

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

DATE & TIME: October 16, 2017 – 6:30 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building
PRESIDING OFFICER: Chairman Roberts
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Belfiglio, Donaldson, Loughran, R. Parete, Rodriguez and Ronk
ABSENT: Legislator Lopez
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislative Counsel Pascale, Minority Counsel Ragucci, Legislators Heppner & Greene, Jennifer Clark – UC Attorney’s Office, Susan Holland, Margaret Sellers, Jean McGarry & Cindy Bell – League of Women Voters

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

Motion No. 1: Moved to **APPROVE** the Minutes of the September 18, 2017 meeting

Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Belfiglio

Discussion: None

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

Voting Against: None

Votes in Favor: 7

Votes Against: 0

Disposition: Minutes are **APPROVED**

Resolutions for the October 17, 2017 Session of the Legislature

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, November 14, 2017 At 7:05 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, November 14, 2017 At 7:05 PM for the purpose of hearing public comment on Proposed Local Law No. 5 of 2017.

Motion No. 2: Moved **Resolution No. 281 FOR DISCUSSION**

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Loughran

Discussion:

Legislator Rodriguez advised the members that the subcommittee met and the amendments proposed were in the copy of the law before them and were as follows:

Page 10. Section 4. A (i) for the office of County Executive, County Clerk, District Attorney, County Sheriff, or County Comptroller shall exceed ~~five thousand dollars (\$5,000.00)~~ **four thousand (\$4,000.00) dollars** per election cycle, or

Page 14. Section 6. B. (ii) or a member of the County Legislature ~~one thousand dollars (\$1,000.00)~~ **Two thousand five hundred (\$2,500.00) dollars.**

Page 22. Section 9. D. strike subsections 2, 3 and 4

Page 24. Section 10.

B.

(iii) The County Executive shall, no later January 1, 2018, select a third member for the Commission, ~~who will serve as its chairman.~~

(iv) The Commission shall select a member to serve as Chair

C.

(i) the member appointed by the minority leader shall serve for ~~one (1)~~ **two (2) years;**

(iv) members shall not serve more than two (2) terms

Motion No. 3: Moved to adopt amendments to Proposed Local Law No. 5 of 2017 as presented.

Motion By: Legislator Rodriguez

Motion Seconded By: Legislator Loughran

Discussion:

Chairman Ronk stated that he felt the amendments made sense and supported the increase in matching funds for legislative candidates. He said he still had issues with the contribution limits for legislative candidates. Legislator Rodriguez stated that he supported the decrease because of the increase in matching funds.

Chairman Ronk had a large concern with the removal of portions of section 9 that he felt promoted due diligence on the part of the Commissioner of Finance. Legislator Donaldson stated that he would like to see the contribution limit for county wide office in section 4 reduced to \$2,500. He added that he and other legislators were already working on a previously introduced campaign finance law and took issue with the fact that this law was introduced without the input of those legislators despite having a conversation with the Executive about their interest in public financing. He added that the prior law put responsibility on a candidate for contributions which exceeded limits and addressed contributions from employees to eliminate pressure to donate to their employers.

Legislator Loughran commented that civil service employees do not have to contribute and are already protected. Chairman Roberts stated that the pressure to contribute primarily effected appointed employees such as Deputy County Executives and other management level employees.

Legislator Rodriguez stated that the elimination of portions of Section 9 was being proposed to protect funding which he felt would be the first thing to be eliminated during times of fiscal stress. Chairman Ronk responded that the current health of the county can be directly attributed to the current level of fiscal responsibility. He added that he takes issue with the idea of taxpayer funded elections in general.

Legislator Belfiglio stated his support for restoring subsections 2, 3 and 4 to Section 9 D. Legislator Rodriguez stated that the Local Law can be amended if it turns out the elimination of the subsections become a problem. He added that the law creates a Commission of Public Finance who will be able to advise the Legislature on the health of the fund.

Chairman Roberts asked Legislative Counsel if there was a trigger date for the Commissioner of Finance's decision regarding contributions to the fund. Counselor Pascale responded that there is no deadline built into the law for the Commissioner's decision. He added that he expected the Commissioner would make his determination within the established county budget timeline.

Chairman Roberts expressed his support for eliminating Legislators from eligibility for public financing altogether. Chairman Ronk advised the members that he does not support the law overall. He added that he takes issue with the argument that public financing promotes cleaner election and commented that some of the most corrupt campaigns in the entire state take place in New York City which has publicly financed elections.

Legislator R. Parete expressed his support for the concept of the law and stated that he felt money in elections was out of control. He suggested adding a provision requiring that any county matching funds must be spent in Ulster County on, for example, lawn signs or advertising.

The members discussed how the funds are divided up. Chairman Roberts asked when the money is allotted. Legislator R. Parete asked if an unopposed candidate can qualify for the money. According to the law they do not. Chairman Ronk took issue with that provision stating that any candidate could be challenged through a write in campaign.

Legislator Belfiglio expressed his concern with the amount of matching funds that would be necessary during years when county legislators run. He added that the expense to run increases every year. Chairman Roberts called the question on the amendments as presented.

Voting In Favor:	Legislators Donaldson, Loughran, R. Parete & Rodriguez
Voting Against:	Legislators Belfiglio, Roberts, Ronk
Votes in Favor:	4
Votes Against:	3
Disposition:	Amendments are ADOPTED

Motion No. 4: Moved TO AMEND Section 4 of Proposed Local Law No. 5 of 2017 to read as follows:

A.

(i) for the office of County Executive, County Clerk, District Attorney, County Sheriff, or County Comptroller shall exceed ~~four thousand (\$4,000.00) dollars~~ **two thousand five hundred dollars (\$2,500)** per election cycle, or

Motion By: Legislator Donaldson

Motion Seconded By: Legislator Rodriguez

Discussion:

Legislator Rodriguez informed the members that these limits were discussed at length by the subcommittee.

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

Voting Against: None

Votes in Favor: 7

Votes Against: 0

Disposition: Amendment is ADOPTED

Chairman Roberts made a motion to exempt County Legislators from the law.

Motion No. 5: Moved TO AMEND Section 10 of Proposed Local Law No. 5 of 2017 to read as follows:

A. Commission on Public Finance shall be established pursuant to this section. This Commission shall consist of ~~three~~ **five** members who are County residents ...

B.

(ii) Appointments to the Commission from the pool of interested parties gathered in this manner shall represent various geographic areas of the County and shall be made no later than December 1, 2017, with ~~one~~ **two** members appointed by the Legislature's majority leader and ~~one~~ **two** members by the Legislature's minority leader.

(iii) The County Executive shall, no later January 1, 2018, select a ~~third~~ **fifth** member for the Commission.

Motion By: Legislator Donaldson

Motion Seconded By: Legislator Rodriguez

Discussion:

Legislator Donaldson stated his concern with the process and stated that the commission should not have less than five members. The members discussed the makeup of the Commission.

Voting In Favor: Legislators Belfiglio, Donaldson, Loughran, R. Parete, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 7
Votes Against: 0
Disposition: **Amendment is ADOPTED**

Chairman Ronk advised the members that he does not support taxpayer funded political campaigns. He stated that he would support including an option on county tax bills to voluntarily contribute to publicly financed elections. Legislator Rodriguez stated that he disagreed and mentioned that there are other states that have public financing which has resulted in younger and more diverse candidates running for office. Chairman Roberts asked for statistics on diversity of candidates in states with public financing.

Motion No. 6: **Moved TO AMEND Proposed Local Law No. 5 of 2017 to strike all sections and references to public financing and/or matching funds**
Motion By: Legislator Belfiglio
Motion Seconded By: Legislator Roberts

Discussion:

Legislator Loughran commented that matching funds provide opportunities for individuals with limited disposable income to run for office. Legislator Donaldson agreed with Legislator Loughran that matching funds could encourage more people to run.

Legislator R. Parete stated that he would support moving the Local Law forward to a public hearing. The members discussed whether the law limits contributions from party committee and whether those contributions count towards matching funds.

Voting In Favor: Legislators Belfiglio & Roberts
Voting Against: Legislators Donaldson, Loughran, R. Parete, Rodriguez & Ronk
Votes in Favor: 2
Votes Against: 5
Disposition: **Amendment is DEFEATED**

Motion No. 7: **Moved TO POSTPONE Resolution No. 281**
Motion By: Legislator Belfiglio
Motion Seconded By: Legislator Donaldson

Discussion:

Legislator Donaldson stated that he was pleased with the amendments but felt the law should be reviewed further. He recognized that people wanted the law adopted by the end of the year, but was not comfortable with the law yet. The members discussed postponing the law versus voting on sending it to a public hearing before a new legislative body takes office in January.

Voting In Favor: Legislators Belfiglio, Donaldson, Roberts & Ronk
Voting Against: Legislators Loughran, R. Parete & Rodriguez
Votes in Favor: 4
Votes Against: 3
Disposition: **Resolution is POSTPONED**

Legislator Donaldson stated that he would like the full Laws & Rules Committee to meet to conduct a more comprehensive review of the law. Chairman Roberts asked if the League of Women Voters had any comments. Ms. Sellers stated that they were disappointed that the law was not moving forward.

Resolution No. 320: Adopting 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)

Resolution Summary: This resolution adopts Proposed Local Law No. 15 of 2017

Resolution No. 321: Adopting Proposed Local Law No. 16 Of 2016, (A Local Law Establishing A Comprehensive Ulster County Human Rights Law)

Resolution Summary: This resolution adopts Proposed Local Law No. 16 of 2017

Motion No. 8: **Moved TO POSTPONE Resolution Nos. 320 & 321**
Motion By: Legislator Rodriguez
Motion Seconded By: Legislator Ronk

Discussion:

Legislator Rodriguez stated that he would like to postpone the laws as a special committee has been assigned to deal with them. Chairman Ronk added that the first meeting of the task force has been scheduled for the next week. He added that there was one more opening for a representative from a religious organization and he would appreciate any suggestions from the members. He stated that he would like to appoint an Imam, or other representative of the Muslim faith.

Voting In Favor: Legislators Belfiglio, Donaldson, Loughran, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: **Resolution Nos. 320 & 321 are POSTPONED**

Resolution No. 381: Approving The Execution Of A Contract Amendment Causing The Aggregate Amendment Amount To Be In Excess Of \$50,000.00 Entered Into By The County – Dan’s Hauling & Demo, Inc. – County Attorney

Resolution Summary: This resolution approves a contract amendment with Dan’s Hauling & Demo, Inc. in the amount of \$5,000 to increase the not-to-exceed sum for demolition of structures located outside of the watershed purchased through the FEMA Hazard Mitigation Grant Program.

Motion No. 9: Moved to ADOPT Resolution No 381
Motion By: Legislator Ronk
Motion Seconded By: Legislator Rodriguez

Discussion: None

Voting In Favor: Legislators Belfiglio, Donaldson, Loughran, Roberts, Rodriguez & Ronk
Voting Against: None
Votes in Favor: 6
Votes Against: 0
Disposition: Resolution No. 381 is ADOPTED

Resolution No. 393 Setting A Public Hearing On Proposed Local Law No. 9 Of 2017, A Local Law Amending Local Law No. 5 Of 1991 (A Local Law Adopting A Hotel And Motel Room Occupancy Tax) To Update The Tax Law’s Application To Short-term And Vacation Rentals, To Be Held On Tuesday, November 14, 2017 At 7:15 PM

Resolution Summary: This resolution sets a Public Hearing on Tuesday, November 14, 2017 At 7:15 PM for the purpose of hearing public comment on Proposed Local Law No. 9 of 2017.

Motion No. 10: Moved Resolution No. 393 FOR DISCUSSION
Motion By: Legislator Belfiglio
Motion Seconded By: Legislator Donaldson

Discussion:

Legislator Belfiglio advised the members that he attended a seminar on Airbnbs at the recent NYSAC conference in Syracuse. He stated that representatives of Airbnb were there and reported that they had voluntary tax collection agreements with at least seventeen counties in New York. He informed the members that although he wanted the proceeds of the tax to go to the townships, the law only allows the occupancy tax to be used for tourism and promotion. The members discussed that the County Comptroller had previously introduced the law. Chairman Roberts stated that he would like more time to review the amendment.

Chairman Ronk asked Legislative Counsel to review the sample voluntary collection agreement and asked if there was anything in the law that was inconsistent with counsel’s prior opinion on the legality of the law. Counselor Pascale responded that the prior opinion of counsel held. He reminded the

members that the opinion of Legislative counsel as well as Minority Counsel was that the county only has the authority to collect tax from an establishment's operator, not a third party.

Legislator Donaldson stated that sometimes passing a local law can be an effective way to change state regulations. Legislator Belfiglio stated that the county law leaves the allocation of the tourism dollars collected from the occupancy tax up to the legislature. He commented that the Legislature could allocate the money to the promotion of individual towns as opposed to the county generally. He added that currently a few towns receive a disproportionate amount of promotion. Legislator Rodriguez asked Minority Counsel if he concurred with Legislative counsel. He responded that he did, but would like more time to consider the proposed amendment before issuing a formal opinion.

Chairman Ronk stated that the majority of Bed and Breakfast operators in the county were remitting the occupancy tax. Legislator Belfiglio disagreed.

Motion No. 11: Moved to POSTPONE Resolution No. 393

Motion By: Legislator Ronk

Motion Seconded By: Legislator Loughran

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

Voting Against: Legislators Belfiglio & Donaldson

Votes in Favor: 5

Votes Against: 2

Disposition: **Resolution is POSTPONED**

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

Adjournment

Motion Made By: Legislator R. Parete

Motion Seconded By: Legislator Roberts

No. of Votes in Favor: 7

No. of Votes Against: 0

TIME: 7:55 PM

Respectfully submitted: Jay Mahler, Deputy Clerk

Minutes Approved: November 13, 2017