did?

Legislator Roberts: I don't recall that.

Chairwoman Bartels: I feel like oh, that's... no, that's for the laws, adoption of laws. Okay. So, I don't know, let's revisit that unless someone has a... does anyone have anything they want to say regarding? And if I don't see you, speak up. Because we're sharing, I can only see half the group.

Chairman Donaldson: On the... where am I... yeah, all I can see is you and the document.

Chairwoman Bartels: Yeah, you can switch it instead of me. You can switch it to, yeah, you and you'll have that line. But when in terms of the document, I guess the issue is whether or not we want to keep it two consecutive readings, or move it to a first reading, with a three-quarter vote. Or at a second meeting, if it's a simple majority vote. So, basically, if we have a super majority of people agreeing, it could happen in one meeting is what John had suggested.

Legislator Roberts: Are you saying, Tracey, that we could have the option of the supermajority and keeping it the same way, and just somebody make a motion, let's hey, let's rush this through. We need to do this now.

Chairwoman Bartels: No, I think what he was saying is, if there is a supermajority vote, then it's only one meeting. And if not, then we need a second. I can tell you; I mean, I think functionally we don't have a problem with two readings. I mean, we don't make a ton of rule changes willy nilly. So, you're...

Legislator Roberts: It's been working this way for I don't know how long. I don't see a need for a change.

Chairwoman Bartels: Okay.

Chairman Donaldson: Yeah, I don't either.

Chairwoman Bartels: I agree. And, and I also, we adopt the rules at the start of the year. So, that's one place where we can do it without the readings if there were some...

Legislator Roberts: Yeah.

Chairwoman Bartels: ...some issue. But I'm good with that, too. Okay, so let's move into page two.

Christopher Ragucci, Esq.: Chairwoman Bartels, sorry to interrupt.

Chairwoman Bartels: Go ahead.

Christopher Ragucci, Esq.: For rule two there. Is that grammatically correct when it says "been read presented?" Shouldn't it just say...

Chairman Donaldson: Yeah, it looked a little weird to me.

Chairwoman Bartels: No, it's not. Oh, see, I had in mind... So, "after having been presented."

Christopher Ragucci, Esq.: That's it correct.

Chairwoman Bartels: Which is having been, yeah. So, maybe delete the red. Thank you.

And then also, in terms of grammar, since we're on it, earlier in that sentence, I don't know, Chris, maybe you can speak to others to some kind of weird legalese. But in the second line, Rule 2, "the timely presentation to the Clerk of the Legislature "as and in the form of." Why do we do "as and" Why don't we just say, "in the form of a resolution?"

Christopher Ragucci, Esq.: I mean, it's not legally incorrect, but I think "in the form of" is much cleaner.

Chairwoman Bartels: Okay, so the next page. Let's see. Okay, so I have something here that I noticed when I went through this with a more fine-toothed comb. On the topic, we're on page 2, committee shall be the exclusive... is that two or three. Okay, committee of the original jurisdiction, mine is reading somewhat different. But while I try to find it, does anybody have anything on this? Oh, I have it, the top of the top of this page. First, the first full sentence, "the resolution may or shall be considered." I feel like we probably shouldn't give the option of "may or shall." I don't know... why we, why are we doing that?

Legislator Roberts: Technically, they have two different meanings.

Chairwoman Bartels: Yeah.

Legislator Cahill: Yeah, that is contradictory.

Chairwoman Bartels: That's what I think.

Legislator Litts: So, I mean, wouldn't it be "may" be considered during that month?

Chairwoman Bartels: I think it's that "they shall be" though. I think that the intent is that if you put it in, it's going to be considered at the next committee meeting that month.

Legislator Litts: Then we would be postponing because a lot of them aren't ready in the first month that they're presented.

Chairwoman Bartels: But I think this is... it's talking about consideration of the committee. So, it's just saying if I get something in on time, it's going to the committee, that it can't be held from going to the committee. The committee can then hold it, or refer it, or vote it down, or postpone, but just that it's going to, it's going to be on the committee's agenda. That's what I read. Chris, do you have a different?

Christopher Ragucci, Esq.: I agree, I think functionally you think "shall" is the appropriate wording.

Chairman Donaldson: Right.

Chairwoman Bartels: All right, Jay, so...

Chairman Donaldson: Otherwise somebody could just... verbally, the Chairman of the committee could say, 'I'm not going to consider it.' And not, not even look at it.

Chairwoman Bartels: Okay, I'm going to keep... I'm not going to comment on all my tiny technical stuff, which we'll just deal with it later. Okay, so moving down. Does anybody... please stop me if there's anything...

Late filed.... Okay. At the bottom of this page, the late filed resolution shall be referred to and shall be placed on the agenda of the committee of original jurisdiction provided that the committee has not yet had its regular monthly meeting. If the, the option of the Chairperson of the... Okay, that's fine. We can move on. I'm good page 4 ... but everybody speak up if there's an issue. Moving on. Yeah, the electronic discharge, where are we on? Is this four or five now?

Deputy Clerk Mahler: I have Page 4 if you're looking at it with the notations. I guess it doesn't matter.

Chairwoman Bartels: Did we put in the electronic language? Or we didn't yet?

Deputy Clerk Mahler: We did not because it was then pointed out that it is referenced in another point.

Chairwoman Bartels: Okay. That's fine.

All right, (c) under that, petition to discharge "thereafter, if Legislators shall sign a petition to discharge as described above." I feel like we should just reference thereafter "if the required number of, or the requisite number of Legislators shall sign the petition." Just to clarify that if the required number is there, then it will be referred. Versus just if Legislator will sign it.

Legislator Cahill: Why not just say 75%?

Chairwoman Bartels: We reference what the requirement is. So, I feel like we can just say, if the required...

Deputy Clerk Mahler: Shall have signed?

Chairwoman Bartels: I don't know. You could put it in and just will flag it, like highlight it.

Christopher Ragucci, Esq.: It should probably read, "if the requisite number of Legislators have signed the petition to discharge."

Chairwoman Bartels: Yeah, that's good. Okay.

Christopher Ragucci, Esq.: "Have signed."

Chairwoman Bartels: And then I also, just a little technical thing at the bottom, it says, "the resolution discharged may be adopted, defeated, or referred back to committee and defeated therein." And then it says, "and a second petition." I think "therein" would be period. And then we would begin another sentence that says, "In the event that a second petition to discharge," because this kind of makes it sound like a second petition, a second petition to discharge is automatically happening.

Christopher Ragucci, Esq.: Sorry to interrupt, Jay, could you just take out the "d" after "have?"

Legislator Gavaris: Jay, you need a comma between "per vote" and "provided."

Deputy Clerk Mahler: Where is that?

Legislator Gavaris: Section (c), third line.

Chairman Donaldson: Yep. All right. Yeah.

Legislator Gavaris: Yeah, right there.

Chairwoman Bartels: Yeah. Though, and then I would put the period after "referred, the resolution discharged may be adopted, defeated or referred back to committee. Period. And I'm a little confused by the end, defeated therein like that. Yeah, I don't...

Deputy Clerk Mahler: I think it's being referred it back to committee, and then it's defeated there again.

Chairwoman Bartels: Okay.

Christopher Ragucci, Esq.: Oh, yeah.

Chairman Donaldson: Yeah, because when once the petition to discharge is released, it's treated just like it's a new resolution, at first. But if it gets defeated again, then what happens is, of course, you know, they have to get another signature, or another petition to discharge. Right?

Chairwoman Bartels: Can we just flag this and we'll just tweak it because that we don't need to spend a lot of time right now. I think we just need to tweak this language to be clear that it can be referred back to committee, and that if it's defeated in committee in a second petition, is successfully executed, then it's subject to a vote.

Chairman Donaldson: Right. And then the vote goes to the floor.

Chairwoman Bartels: Just flag it and we'll fix the language. I feel like the language is wonky. We all know what it means. But we're just... great. All right. So, moving on.

Deputy Clerk Mahler: There you go. That's your public hearing.

Chairwoman Bartels: Okay, that's Yep. And change... Okay. Proposed Local Law... I realized, you, we added or bolded. But in fact, what we're doing this one is using a different color. I don't know if you want to...

Deputy Clerk Mahler: I am only doing that so that when I send you the second iteration, I can indicate to you what was made at your second special meeting, as opposed to your first special meeting. That was just me, we don't even reference red. That's also just me so it is quicker to your eye.

Chairwoman Bartels: Okay, so, we want to leave it that the track changes are either underlined or bold, not differentiation by color? Does it matter? Does anybody have any thoughts? Okay, let's move on. Let's just leave it [inaudible] folded. Go ahead.

All right, so, I have a clarification, just a note that we need to clarify under (j) 2., right, you're right there at the top of the page: all sponsors of a resolution may withdraw the resolution by notifying the Clerk that the resolution is withdrawn. So, I've always operated under the assumption when you have multiple sponsors that even one sponsor, that they have to totally agree, if even one sponsor attempts to withdraw the resolution is kind of tanked. Which is why you have to be very careful of who your co-sponsors are. I'm talking about the people who ...

Chairman Donaldson: Well, no. So, I thought that with one, if you and I sponsor a resolution and you decide you don't want it anymore, and withdraw your name, the resolution is still there unless I withdraw my name also.

Chairwoman Bartels: Yeah, no, I agree with that. That's clear. But if you and I put in a resolution together as equal co-sponsors, and then I decide I'm not pulling my name, but I want it withdrawn. I think it gets... I think it's withdrawn. I think we have to continue to agree. I can pull my name out of courtesy, and then you can go on with it. But I think if we get in a fight, and one of us doesn't want it anymore, then you're in trouble, basically. I don't know.

Chairman Donaldson: Is that the way it reads?

Chairwoman Bartels: Right now it says "all". Yeah, yeah, all. It says that everybody has to agree.

Chairman Donaldson: But it means all sponsors may withdraw a resolution by notifying... Doesn't that mean that all of them have to agree?

Chairwoman Bartels: Yeah.

Christopher Ragucci, Esq.: It doesn't mean that. So, the way I read it, it is if it says, alternatively, if it said if "any" sponsor the resolution withdraws, then the resolution is withdrawn. But the it reads currently, all sponsors means "all sponsors." Meaning if one withdraws, then it still continues with one sponsor.

Chairman Donaldson: Right. That's the way I read it, yes.

Chairwoman Bartels: Even if they keep ... so they ... So, right now, all sponsors can withdraw it, but one sponsor can't.

Christopher Ragucci, Esq.: Correct.

Chairman Donaldson: Right.

Christopher Ragucci, Esq.: Understood.

Chairwoman Bartels: And do we want to leave that in terms of original sponsors of... like the original sponsors of jurisdiction?

Chairman Donaldson: I think so. I mean, I...

Christopher Ragucci, Esq.: Well, if I could, I think the rules earlier state that any Legislator may put forth a resolution, right. Any single Legislator has the authority to submit a resolution. So, I would submit, to be consistent, that a single Legislator may proceed with a resolution that at one point more than one sponsor, even if the other sponsor withdrew.

Chairwoman Bartels: Okay. That's a good point.

Legislator Roberts: Didn't we use a primary sponsor?

Chairwoman Bartels: Say that again, Kevin?

Legislator Roberts: Didn't years ago, we used to have a primary sponsor, and a secondary sponsor?

Chairman Donaldson: Well, we yeah, we used to... a resolution needed to have two sponsors, at one point. But that was in different times. I mean, we changed these things over the years.

Legislator Roberts: Yeah. So, we want to keep it the same. We're okay with this?

Chairwoman Bartels: Okay. Yes.

Legislator Roberts: Okay.

Chairwoman Bartels: Let's move on. I have a question under confirmation of appointments. If you keep sliding up, Jay. The last sentence, the sentence that's "the Clerk shall endeavor to have multiple confirmation resolutions, however, on one page." Why? Why wouldn't we want separate confirmations on separate? I don't even get that.

Chairman Donaldson: Save paper. (Group laughter)

Chairwoman Bartels: But they're separate ideas. We never want to confirm, you know, tourism and information services in one resolution. So, and resolutions have to be single items. They can't, you know, or they get divided by the Chair. So, I feel like that...

Chairman Donaldson: I think sometimes, like for instance, they may... we sometimes combine like the IDA, or members of like certain boards.

Chairwoman Bartels: Oh. Each appointment coming before ...

Chairman Donaldson: And we do it as a group like the IDA.

Chairwoman Bartels: We have consistently fought over that fact, too.

Chairman Donaldson: But we've also, under the understanding, that we could separate them. If any, I think what we should do is have, you know, any Legislator should be able to separate that. Like things like that. Like for instance, the IDA. Sometimes we're all in agreement and we say, okay, yeah, let's do it.

Chairwoman Bartels: Okay.

Chairman Donaldson: But sometimes we say, well, you know, I don't like that Joe Blow guy, you know, I don't like him. And so, I'm voting against him no matter what. So, I don't want to vote against the entire slate; I just want to vote against him.

Chairwoman Bartels: So, Jay, can you make a note that we're going to add language to say that any Legislator can request the confirmations be separated if they are on one page.

Legislator Roberts: To me, that line doesn't make any sense at all.

Chairwoman Bartels: I think it's a ridiculous... I feel like we should just get rid of that line.

Legislator Roberts: You got multiple, multiple confirmations and resolutions, but you got to put them on one page. What does that mean?

Chairman Donaldson: Like the IDA.

Legislator Roberts: Yeah, but you're having multiple resolutions.

Chairwoman Bartels: Yeah, but I hear what Dave is saying? Where some we have... you know, for example, we have definitely done it with the IDA. We've done it with the RRA, too. And then we fought about it, as well. But let's just let's just flag it and fix it. I mean, I don't like that sentence about endeavoring to put it on one page. It just seems very... I don't know.

Christopher Ragucci, Esq.: Yeah. Also, isn't each resolution supposed to encompass one issue? I mean, there's a really good argument, I think that if you combine appointments with the names of various people for multiple positions, it's not even really a truly valid resolution, it should really...

Chairman Donaldson: I don't think... I think that's... the point is, maybe we need to clarify the difference. I mean right, like, for instance, when we appoint the IDA, in the past, we've often appointed all of them on one resolution, more or less. But that's a different issue. And this may allude to the idea that you may be able to say, put the Public Defender on with the Public Works.

Chairwoman Bartels: Yeah.

Chairman Donaldson: You know, I mean, there's nothing saying you can't do that here. It's sort of most saying you can. So, maybe we need to have some type of a clarification that, you know, you know, if multiple members are on they must be for the, you know, like for particular boards, or I'm not sure exactly how to word it, but think about a little bit.

Chairwoman Bartels: How about each appointment, we leave the sentence, each appointment coming before the legislature for confirmation shall be confirmed, or not confirmed via separate resolution. Could we say, in the event that multiple appointments for the same board are contained on the same resolution ...

Chairman Donaldson: Yes. Yeah.

Chairwoman Bartels: ...any Legislator can request separate resolutions for each committee?

Chairman Donaldson: Yeah. Multiple members of the same board may be on one resolution. But, you know, any Legislator can have them separated.

Chairwoman Bartels: Okay. All right. All right. So, moving on. All right. So, we have this flagged note that Legislator Gavaris, right here on F. Legislator Gavaris suggested language to be added to clarify that service on committees to which members appointed by the Chair is required. So, that's every Legislator shall serve on at least one standing committee of the Ulster County Legislature. No Legislator shall be required to serve on more than three standing committees. Every Legislator...

Chairman Donaldson: The only problem with that language is you know, you know, you just say the Chairs kind of aggravated, and so, you know what, Tracey, I'm going put you on six committees or whatever.

Chairwoman Bartels: Mm hmm. But you can't. Because with this, that's why we put this in, can't be more than three. And we don't want people to not serve on any. So, every Legislator, maybe every Legislator shall be appointed to, and serve, on at least one standing committee of the Ulster County Legislature. Yeah and then that that says that they're going to be appointed by the Chair. But then, can you add that, Jay, that every lead shall be appointed to, and serve, shall be.... Yeah. And then no Legislator shall be required to run more than three standing committees. Which means they can serve on more if they want, they just can't be put on more than three without consent.

Chairman Donaldson: You can't be forced on more than three.

Christopher Ragucci, Esq.: Or compelled.

Chairwoman Bartels: Does everyone... be compelled, do you want to change "required" to "compelled?"

Christopher Ragucci, Esq.: Oh, no, no.

Chairman Donaldson: No, no, no. [inaudible]

Chairwoman Bartels: John, are you good with that?

Legislator Gavaris: Well, we still didn't address the issue. The issue here is, and this is what I brought up last time. What happens at two? Am I required to serve on the second committee, or am I not? Because it doesn't say that.

Chairwoman Bartels: You are.

Legislator Gavaris: It doesn't say that. It just says I'm required to serve on at least one. It doesn't say I'm required to do the second, it says you can't force me to be on more than three. But it doesn't say what happens if I'm not going to accept two.

Chairwoman Bartels: I mean, I read it as, as the this is setting the minimum and the maximum, which means that you would be required to sit on two. But what does Counsel say?

Legislator Gavaris: But the, it doesn't say that if you're saying there's at least one, then that's your minimum. I'm not forced to do two. If the minimum is two, then that's two.

Chairwoman Bartels: But wait a minute. I think though ...

Legislator Gavaris: If you tell me at least one...

Chairwoman Bartels: Well, I think though, I mean, again, I'd like Chris' take on it. I read it as the minimum requirement is one. The maximum requirement is two, is three, but you may be required on two. Chris, the fact that it doesn't speak to two.

Chairman Donaldson: Well, the reason we did the one... we know what the reason was.

Chairwoman Bartels: Let's hear, we know the reason, but let's ask Chris what it reads legally.

Christopher Ragucci, Esq.: The way I read it, I tend to agree with Legislator Gavaris. That if the Chairman appointed a Legislator to two committees, that Legislator could say no to one as long as he meets the minimum of one.

Chairwoman Bartels: Okay.

Christopher Ragucci, Esq.: He would be in compliance.

Chairwoman Bartels: So, what do we want to do? Do we want to allow the Chair to require service on two?

Christopher Ragucci, Esq.: Oh, I mean, I'm just not sure. How many Legislators only serve on one committee? Is that a substantial number at this point, or ...

Chairwoman Bartels: Not at this point, but I feel almost every year that I've served, there's been at least one person that only served on one.

Legislator Roberts: I only got one.

Chairwoman Bartels: Kevin only has one, Rich Gerentine, last year, only had one.

Legislator Roberts: I don't see the problem with the way it is written.

Christopher Ragucci, Esq.: I mean, it makes it makes perfect sense to me from a legal perspective. I don't know. It's a... it's really a policy call whether you want to compel Legislators to be on two or three.

Legislator Roberts: It's either they show up ...

Legislator Litts: Joe Maloney only wanted none.

Christopher Ragucci, Esq.: Right. So, he would be in violation of sub F.

Legislator Litts: It's why it's there.

Christopher Ragucci, Esq.: That's right. That's right.

Deputy Clerk Mahler: Can you just say...

Multiple speakers: [Inaudible]

Chairwoman Bartels: ... It wasn't Joe Maloney that it's there. It was from ...

Deputy Clerk Mahler: Could...

Chairman Donaldson: Yeah, that's not why it was there.

Deputy Clerk Mahler: Legislator from New Paltz.

Chairman Donaldson: Ken Wishnick

Deputy Clerk Mahler: Could you say every Legislator shall be appointed to and required to serve on no less than one and no more than three? Do you not cover two by doing that?

Chairman Donaldson: But you're still, it's still not quite answering John Gavaris' problem, or address it.

Chairwoman Bartels: It might.

Legislator Gavaris: My thought can be addressed by just saying, can be appointed and required to serve up to three. That covers one, two, and three. You're required to serve on up to three, as appointed by the Chair.

Christopher Ragucci, Esq.: There you go. Yeah, I agree.

Legislator Gavaris: That solves the problem. That's what I said last time. That is if it's, if we're truly trying to get people to serve on up to three of them. And they have to do it if they're appointed, then you just say, up to three, as appointed by the Chair.

Legislator Litts: Yeah, but it says shall serve. So, say you're on two committees and your flat out. And so, they say, no, you're going to serve on a third one. They don't have the option if you use "shall." I mean...

Chairwoman Bartels: Right now they don't either.

Legislator Litts: Appointments.

Legislator Gavaris: You don't have that option now, either.

Chairwoman Bartels: Yeah, we've been operating...

Legislator Litts: Yeah you do.

Chairwoman Bartels: with the understanding you don't now.

Legislator Gavaris: But Legislator Litts, according to the Chair of this committee, and several others from last time, they said we don't. That the historical practice has been if you're appointed, you will serve as long as it's not more than three. I'm going on what the practice was because I disagreed with the language. I don't think it fits the practice.

Chairman Donaldson: Right. Well...

Legislator Litts: As long as I've been here, the practice always has been that the committee Chair, or whatever or minority/majority leader calls you up, talks to you about where you want to or don't want to. And no one has forced anybody to sit on any committee, as far as I know. Except for Joe Maloney because he didn't want to sit on any committee.

Chairman Donaldson: No. Joe Maloney sat on committees.

Chairwoman Bartels: No, that's not right. Joe Maloney wanted to sit on committees.

Legislator Gavaris: So, then I'll give you the reverse argument on this is that if you say it's a minimum of one, but no more than three, well, if the minimum was one, what happens at two and three? You're, then you're not required to serve on them.

Multiple speakers: [Inaudible]

Legislator Litts: ... Legislators that sat on five committees

Chairman Donaldson: What's the practice has always been in the past is that, you know, we had discussions of what they want to serve. And sometimes, you know, some member may have, you know, you know, certain problems with serving on too many committees. And others want to serve on many. And we usually kind of juggle it and come up with something that works. Nobody's ever been forced. Except the problem was Ken Wishnick refused to serve on any committees. The, you know, because there was, I don't want to go into the all the nuances of the, of it, but he just refused to serve.

Legislator Gavaris: So, then why not have it say...

Chairwoman Bartels: I think, right...

Legislator Gavaris: Every Legislator shall be appointed and serve on at least one standing committee, who cares about the maximum? Because if you're only required to do the minimum of one, which is what it sounds like, most people understood to be the rule anyway. That's what you can be forced to do. Who cares if you're appointed to them, you don't have to do it. If Dave goes crazy, and starts appointing the you know, somebody to ten committees, well, okay, well serve on one of them. The other nine, I'm telling them to go scrap, because I'm not required to do it.

Chairwoman Bartels: But can I provide a counterbalance to that, because the reality... not that it's realistic. And it has always worked out just as a matter of courtesy and conversation between majority, and minority, and the Chair. But there... we leave our Chairperson open to the possibility that they can't get enough people to keep the committees. If everyone said, "I only want one committee, that's it. I just want one committee." If everyone said that we wouldn't have enough to sit on all the... Now it works out.

So, the counter argument to that would be your suggestion, which is rather than just naming the minimum, naming the maximum that's required, which is to say, every Legislator shall be required to serve on no more than three standing committees of the Ulster County Legislature. But we want to make sure that we have the minimum, like somehow, we need to have that minimum requirement. So, I don't know what do you all... what are you comfortable with?

Legislator Litts: The way it's worded now, they have to serve on one, at least one. And says, no Legislator shall be required to serve on more than three, I can serve on six. But I, you know, that's at my option.

Chairman Donaldson: You can't be forced to or can't be, you know...

Legislator Litts: Right.

Chairwoman Bartels: But John's point, which has been upheld by counsel, is that the way it's worded right now, you can't be forced to be on two.

Christopher Ragucci, Esq.: That's correct.

Chairman Donaldson: Right. Like, for instance, when, when John Gavaris was appointed, he could have said, I don't want that. So screw you Dave, I'm not doing it.

Christopher Ragucci, Esq.: And I think there's a really strong argument that the second sentence is actually superfluous in that it has no real effect in any way.

Chairwoman Bartels: Well, it yes, it is, except if we want to be able to allow the Chair to require two committees.

Christopher Ragucci, Esq.: But if the requirement is only one minimum. The argument is I don't think the Chair could require a Legislator to serve on more than one.

Chairwoman Bartels: So, but here's the point, how do we word it so that there's a minimum requirement of one but if the Chairman wants to appoint you two you can be appointed to two.

Legislator Litts: So, the first sentence doesn't say you're required. It says at "least one." At least one. It's not saying has to serve on one, it says at least one. So, you can serve on two. But it says no Legislator "shall be" required to serve on more than three. So, if you wanted a bust somebody's chops and say, I'm put I'm putting you on every single committee. You know, just to bear down on them. This is saying you cannot be required to serve on more than three. But, but you can serve on basically as many as you want. You have to serve on at least one.

Chairwoman Bartels: But my question is, which is not being answered. My question is really, let me finish the thought. How do we give the Chair the authority to require two? So, what we intended with this was giving the Chair the authority to require up to three. That's what we intended to do.

Chairman Donaldson: But I think we're missing one thing here, if you read this, and it says, every Legislator shall be appointed to and serve on at least one, right? No Legislator should be required to serve on more than three. Then that leaves it pretty open that you can be, in other words, not forced on the, you know, compelled, or whatever you want to use, to serve on three, technically,

Legislator Gavaris: Legislator Bartels, I think this is actually a non-issue. Because if you think about this, this is really two problems with this, one, this whole clause is to your point of not having enough people to serve. It's a black swan event, it's almost impossible to happen. But let's say it did. This clause doesn't matter anyway, because if every Legislator said I'm only serving on one, with the ability to toss out the rules anyway, with the majority or three-quarter vote, we can go ahead and do it anyway. So, it doesn't really matter. So, if we just leave it as, will serve on at least one, that really accomplishes what we want anyway,

Chairman Donaldson: But it would [inaudible]...

Chairwoman Bartels: Chris had his hand up, let me get Chris.

Christopher Ragucci, Esq.: But some additional language could clarify. We could add, subject to the Chair's discretion, every Legislator shall be appointed to and serve on at least one standing committee and shall not be required to serve on more than three. So, by adding the Chair's discretion, Chair being the compelling agent there the person that does that requires or doesn't require, who serves on what committee.

Chairman Donaldson: But this also was...

Chairwoman Bartels: Wait, let me just ask for clarification on that. I think that, and just tell me if I'm wrong, would give the Chair the ability, through their discretion, to not appoint someone to a committee.

Christopher Ragucci, Esq.: No...

Chairman Donaldson: Yeah, you see, one of the major things... one of the other reasons for this was when we were thinking about it and going through it, was the idea, you can't let the, in other words, the Chair punish people by not allowing, you know, to even serve on a committee. Not even putting them on a committee, In other words, they're like a Legislator without a committee.

Chairwoman Bartels: Herb.

Legislator Ronk: I mean, this, if I could just jump in, Madam Chair?

Chairwoman Bartels: I have Herb's hand up and then...

Legislator Ronk: That's fine.

Legislator Litts: Well, I just want to say the only person in the Legislature that can appoint to a standing committee is the Chairman. So, we really don't have to reiterate that here. If an appointment is made, it has to be done by the by the Chairman and the Chairman only.

Chairwoman Bartels: I think that we're still at the question of what's required but let me hear what Legislator Ronk has to say.

Legislator Ronk: Well, I mean, I heard the argument from Dave, that, you know, this would, you know, the idea of having everyone serve on at least one and be appointed to at least one. It covers both ends. Because when this was originally written, it was because former Legislator Wishnick refused to serve on any committees. And that was the impetus behind this when John Parete was the Chairman. "Be appointed to" handles what Dave was concerned about, I think what your concern was, about somebody not being appointed to any committees as a punishment. I don't... I don't see what I feel like we're searching for a solution in search of a problem here. I think that the language, as it is, requires at least one committee, allows as many committees as the Legislator is willing to serve on. But would allow a Legislator to, to decline appointment to more committees than they want to serve on. I don't understand what the concern left is.

Chairwoman Bartels: But just in case you missed the beginning of the conversation...

Legislator Ronk: I did.

Chairwoman Bartels: ... is that because that second sentence is there, the... they can't be required to serve on two either. So, you could...

Legislator Ronk: You could be required to serve on two you cannot... you could be required to serve on three.

Chairwoman Bartels: Not according... that's what... that's how this started. Is that because the second, third, second sentence says, no Legislator shall be required to serve on more than three. It leaves the argument that you could turn down number two and three.

Chairman Donaldson: I don't see that. I think it says the other thing. I think says you will be compelled to serve on three.

Legislator Ronk: Up to three. Be compelled to serve on one, two, or three committees, but not four, five, or six.

Chairman Donaldson: But you must be appointed to at least one.

Legislator Ronk: Correct.

Chairwoman Bartels: That's what we originally intended. But now I'm hearing from Counsel that that's not what it says here.

Legislator Heppner: Why don't we say... can I say something quick?

Chairwoman Bartels: Go ahead. Oh, yeah, John. Yeah.

Legislator Heppner: Why don't we say, I mean, that literally was just said? Why don't we say up to three then?

Chairman Donaldson: I think it says that though.

Legislator Ronk: It absolutely does. Was it counselor Ragucci that said that it says that?

Chairwoman Bartels: No, Counselor Ragucci agreed with Legislator Gavaris, it doesn't say that. That it leaves it open to interpretation of you're not required for two and three. I have David Gordon had his hand up for a bit, but then and then Tom Corcoran I see you right after that.

David Gordon, Esq.: Let me make a suggestion, I'm not going to mean you guys can decide which is better in terms of the ability of the Chair to compel attendance at the second or the third meeting. But in terms of drafting, let me suggest this, if indeed you want to allow the Chair to compel membership on the second or third committee meeting, I think we're looking at the wrong paragraph because you're trying to squeeze something to a poor fit.

Go back to the paragraph A. Paragraph A is a paragraph that gives the Chair the authority to appoint members to a committee. And I think if you want to make that compulsory, which is the thing that's actually ambiguous, going back to Legislator Gavaris' question. We should make it clear in this in this paragraph as to whether or not it's a compulsory thing. And then once you, once you make that clear, whichever way you decide it, the drafting of paragraph F is going to become a lot easier.

Legislator Ronk: Can I just ask, Tommy has his hand up, never mind.

Chairwoman Bartels: Go ahead, Tom. And then...

Legislator Corcoran: I was just going to say, I mean, if you want to mention the second appointment, can't that middle line be a second appointment, shall be at the discretion of the Chair? So you've got the first as the minimum, the second appointment shall be at the discretion of the Chair, and then no more than three, if you're looking for that number two to be put in there. I don't know.

Chairwoman Bartels: That's a possibility, it would be two, and three, the second one.

Legislator Corcoran: So, every Legislator shall be appointed to serve at least one. A second appointment shall be at the discretion of the Chair. And no Legislator can be required to serve more than three. So, I think if the second appointment, shall be, which is shall be at the discretion of the Chair, and that gives you that second one that the Chair is going to...

Chairwoman Bartels: Third. We'd have to say second and third. So, can we put a pin in this? First of all, let me just ask the committee, do we want to... is the takeaway that we want to have one required minimum; two and three be compulsory, if appointed; no more than three be required? Is that what we want this to say?

Chairman Donaldson: I think that's what it says right now.

Legislator Ronk: That is what does say now.

Chairwoman Bartels: What I'm saying, we have some, obviously, we're having a discrepancy in terms of the understanding what it actually says. I just want to know if that's what we want it to say. And then between counsel, and with time off, and I'll get both counsel... I don't I don't see Nick on my screen, but I think it's on here.

Legislator Ronk: He's on.

Chairwoman Bartels: So, we'll get everybody together and get everybody's agreement if that's what we wanted to say, if we don't want to make two and three compulsory. Then that's much easier.

Chairman Donaldson: Well, you don't typically what would happen...

Chairwoman Bartels: Just... can I get a sense of what we want? Yes or no?

Legislator Ronk: Yes.

Legislator Roberts: Yes.

Chairwoman Bartels: Yes. Hands up for that.

Chairman Donaldson: Wait a minute, what?

Chairwoman Bartels: What I'm saying is what we thought it was saying, which is, one is the minimum? Three is the maximum, two and three would be required if appointed by the Chair.

Legislator Roberts: Yes.

Chairman Donaldson: I think that makes sense. Because you know, what would happen is... there's no way, I don't see, I mean, unless the Chair is nuttier than I am, would they want to appoint somebody to three committees they are not going to show up to.

Chairwoman Bartels: Right.

Chairman Donaldson: Because then, you know, it jams the process up. And you know, let's face reality, the Chair's job is to move the process along.

Chairwoman Bartels: Okay, so, Herb, you had your hand up. Are you saying you don't agree with that?

Legislator Litts: Well, the only thing I was going to say is if you have a disgruntled Legislator, and he's sitting on a committee because he has to serve there, I don't know why you would want to put them on two and shall be two or three, and just gum up the works. I mean, we've seen that happen.

Chairwoman Bartels: Yeah, I don't think you would unless you were faced with some kind of severe failing in participation. But we'll put the flag in it, I'll have Counsel get together on it.

Legislator Litts: She's typing there now; I wouldn't put three maximum.

Chairwoman Bartels: That's what we currently have written.

Legislator Litts: We could have a guy who is a wiz that could possibly sit on four or five.

Chairwoman Bartels: This is in terms of required, you could sit on 20 if you want to. This is required to sit.

Christopher Ragucci, Esq.: Tracey, may I?

Legislator Litts: Right. But the word three maximum means only three.

Chairwoman Bartels: But we know that we're talking about what's a requirement. So, I have Legislative Counsel and then John.

Christopher Ragucci, Esq.: Just very quickly, I think it can all be distilled to one sentence. Every Legislator shall be appointed to and required to serve on at least one standing committee, at least one, but no more than three standing committees of the Ulster County Legislature.

Legislator Ronk: No.

Chairwoman Bartels: Who just said, no.

Legislator Ronk: Can you repeat that one more time, Chris?

Christopher Ragucci, Esq.: Sure. Every Legislator shall be appointed to and required to serve on at least one and no more than three standing committees of the Ulster County Legislature.

Legislator Ronk: You'd have to add a sentence after that saying that, notwithstanding that sentence, Legislators may agree to serve on more at the discretion of the Chair.

Chairman Donaldson: Yep.

Chairwoman Bartels: Yes. That's great. Okay, let's get... We'll work to get that. That's good.

Legislator Ronk: What it already says.

Chairwoman Bartels: Right.

Christopher Ragucci, Esq.: Actually, it doesn't because if you look closely, Ken, the first sentence doesn't say required.

Legislator Litts: Well, it says it shall be appointed and serve. Shall means required.

Christopher Ragucci, Esq.: I struggle to see where it says that a Legislator shall be required to serve on two standing committees.

Legislator Ronk: That's accurate.

Deputy Clerk Mahler: Technically that is what it says right now.

Chairwoman Bartels: Yeah, and if happy with what, Jay, did capture what Chris just said?

Deputy Clerk Mahler: I can.

Chairwoman Bartels: Okay, so let's say one more time, Chris, please.

Christopher Ragucci, Esq.: Sure. Every Legislator shall be appointed to, and required to serve on at least one, and no more than three, standing committees of the Ulster County Legislature.

Chairwoman Bartels: And then the second sentence would say, notwithstanding the previous... do you want to say, notwithstanding the previous sentence? Or do you just want to say, nothing shall prohibit a Legislator from serving on more than three committees if mutually ... agreed upon...

Multiple speakers: [Inaudible]

Chairman Donaldson: At the discretion of the Chair.

Legislator Litts: At their discretion.

Chairwoman Bartels: And, and the Chair, obviously, because it would require an appointment.

Chairman Donaldson: At the discretion of the Chair and the Legislator. They can serve on more than three.

Chairwoman Bartels: We will get better language than that, but let's just keep moving. Okay, I feel like...

Legislator Litts: Everything's at the discretion of the Chair.

Christopher Ragucci, Esq.: Minority Counsel just texted me said he agrees with that language.

Chairwoman Bartels: Okay, so we're going to go with that language and we're going to, maybe you can now also think of language for the second sentence, but let's, let's move on. Let's move on. We have limited time.

Okay, so moving on.... Rule 6, we're good. Rule 7. Rules for Committee. Okay. Rules for committees. Okay.

Legislator Heppner suggested this language. Suggested adding language to clarify that the special meeting must occur within a reasonable amount of time before any subsequent committees to which the matter is referred to is scheduled to meet and/or before the monthly Legislative Session. [inaudible] okay. All right. So, I don't know that we solved that. But does anyone have any thoughts on that? And we'll... the bullet in the notes. Okay, then let's move on. We'll keep it as a bullet. And by the next time we'll have something written.

Okay, moving on. Alright, Rule 9, I noticed something wonky in A. If you can go back to A, Jay. So it says, going past the Charter language. In that event this is in the event that the that the Clerk is unable, or has a failure to act. In that event, the County Clerk shall determine the time and place designated in a written notice to be given by the County Clerk to each Legislator, the Executive, and the clerk of... so, why if the Clerk of the Legislature is unable or fails to act, we have the County Clerk notifying the Clerk of the Legislature. Is that correct? Or is that an oversight? That seems weird to me.

Legislator Litts: I think it's correct, because notification has to be made to the Clerk of the Legislature formally, even though they're on vacation.

Chairwoman Bartels: All right. Although, remember, this is in the event of the vacancy. So, in the event that that office is vacant, we're going to notify the office, the vacant clerk.

Legislator Cahill: Hi, Tracey, this is Brian. Yes, I think that's what it's trying to say is regardless, if there's someone occupying the position at that point in time, we still have a duty to notify that office of where and when meetings are going to be, right?

Chairwoman Bartels: Yeah. All right. I'm okay with it. Okay, so moving down the rules, and slow for one sec. D, where in a vacancy. Let's see, Legislator Roberts suggested adding language to provide for a secondary level process to elect a Chairperson before 30 days are expired, before the Executive's appointment. So, that would be a charter change.

And then E is one of my big notes for this one. So, this is the members of the... we're talking about annually, the members of the two political parties, which have pulled the largest vote in the last general election shall elect a leader of the respective parties. We have obviously had issues with this over time. And so, I feel like this deserves a deeper dive, this E.

Legislative Counsel, you just had your hand up, Ragucci.

Christopher Ragucci, Esq.: I did. And I thank you. Since our last meeting, Minority Counsel and I have discussed this issue. And actually, Nick had recently emailed to me the rules as they exist in Orange County, which apparently tackle this same issue. And I can forward that to the members of this committee. It basically sets forth a framework for addressing and recognizing people that are not in either the minority, or the majority, if there's a third caucus, for example.

Legislator Ronk: In Orange County, there is a third caucus.

Christopher Ragucci, Esq.: Yes, I know. That's what I'm referencing. So, I can forward that language to everyone if they want to consider it. And then think how they want to incorporate that into E, if we want to recognize, you know, a minority caucus and that way.

Chairwoman Bartels: Yeah, yeah, I that will be... let's, let's circulate that. But then I also would like to just raise another issue. I mean, some of what we've had come up, which, I mean, pretty much everyone here knows. that we've had issues. Basically, the way this reads, is that if you are a member of the majority or minority caucus, I mean party, you're, you are by de facto a member of that caucus. And functionally, that's been an issue where we've had members who are registered majority/minority political parties, but they've run on other party's lines, or they've decided, you know, that their allegiance or alliance is elsewhere. So something that I'm just going to throw out there is the possibility of just allowing every member to participate in the caucus that they choose to participate in. I mean, it's, it's simply that.

Legislator Ronk: How, but the purpose of the choosing a caucus, you know, partially, is for the delineating the majority and minority parties for appointments, and leaders, and things of that nature. So, I mean, from what you were saying, it sounds like people could choose to participate, whichever caucus they want on any given day.

Chairwoman Bartels: No, what I meant to imply is some mechanism similar to where we sign electing the leader of whichever respective caucus it is.

Legislator Ronk: Yep.

Chairwoman Bartels: We'd sign, that signature would be, and again, we could figure this out, but that signature would be an agreement to be in that party regardless of your registered party. The numbers of those signatures would determine who the majority and who were the minority is.

Chairman Donaldson: Doesn't the last sentence in E do that?

Legislator Ronk: Yes. That's how Vicky, as Clerk of the Legislature, has been doing the notification in writing. Like Legislator Bartels is not enrolled in any party. Mary Wawro is a Conservative. Heidi's an Independence Party member, you know...

Chairwoman Bartels: Yes. But what about John Parete?

Legislator Ronk: John Parete refused to sign either. So, what do you do in that case? That's... my point, is that that's how we've been doing it is through designating, designation for majority minority parties. But what happens when a Legislator refuses to sign either?

Chairwoman Bartels: But okay, and I think John Parete, and then I'll get you, Legislator Gavaris. I think John Parete is a good example of what would happen with, and how an independent caucus would or could be created. A third-party caucus, probably relative to what Legislative Counsels both are referring to in Orange. But in the instance of let's talk about Rich Parete, who is a registered Democrat, but caucused with the Republicans. The read of this says, that Rich Parete would have been, was a member, and it was arguable, was a member of the then majority party because he was a member of the Democratic Party.

Legislator Ronk: I understand. And when we did this the last time, Kevin can correct me if I'm wrong, I seem to remember, you know, and ran for election "on" was, it was a consideration back then. You know, because Rich Parete was not elected as a Democrat. He was elected as a Republican; he did not have the democratic line in that election. So, he may have been a registered member of that party, but he did not have that party's endorsement nor ran on their party line. You know, I feel strongly that we should clean this up. And it was flagged by all of us because we need to clean it up. But we should clean it up to where someone who is rejected by their own party, runs on a different party line, is not then forced to caucus with the party that rejected them, because I feel like that flies in the face of democracy.

Chairwoman Bartels: Legislator Gavaris, you had your hand up.

Legislator Gavaris: You brought up exactly what I was going to talk about it was Legislator Parete's issue. That's exactly what I was going to say.

Chairwoman Bartels: Okay, so, I mean, I think one clean way that it could be addressed is allowing, and I don't know what the mechanism would be, but basically, allowing every member regardless [audio cuts out] any they're in to sign into once, whichever caucus they choose, even if that's a third party caucus, whatever it is.

Legislator Ronk: I'm fine with that. I think we should be requiring everyone to designate themselves anyway.

Chairwoman Bartels: Mm hmm. Say that again, Legislator Ronk.

Legislator Ronk: You can require everyone to sign a letter or sign a form.

Chairman Donaldson: Then what about...

Chairwoman Bartels: Chair Donaldson, can you let Legislator Ronk finish just because I didn't hear the end of what he said.

Legislator Ronk: You could have everyone sign a form that says I will be caucusing with the Republican Caucus, the Democratic Caucus, the Pizza Party Caucus, whatever.

Chairwoman Bartels: Yes. More thoughts on that?

Chairman Donaldson: Yeah. What about I mean, all you have to do is grab is turn around and say that, you know, we can say that they automatically are putting in the caucus "unless" they sign something saying they wish to serve in a different caucus. So, in other words, I get elected as a Democrat, although I run on the Republican line next time, or maybe I run, I run on a Democrat line, I get... and then I don't want to serve I prefer, you know, I've met with Republicans and they're wonderful people. And I say, you know, I want to serve on their caucus. I signed a piece of paper saying I'm switching over and I'm going to serve in the Republican Caucus. So, all they have to do is, they would serve in the party that they ran on. And/or, but that would be up to them. And then if they wish to serve in a caucus other than that, they would have to sign papers saying so.

Chairwoman Bartels: Any other thoughts on this? Oh, Legislator Bruno.

Legislator Bruno: If I can throw my two cents in there. Joe Maloney was a perfect example. Where you switch in the middle of the stream. How do you address that with this?

Legislator Ronk: Designations are yearly. He switched the second year.

Chairwoman Bartels: Yeah. Okay. And he's when he actually switched his enrollment, which is also what, you know, complicates it with the way we have it worded. So, let's, let's circulate...

Legislator Cahill: Tracey, do you mind if I ask a quick question here?

Chairwoman Bartels: Not at all, go ahead, Legislator Cahill.

Legislator Cahill: I'm going back to the very first sentence in this. And it says, annually the members of the two political parties, which shall have polled... that doesn't make much sense to me, the largest vote in the last general election for the county. So, let's clarify that. Because let's just say for example, you know, the Republicans were able to get 10,000 votes and your Democrats only got 8,000. But those 8,000 constituted 13 districts versus the other one. This doesn't say, as individual Legislators, it says, as polled the largest vote, political party that polled the largest vote. It doesn't say...

Legislator Ronk: The leader of their respective parties. Rather than...

Legislator Gavaris: Again, Ken, I missed that?

Legislator Ronk: Sorry, I said it's about creating two caucuses rather than five. That was what the... so, you know, barring any, you know, really strange, you know, occurrences, the two parties that will have pulled the largest vote in the last general election will be the Republican and Democratic parties. So, at that point, it just, again...

Legislator Cahill: I got you. I got you. Okay.

Chairwoman Bartels: All right. Does anyone have a problem with an, annually signing into a caucus?

Legislator Ronk: No.

Chairman Donaldson: I don't have a problem with it. But I think it's not necessarily needed. I think you just make the exception that if somebody wishes to serve on a caucus that they're not a part of, and they have that right by signing.

Legislator Ronk: And I, you know, just, from my perspective, Trace, if I could just jump into that. You know, as we go through these rules, after the discussion in the last one, I'm beyond whether things are needed or not. And if we could just make it functional, I'm fine with that.

Chairwoman Bartels: Okay, so we'll work on it, we'll, we'll get a draft language out to everybody. And we'll circulate the language for the independent, the additional potential, alternative minority, not minority, but third, caucuses, or whatever we call them, from counsel. We'll certainly like that as well. And then we'll circulate draft language. Okay, so let's move on. We'll fix this.

I'm moving on, stop if... special informational meeting. All right. Yeah, we still don't have an answer, because we're still in COVID world in terms of how this is going to shake out in terms of what's permanent with remote. So, we'll follow up on that. As we're getting closer to close. This is related to the unlimited remote where we're not voting on things.

Okay. All this red is the change in functional changes regarding video conferencing to make it more relevant to what's real right now. One thing I have to say about video conferencing, if you could back up for a second, that number 4,

any Legislator attending via video conference shall ensure that the public accessibility is permitted at the location. I mean, I know, I don't want to belabor this, but we have a... we've struggled with this a little bit in that. I mean, how reasonable is it that the public attend a meeting on a cruise ship or in a foreign locale? Like I, you know, but I get that. I know, it's allowed. So, go ahead, Legislator Ronk.

Legislator Ronk: I was going to say I had that conversation with Bob Freeman when I attended a meeting remotely from a cruise ship.

Chairwoman Bartels: I wasn't thinking of you. I forgot you did that.

Legislator Ronk: And he asked me, you know, a hypothetical, which was his specialty. You know, well, would it be any different if you were staying at the Hilton in Cozumel, Mexico? Somebody would still need to, if they, if they desired to, you know, buy a plane ticket and a hotel room, and whatnot, to be able to attend the meeting from there. What's the difference between that, or a, you know, a Hotel in the Midwest, if somebody is away on a conference? Or, you know, quite frankly, they'd have to drive if they wanted to do it from Albany or you know. I just, I understand your point. But...

Chairman Donaldson: They can attend a meeting at the County Buildings.

Chairwoman Bartels: Right? No, I know. And I hear, I hear, let's get around this point, if it's allowed, it's allowed. So just ...

Legislator Ronk: It's also required that the public be allowed to attend from wherever it's being noticed. And it's required by public officers' law to be noticed in that fashion.

Chairwoman Bartels: Yep. So, let's move on. Public comment on non-agenda items. We did not make a decision on this. Legislator Ronk.

Legislator Ronk: Thank you. You know, what the way they do it in Dutchess County, and I think that we should consider it here, is have public comment on agenda items before our business portion of the meeting. And then have public comments of the agenda, non-agenda items, as it's listed here at the end of the meeting before, the more memorials and adjournment. That way if folks want to come and have 50 people sign up to make a statement on something that's not before the body, we actually do our business, you know, on the agenda items first.

Chairwoman Bartels: Any other thoughts on this one?

Chairman Donaldson: I mean, I think that, I think that's a fair compromise in a way. Because sometimes, you know, when you get tied up, and we're not able to take care of the business, it is those people that.... and I want everybody to have a chance to say whatever they wish to say about, you know, whatever, whether it be Chinese in Tibet. But having said that, I don't think everybody else came to see that meeting, that came there for the agenda, and listen to the agenda, should they have to be deal with that when they're there to see the, you know, you know, make sure that the county's business is being done and done in the proper way, shall we say. And instead, they sit for 45 minutes or an hour on things that the Legislature has no power over? Or is not dealing with at that point.

Legislator Cahill: Tracey?

Chairwoman Bartels: Yes, Brian.

Legislator Cahill: So, the thing that I'm thinking of here is that, if that is adopted, and you allow non-agenda items at the end of the, you know, regular business, would you also allow people to then comment on agenda items that we just voted on and stuff like that? Or would we limit it to non-agenda items? Because what could happen is, people could sit there, have their say, we vote they disagree, and they get up and complain, right? Or support us. Either way. See what I'm saying?

Chairwoman Bartels: I do, it's a good point. Legislator Ronk.

Legislator Ronk: I would, you know, to Legislator, Cahill's point, I would restrict the first part to agenda items, and then restrict the second part to non-agenda items, if we had to be specific and say, non-agenda items that are not dealt with at that night's meeting.

Chairwoman Bartels: Chair Donaldson, did you have something to say?

Chairman Donaldson: No, no, I don't think that, I mean, it's going to be a could be a problem. But, you know, they do have the ability to come back the following month and complain, or whatever. I mean, and that's, you know, that's part of democracy. I mean, I want people to be able to talk. And but, I also, you know, it sometimes creates a... we've had meetings where people came in and for an hour about something that we weren't even dealing with. Meanwhile, we had people lined up there that were waiting for A. for an appointment or something about that other nature and not, you know, having to wait when it you know, somebody just wanted to complain about the Chinese in Tibet, shall we say.

And that's fine if you want to come and complain. That's what's nice about our, you know, our government is that we allow that. Right now, we're not doing it because it's so difficult to deal with the Zoom and such and so we've decided to limit it to public comments on our agenda. So, I mean, I think you know, at the end of the night would be alright. Or you can come up with another way of dealing with non-agenda items. That if it's a non-agenda item, we may limit the number of speakers that are doing that. I'm not sure, I mean, I mean, it's a little bit of a dilemma there. Because I mean, I like to let people, you know, do their, you know, release their grievances, or whatever they may be.

Chairwoman Bartels: No, I'm just not seeing any other hands at the moment. I have very, I have mixed feelings about this. Because functionally, I can see the argument for moving the comments to the end of the meeting, I haven't attended a Dutchess County meeting. So, I don't know how it, how it actually works. I think Legislator Cahill raises a, you know, a potential problem that could come up. But I also feel that the opportunity, allowing the opportunity for the public to speak, even when it takes a substantial amount of our time at the head of the meeting is, you know, is a service to the public. And sometimes when they're speaking on something that's not on the agenda that night, they're speaking on something that's in discussion in a committee and is going to be on the agenda in the coming months. And I sometimes appreciate having information or input in advance, not just on the night, we're going to vote. So, I struggle with it. But I see the argument for it.

Legislator Gavaris and then Legislator Ronk.

Legislator Gavaris: I mean, same as your you struggle with it. My experience on both town and village boards is they actually asked for comments in the beginning of the meeting, it didn't matter if it was on a subject that we were talking about or not. And they asked at the end of the meeting too for comments. And again, it didn't have to be on anything that was being discussed that night, it could be on any subject. And it was allowed. So, to restrict, I mean, this is the opportunity for people to come to us. You know, while I know, it gets sometimes a little bit frustrating. I think it's that's what we're there for, to listen.

Chairwoman Bartels: Legislator Ronk.

Legislator Ronk: Thanks, I think that that's where having agenda items at the beginning and non-agenda is at the end. It's, I think, the best of both worlds, because, you know, folks who are there to speak about things that are on our agenda, I feel like should have the respect and ability to speak to us about it, and then be able to, you know, watch the, you know, disposition of what they talked about. And then if folks are there to make a statement on something that we're not voting on, they can wait until the end, and then do it then. I mean, I just as a Legislator, I can tell you, a lot of times when we've had three hours' worth of public comment, two and a half hours of which is on things that are not on the agenda. And then, you know, people who you know, first off, you get, you know, you get public comment mixed in. So, you may have one speaker on an agenda item, and then five speakers on non-agenda items,

and then two speakers on agenda items, this would actually split them. So, we're all focusing on the same thing at the same time.

Chairwoman Bartels: Seeing no other hands, I just want to add something else that just came up to me, too was I think that, um, and I'm actually starting to talk myself into preferring it the way we currently have it. And one of the things that I see as a potential issue is, you know, asking people to wait to the end of the meeting is asking them to wait to an indeterminant time. So, we've had meetings where our actual meeting, just the once we get past the public comment, has been as short as 45 minutes and as long as I'm sure I've been in three and a half hour meetings where the meeting itself took three and a half hours. So, asking the public to show up, not even knowing when they might be able to speak could be 10:00 it could be 7:00, I think, is also, potentially, I don't know, a lot.

I have Legislator Ronk, Roberts and then Gavaris. And then you, Chairman.

Legislator Ronk: I just, you know, to what you just said Chairwoman Bartels, I don't think that we're asking the public to show up. I think the public is deciding to come and speak to us about things like 5G or whatnot that we have no, we have no earthly control over. You know, I think that we're asking the public to show up and talk to us about things that are on our agenda. Um, and I think that the people who are in showing up on the night of the meeting that we're dealing with these issues should have the respect of, you know, first shot at public comment. And the like I said, and the ability to watch the proceedings unfold without having to sit there through four hours and things that we don't have control over.

Chairwoman Bartels: Legislator Roberts.

Legislator Roberts: Thank you, Tracey. I just want to agree with Kenny and Dave. I think that the current format as it set up prior to COVID, was just not working for, for the system, for us. To split it up agenda items, first non-agenda items at the end. I think that's perfect, the best of both worlds. And most of our meetings to get over rather, you know, seems like no one would have an easy meeting, you look at the schedule and say this is this is going to be a quick night, we somehow seem to muck it up a little bit and wind up staying for three hours arguing about something that don't matter.

Chairwoman Bartels: Legislator Gavaris, and then Donaldson, and then Bruno.

Legislator Gavaris: I agree with Legislator Ronk. I think that doing it before and after, makes a lot of sense. And especially if, you know, you start having comments in between things that we're voting on that night, and things that have nothing to do with it, you start to lose focus. And as we were getting punchy the other night, you're... when you come, come to the vote, things that were said that were relevant, you're going to forget, potentially. So, I think focus on the stuff that's on the agenda first, after the meeting is there anything else that's not on our agenda. I agree with that.

Chairwoman Bartels: Legislator Donaldson

Chairman Donaldson: Well, you know, I'm, you know, I really like to see people be able to, you know, speak their minds, even on other items, that mean, they come there to do that. But on the other hand, I also, you know, feel for those people that are there for our agenda that we're on. And I think that we should, you know, public comment on just non-agenda items. Or, in other words, a public comment can be on the items on the agenda, or that are in committee, or that are being considered by the Legislature.

So, I think we needed to add a little more than that. Because they I think what, what you've said, Tracy makes sense in that. In other words, I want to hear somebody saying if it's something that's in the committee that we're working on, and they come in and say, you know, this thing is in your committee, and I really think you should consider this, this, and this. That can be very valuable information, and maybe that person can't get to the committee, but they come to them at the Legislature to do that.

But on the other end, I don't want to you know, we're about 5G, for you know, people coming in and talking about the 5G for 45 minutes, not that I don't want to hear it. I don't think it's fair to those people that are there. I mean, I don't care. I mean, if they want to talk about it, that's fine. But those people that come for the agenda, it's unfair to them. So, my mindset is, it should be on items on the agenda, or that are sitting before a committee of the Legislature.

Chairwoman Bartels: Okay, Legislator Bruno.

Legislator Bruno: I'm looking at the order that how everything is there, I think you can have the best of both worlds, simply by having the public comment on agenda items. Where is number seven? And then move to public comment on non-agenda after Number 8. In other words, in other words, why am I'm hearing the echo. Move the non-agenda items, after we vote on the agenda. Not wait till the end of the meeting. If that makes any sense. You'd have the best of both worlds then.

Chairwoman Bartels: I think it's still... yeah, you'd still need number nine before the next public comment and those other announcements and special orders. That's pretty quick.

Legislator Bruno: But why would you have to have? I mean, we still have to have it. But why? Why would that have to be before that public comment part of it. I'm just looking at...

Legislator Ronk: This is where more resolutions might be if we postpone something.

Chairwoman Bartels: Exactly. Like that's the only I mean, it could go after nine.

Legislator Bruno: I just think that way people wouldn't be waiting for hours and hours for us to finish the meeting.

Chairman Donaldson: But they, yeah, those...

Chairwoman Bartels: Those three things take three minutes. Yeah. I don't think...

Legislator Bruno: I still like the idea of Kenny's idea. And Dave's idea though. I think there definitely needs to be a division there. 5G is a perfect example.

Chairman Donaldson: Well, by the way...

Legislator Ronk: I don't mean to beat up on Kate Reese Herd. She's a nice lady.

Legislator Bruno: Very nice lady. But...

Chairman Donaldson: I still think they should be able to comment on things that are before committee. Even if it's not on our agenda.

Chairwoman Bartels: I'd like to hear what Legislator Heppner has to say, if you can hear me, John.

Legislator Heppner: I am torn. I definitely see the merits of it, especially along the lines of, you know, a lot of times these points have kind of been made, one that people are there to speak on agenda items, then are forced, you know, to spend much more of the night sitting there and waiting on non-issues where they specifically came for it on the agenda item. As well as the fact as Legislators, there's four hours of you know, public comment, obviously, you know, common sense says it's going to shorten our willingness to want to debate certain issues or make certain points, it just drains us also.

And but also, I get your point, Legislator Bartels, where it is hard that people want to come with off topic, items that there is no definitive time in which they would have availability to speak and they would kind of have to go on a

whim. But I lean more towards the first argument, that argument. Just because again, they're choosing to comment on a non-agenda item, but I don't know, it's tough.

Chairwoman Bartels: All right. And what does everyone think about expanding the first... if we broke it into two public comment periods, expanding the first public comment period to be on agenda items, either before the Legislature that evening or before, actively before a committee?

Chairman Donaldson: That's what I like.

Legislator Roberts: I like that, too.

Legislator Ronk: I accept that.

Legislator Heppner: Yeah, I'm okay with that. I also have one other thought on this, about adding just more really just curious, what members thought, just automatically making it two minutes and not fluctuating. Because one I think it makes it awkward for the Chair. I mean, he can speak to that. And, you know, and also because like, if you have... I mean, you can really make a time difference, that difference between two and three minutes.

Chairman Donaldson: Right. But not only that, it makes it makes it difficult, though, is, you know, when they're speaking you don't want to cut them off. But and they, and some people, you know, will, you know, will not stop no matter what you do with times. And you know, you... when you want to take the gavel and hit them in the head with it, but you can't do those things. So, the point is, is that. Yeah, I don't know how we would address that. I mean, you try to control it as much as you can, but you know, somebody's speaking and they're getting to their point in the two minutes comes up, do we just like, cut them off, turn the mic off? Or you let him sit, and tried to let them finish their thought.

Legislator Heppner: But I'm saying, that's why I think two minutes is fair. Because, you know, again, it's always at the discretion of the Chair. But I always think it's awkward, that some days, like, obviously, we try and base it on the number of speakers we have, but there's no set number that triggers whether one day we're allowing two minutes and another day, we're allowing three minutes.

Chairman Donaldson: Right. But I mean, normally, if there's like two speakers there, they're speaking and they end up going three minutes, I, you know, three and a half, even. You know, there's only two speakers. So, let them get your point across. But I think once we make it, maybe we need to add like a little bell or something that dings when the two minutes is up. So, they hear it right off the bat. And then it makes it easier for the Chair to say your two minutes is up, please wrap it up. I mean, I don't want to just cut them off. But the problem...

Chairwoman Bartels: What does everybody else thinks about changing? Where in the rules does it say... is that two minutes or three minutes? Where? Where is it in the rules?

Legislator Ronk: It is not. We just set aside a half hour for public comment, I think. Which we just routinely violate.

Chairman Donaldson: Right because, no, yeah, no way you're going to get it in in half hour.

Chairwoman Bartels: Does anyone else have any thought on limiting, limiting the time to two minutes as a sort of starting point rather than...

Legislator Ronk: I mean, I'm fine with that. I mean, you know, I like kind of like Dave said, when I was Chair, you know, I would sort of alter it to a little bit longer when there were less speakers because it would allow people more time. I have no problem with limiting it to two minutes. I just, you know, I've always been fine with leaving it to the discretion of the Chair because they're the one who's charged with running the meeting.

Chairman Donaldson: But the two minutes...

Legislator Heppner: I'm fine with that too.

Chairwoman Bartels: Okay.

Legislator Heppner: I just curious what people thought. I just find that an awkward part of the program. I am fine with keeping it at the discretion.

Chairwoman Bartels: I would say that the one benefit to having it be two minutes, because I sort of felt the same way that both Legislators Ronk and Donaldson are saying, in the year that I sat there, that I would adjust it based on if there were only a few people. But where the awkwardness comes in is in people who have prepared comment, not knowing how long they have to speak. So, it's like if the public knows that our standard time is two minutes, then maybe they'll come prepared to speak for two minutes for those that prepare. So, we can...

Chairman Donaldson: And you still allow... the Chair would still have discretion to let the person continue a little more if they wanted to. But if you have it in the writing, I think that makes sense. I agree with you, Tracey.

Chairwoman Bartels: So, let's... we'll get that. We'll make a note, please, Jay, to get that.

I know, we're going to have to stop and basically one minute. So, for moving through, I had a couple tiny tweaks. The one thing that was the big one that we haven't addressed is censure. One of the one of the suggestions that was raised is putting in Robert's Rules of censure into our meeting rules. I don't know what people think about that. I could pull it up, not right now, but circulate for everyone. Or I don't know if we want to limit the use of censure in the meetings. Any thoughts? Okay, so...

Chairman Donaldson: Do we have anything? There's nothing on here, correct?

Chairwoman Bartels: Correct. There is nothing on here, I think we should think we should be ... And what I'll do is I'll pull up Robert's Rules of censure and circulate that. And then I'd also like to, which I'll put proposed language. I'd like to put, to clarify in terms of when a member may be excused from voting that they, because we're essentially in our, in our talking about abstaining, we're talking about recusal. So, I just want to clarify that they have to refrain from participation in any discussion on the subject. Because that's, that's, that's due to larger ethics laws. But I'll circulate language on that, as well.

If I can get this together in a form, with what we've discussed, and with what we're proposing, would you like to see it on the agenda for Monday's meeting? On the possibility of moving it. Or do we want to continue, knowing that then we'll be talking about next, essentially, next year?

Legislator Ronk: I mean, we will have to do it as a late.

Chairwoman Bartels: Yeah, well, no, no, I don't mean moving it. I just mean, us, our committee passing it this month, then it would go in the next year. It would go next year, regardless.

Legislator Roberts

Legislator Roberts: I don't think we're ready for it yet. I think, you know, you're going to have to make your changes. And it's going to take at least another hour, two hours to look at again.

Chairwoman Bartels: I agree. Wishful thinking, but I appreciate the reality check.

Chairman Donaldson: It might have been able to pull it off, Tracey, I was with you on it.

Chairwoman Bartels: I'll get it together. And you know, what, if we can always put it on the agenda, but then hold it for the, you know, postpone any action or not take any action, which is fine.

Chairman Donaldson: I mean, it would be nice to get it done that could be could get it done, it's been done that where it can be put on the organizational meeting. And that would be nice.

Chairwoman Bartels: And so, I will endeavor to try to get what I can get done, with input. And I will include both counsels in the discussion.

Chairman Donaldson: And the big one might be one with censure, the censorship, or what have you, could be done, that can be done later.

Chairwoman Bartels: If we formalized Robert's Rules, it might be very clean. But we'll see what we see on Monday. So, I'll see what I can get together. But I'm perfectly prepared, if we're not, if it's too much for Monday, then we, it'll require another one. Thank you. all. I know you have a caucus to go to.

Legislator Ronk: Yep.

Legislator Roberts: Thanks

Chairwoman Bartels: I'll entertain a motion to adjourn.

Chairman Donaldson: I'll make a motion to adjourn.

Chairwoman Bartels: Second.

Legislator Roberts: Second.

Chairwoman Bartels: All in favor of adjournment?

Committee Members: Aye.

Chairwoman Bartels: All right. unanimous. Thank you all. Have a great night.