

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

DATE & TIME: June 19, 2017 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Roberts (arrived at 6:35 PM)
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Belfiglio, Donaldson, Lopez, Loughran, R. Parete
(arrived at 6:35 PM), Rodriguez and Ronk
ABSENT: None
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Berky & Greene, Legislative Counsel Pascale, Minority Counsel Ragucci, Purchasing Director Marc Rider, Cindy Bell – League of Women Voters, William Kimble – Daily Freeman

Deputy Chairman Donaldson called the meeting to order at 6:33 PM.

Motion No. 1: Moved to **APPROVE** the Minutes of the May 15, 2017 meeting

Motion By: Legislator Belfiglio
Motion Seconded By: Legislator Ronk

Discussion: None

Voting In Favor: Legislators Belfiglio, Donaldson, Lopez, Loughran, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: Minutes are **APPROVED**

Resolutions for the June 20, 2017 Session of the Legislature

Resolution No. 411 of 2016: Setting A Public Hearing On Proposed Local Law No. 15 of 2016 (A Local Law Amending The Ulster County Charter Section C-101A And The Ulster County Administrative Code Section A 30-2A, To Amend The Powers And Duties Of The Ulster County Human Rights Commission) To Be Held On Tuesday, July 11, 2017 At 6:00 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, July 11, 2017 At 6:00 PM for the purpose of hearing public comment on Proposed Local Law No. 15 of 2016.

Resolution No. 412 of 2016: Setting A Public Hearing On Proposed Local Law No. 16 of 2016 (A Local Law Establishing A Comprehensive Ulster County Human Rights Law) To Be Held On Tuesday, July 11, 2017 At 6:05 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, July 11, 2017 At 6:05 PM for the purpose of hearing public comment on Proposed Local Law No. 16 of 2016.

Resolution No. 11: Requesting The New York State Legislature Introduce Home Rule Legislation Amending General Municipal Law Section 239, To Establish That The Jurisdiction Of The Ulster County Commission On Human Rights, In Relation To Matters Within The County Of Ulster, Be Concurrent With The Jurisdiction Of The New York State Commission On Human Rights

Resolution Summary: This resolution requests NYS Legislature introduce home rule legislation to grant the Ulster County Human Rights Commission certain powers.

Motion No. 2: **Moved Resolution Nos. 411 of 2016, 412 of 2016 and 11 FOR DISCUSSION**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Donaldson

Discussion:

Chairman Ronk stated that he did not feel that Resolution 411 and 412 of 2016 were ready to be moved to the floor. He added that he would be willing to pass Resolution No. 11, but would not support Resolution Nos. 411 and 412 of 2016 without making them contingent on the county being granted the authority requested in Resolution No. 11. Legislator Rodriguez said that the feeling of his caucus was that all three resolutions would be moved together. Chairman Ronk asked Legislative Counsel Pascale if a judge would consider the request for authority in Resolution No. 11 as an indication that the Human Rights Commission lacks authority. Counselor Pascale responded that judges do take into consideration legislative intent and added that the effective date of the laws could potentially predate the date that the state grants authority. Chairman Ronk asked Legislator Rodriguez how the Human Rights Commission is appointed; who appoints them, what are the required qualifications of the members, term limits, etc. under Proposed Local Law No. 16 of 2016. Legislator Rodriguez deferred the question to Minority Counsel Ragucci. Chairman Ronk asked if changing the commission from a 12D commission to a Police Powers commission changes their makeup. Counselor Pascale responded that his understanding was that the Charter dictated the makeup of the current commission. He added that the proposed law does not amend that particular section of the Charter. The members discussed whether the changes to the Charter proposed in the law would require a referendum.

Chairman Ronk stated that he was unwilling to support the law without having certain qualifications required of the members. He added that the power to levy fines should not be left to well-meaning volunteers. Legislator Donaldson commented that the individuals who make the appointments ensure that the appointees are qualified to serve. Legislator R. Parete suggested that language be added to require certain qualifications. He also suggested adding funding for attorneys to offer assistance to the commission as needed. Legislator Donaldson said the current commission has a small budget for legal counsel. He asked what other concerns there are with the law besides whether the state has to grant authority. Counselor Ragucci clarified that the language in the proposed local law constitutes the commission under the police powers provisions and not Article 12D. Chairman Ronk responded that 12D is mentioned throughout the law as well as the Charter change. Counselor Ragucci added that the members were being asked to vote on setting a public hearing.

The members discussed concerns with the fines proposed in the law as well as providing for the awarding of damages. Legislator R. Parete asked if people could currently sue under state law. Counselors responded that they could. Legislator Rodriguez stated that a case would be more likely to be accepted and heard at the local level. Legislator R. Parete commented that there is the potential for people to go out of business with the fines in the law and repeated that qualifications of the people on the commission should be defined. Legislator Lopez questioned what the rush was to pass the laws before the state grants authority to the commission. Chairman Ronk repeated that he was willing to move forward with Resolution No. 11. Legislator Rodriguez stated that it was his understanding that the three resolutions would move together. He added that other counties have moved forward without home rule legislation.

Motion No. 3: Moved TO ADOPT Resolution No. 411 of 2016

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Donaldson

Voting In Favor: Legislators Donaldson, Loughran, R. Parete, Rodriguez & Ronk

Voting Against: Legislators Belfiglio, Lopez & Roberts

Votes in Favor: 5

Votes Against: 3

Disposition: Resolution is ADOPTED

Motion No. 4: Moved TO ADOPT Resolution No. 412 of 2016

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Donaldson

Voting In Favor: Legislators Donaldson, Loughran, R. Parete, Rodriguez & Ronk

Voting Against: Legislators Belfiglio, Lopez & Roberts

Votes in Favor: 5

Votes Against: 3

Disposition: Resolution is ADOPTED

Motion No. 5: Moved TO ADOPT Resolution No. 11

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Donaldson

Voting In Favor: Legislators Belfiglio, Donaldson, Loughran, Lopez, R. Parete, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 8

Votes Against: 0

Disposition: Resolution is ADOPTED

Resolution No. 448 of 2016: Setting A Public Hearing On Proposed Local Law No. 18 of 2016 (A Local Law Prohibiting Discrimination On The Basis Of Gender Identity At Places Of Public Accommodation, Resort Or Amusement) To Be Held On Tuesday, July 11, 2017 At 6:10 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, July 11, 2017 At 6:10 PM for the purpose of hearing public comment on Proposed Local Law No. 18 of 2016.

Motion No. 6: Moved TO ADOPT Resolution No. 448 of 2016

Motion By: Legislator Belfiglio

Motion Seconded By: Legislator Loughran

Discussion:

Legislator Belfiglio stated that he has given a lot of thought to the law and advised the members that he received a letter from a female resident expressing support for the law as a result of issues she was having using a restroom, despite not being a transgender person. He continued by saying that he would like to hear more comments from the public on the law.

Legislator R. Parete previously commented that Legislator J. Parete sent an email weeks ago to the sponsors of the law and all legislators asking what the difference was between the local law and the Governor's Executive Order and what protections in the local law are not currently provided for by the state. He said that no one responded to the email. Legislator Berky apologized for not responding to the email and said she would reach out to Legislator J. Parete. She added that an Executive Order is not the same as legislation and can be repealed by the next Executive. Legislator R. Parete commented that Executive Orders are enforceable and laws can also be overturned or repealed. The members discussed the enforceability of Executive Orders.

Chairman Ronk stated that the concerns he expressed during the discussion of Resolution Nos. 411 and 412 of 2016 regarding the authority of the Human Rights Commission also apply to this law. Chairman Roberts stated that, while he agreed with Chairman Ronk, he would like to see a Public Hearing held on the law.

Voting In Favor: Legislators Belfiglio, Donaldson, Loughran, Lopez, R. Parete, Roberts, Rodriguez & Ronk

Voting Against: None

Votes in Favor: 8

Votes Against: 0

Disposition: Resolution is ADOPTED

Resolution No. 281: Setting A Public Hearing On Proposed Local Law No. 5 Of 2017, The Ulster County Comprehensive Campaign Finance Reform and Accountability Law, To Be Held On Tuesday, July 11, 2017 At 6:25 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, July 11, 2017 At 6:25 PM for the purpose of hearing public comment on Proposed Local Law No. 5 of 2017.

Motion No. 7: Moved Resolution No 281 FOR DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator Loughran

Discussion:

Chairman Ronk informed the members that he has not had the time to review the law and said he saw no reason to rush it. He stated that he would like to see the law postponed for a month. Legislator R. Parete added that the law might need to be postponed for two or three month and added that some laws are around for six or eight months or more before moving forward. Chairman Ronk added that Legislator J. Parete has had a campaign finance law before various legislative committees for more than two years.

Motion No. 8: Moved to POSTPONE Resolution No. 281

Motion By: Legislator Ronk

Motion Seconded By: Legislator Lopez

Discussion:

Legislator Loughran stated that he would be voting no on postponement. Purchasing Director Rider asked for clarification on the rules for postponement which was provided by the members.

Voting In Favor: Legislators Belfiglio, Donaldson, Lopez, R. Parete, Roberts, Rodriguez & Ronk

Voting Against: Legislator Loughran

Votes in Favor: 7

Votes Against: 1

Disposition: Resolution No. 281 is POSTPONED

LATE Resolution No. 283: Approving Home Rule Request For Senate Bill No. S01032 And Assembly Bill No. A01267 Authorizing The Ulster County Sheriff To Serve As An Additional Firearms Licensing Officer

Resolution Summary: This resolution authorizes the County Executive and Clerk of the Legislature to execute and submit a Home Rule Request requesting the enactment of Senate Bill S01032 and Assembly Bill A01267.

Motion No. 9: Moved Resolution No. 283 FOR DISCUSSION

Motion By: Legislator Ronk

Motion Seconded By: Legislator Belfiglio

Discussion:

Chairman Ronk informed the members that there have been bills in the NYS Senate and Assembly that only applies to Ulster County. He added that from time to time a house of the Legislature will

not take action on legislation until they have a home rule request from the county indicating support for the measure. He advised the members that the initiative has the support of the Sheriff as well as the judges in Ulster County currently tasked with firearms licensing. He explained that pistol permits must be amended to add a firearm to an existing permit. Until a recent determination by the Chief Justice of the NYS Appellate Court the processing of amendments had previously been completed by the Sheriff's Office. The Legislator Donaldson stated his opinion that the resolution is memorializing, which has been banned. Legislator Rodriguez agreed with Legislator Donaldson and also expressed concerns with the timeliness of the resolution as the State Legislature will be adjourning in a few days. Legislator R. Parete suggested that the Legislature send a letter of support. Chairman Ronk stated that they already had. Legislator R. Parete asked if anyone had reached out to Ulster County's Assembly representatives. Chairman Ronk stated that they were sent letters.

Chairman Roberts asked Legislative Counsel how resolutions are determined to be memorializing. Counselor Pascale responded that determination would rest with the Chairman. Legislator Rodriguez questioned whether the resolution qualifies under the rules for lateness. Chairman Ronk stated that the resolution was approved by both the Chairman of the Legislature and the Chairman of the Laws & Rules Committee, which satisfied the rules. Legislator Donaldson objected on the criteria for lateness. Legislator R. Parete stated that if the resolution meets the rules for lateness then it has to be accepted as late.

Motion No. 10: Moved to POSTPONE Resolution No. 283

Motion By: Legislator Donaldson

Motion Seconded By: Legislator Rodriguez

Discussion: None

Voting In Favor: Legislators Donaldson, Loughran & Rodriguez

Voting Against: Legislators Belfiglio, Lopez, R. Parete, Roberts & Ronk

Votes in Favor: 3

Votes Against: 5

Disposition: **Motion to POSTPONE Resolution No. 283 is DEFEATED**

Motion No. 11: Moved to ADOPT Resolution No. 283

Motion By: Legislator Ronk

Motion Seconded By: Legislator Belfiglio

Discussion: None

Voting In Favor: Legislators Donaldson, Loughran & Rodriguez

Voting Against: Legislators Belfiglio, Lopez, R. Parete, Roberts & Ronk

Votes in Favor: 5

Votes Against: 3

Disposition: **Resolution No. 283 is ADOPTED**

Chairman Roberts asked if there was any other business, hearing none.

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Belfiglio
No. of Votes in Favor: 8
No. of Votes Against: 0

TIME: 7:35 PM

Respectfully submitted: Jay Mahler, Deputy Clerk
Minutes Approved: July 17, 2017