

Meeting Minutes
Laws and Rules Committee
April 7, 2008

In attendance:

Committee members:

Gary Bischoff, Chair	Hector Rodriguez
Susan Cummings	James Maloney
Kevin Roberts	
Legislator Shapiro was excused	
Legislator Decker was not in attendance	

Also:

Tom Kadgen, League of Women Voters
Lorraine Rosenberg, member, Ethics Advisory Board, Lake Hill resident
Stanley Rosenberg, Lake Hill resident

Agenda:

Board of Elections
 – Voting Machine Purchase, 5% county match
Prospective Policy on Meeting Minutes
Late Resolutions
Ethics Law
Subcommittee on contractor licensing (status)

Chairman Bischoff called the meeting to order at 6:04 pm

Chairman Bischoff advised the committee that the \$1.2 million needed for the purchase of new voting systems requires a 5%, or \$63,450, match from the county and that the time to pay has arrived.

MOTION by Legislator Cummings, 2nd by Legislator Rodriguez: To approve Draft Resolution “Requesting Transfer of Funds from Contingent Account for Payment to the New York State Office of General Services – County’s Share of new Voting Machines – Amending the 2008 Ulster County Budget – Board of Elections as is.

Legislator Maolney asked if the \$63,450 match was an anticipated cost. The committee answered that it was.

Legislator Rodriguez asked what machines the Board of Elections Commissioners chose.

Chairman Bischoff answered that the Commissioners chose the Sequoia Optical Scan machine. He continued by explaining that the Board of Elections (BOE) lobbied to go directly to Plan A implementation in 2008 rather than wait until 2009 as required by the court.

Legislator Roberts asked if the \$63,450 would be passed along to the towns.

Chairman Bischoff responded that election costs are currently being passed on to the towns and that there already exists an agreement with the towns. He continued by saying that eventually funding elections will have to go the other way with the county assuming more, if not all, of the costs.

Legislator Maloney inquired about the 2006 increase in the BOE budget for space and two new staff members.

Chairman Bischoff explained that the towns were responsible for storing machines and finding and paying election inspectors and machine custodians until the operations of elections was centralized under the county boards through HAVA.

Legislator Maloney asked if the lever machines would be used in the future.

Chairman Bischoff replied that the lever machine will be used again this year, but that there will be one new optical scan machine available to voters with disabilities in each polling site. He briefly described the new machine and explained the requirement for “privacy booths” to allow voters anonymity while filing out his/ her ballot.

Legislator Cummings inquired as to the Board of Elections Commissioners’ reason for not appearing before the committee when the late resolution was being considered. She was concerned that committee members would not be prepared to answer questions about the resolution when was it is considered by the full Legislature. She asked if the resolution should be held.

Legislator Rodriguez replied that the new voting machines have already been ordered so the county has no choice but to pay the bill.

Legislator Cummings responded that she understood the machines were ordered in February and that she thought the bill had already been paid. She asked when the resolution would be considered.

Chairman Bischoff replied that it would be considered at the April 9th Legislative Session. He continued by saying that delivery of the new machines has not yet started and that he wasn’t sure when the bill had to be paid.

Legislator Cummings suggested that the committee have three questions answered by the Commissioners before the April 9th Session: What is the delivery status of the new machines? Why was the \$63,450 match not included in the BOE 2008 Budget? Can the county wait until May to pay the bill or is the payment due date mandated by the state?

MOTION PASSED UNANIMOUSLY

With the understanding that Board of Elections Commissioners would provide answers to the three questions posed by Legislator Cummings.

Chairman Bischoff moved on to Draft Resolution No. 128 proposed by Legislator Shapiro, “Supporting the US Department of State’s Position on Event in Tibet.”

Legislator Cummings informed the committee that this resolution was before the Arts and Education Committee and that it was moved and seconded, but was withdrawn.

The committee engaged in a discussion on the pros and cons of memorializing resolutions agreeing that they can increase and encourage public awareness of an issue but can be divisive and rarely effect change.

Legislator Roberts informed the committee that the resolution also came to the floor of the Environment Committee.

Legislator Maloney inquired as to why this resolution should appear before Laws and Rules.

Chairman Bischoff advised the committee that one of their new responsibilities is late resolutions.

MOTION by Legislator Bischoff, 2nd by Legislator Rodriguez: To approve Draft Resolution No. 128 “Supporting the US Department of State’s Position on Events in Tibet.”

MOTION FAILED 3-2

Legislator Cummings – Nay

Legislator Maloney – Nay

Legislator Roberts – Nay

Legislator Bischoff – Yea

Legislator Rodriguez – Yea

Chairman Bischoff moved on to a proposed policy on standardizing the meeting minute procedure to set a policy that will allow all Legislative Committee minutes to follow a uniform standard (see attached.) He explained that the proposal resulted from a concern expressed by the Jail Investigation Committee while tracing through meeting minutes. Primarily, motions were not detailed, votes were not recorded, and names of committee members and dates and times of meetings were not disclosed.

Legislator Maloney suggested that a requirement be added to the policy that any comment from a member of the public include his/her name and town, for example: Mary Smith of New Paltz.

The Committee engaged in a discussion regarding Legislators’ discretion over content, technologies and equipment necessary, procedures for “off the record” comments, who would be responsible for transcribing the recorded minutes. The committee also discussed the potential to stifle the creative processes and candid debates that occur in committee and could leave Legislators open for their comments to be taken out of context by media, etc.

Chairman Bischoff advised the committee that Town Clerks were wary of similar proposals and resulting lawsuits and that the New York State Association of Counties' (NYSAC) advise was to proceed with caution.

Tom Kadgen of the League of Women Voters and resident of West Shokan told the committee that the special committee recommended a standardization of meeting minutes during investigations of the County jail. He said that there are tapes that include conversations where the Chair asked that conversations not be included in the minutes and then discussed political fallout.

In response to a comment about lengthy speeches, Lorraine Rosenberg, of the Citizens Advisory Board to the Ethics Committee and resident of Lake Hill, commented that if an individual is planning on speaking for more than five minutes, he/she usually brings his/her comments in writing.

Stanley Rosenberg, resident of Lake Hill, told the committee that if there were a recorded transcript of the meeting the minutes would act as an index.

Legislator Maloney asked if any other Hudson Valley counties record meetings.

Legislator Rodriguez replied that he believed they do not in Dutchess or Orange, and had doubts about Sullivan.

Legislator Roberts offered his opinion that recording the minutes was not a bad idea, but that posting the recordings to the Internet would be too much. The committee agreed.

Chairman Bischoff asked the committee to review the draft policy and have questions and thoughts prepared for the May meeting.

Chairman Bischoff moved the meeting on to the Ulster County Ethics Law. He summarized the history of the legislation for the new committee members. He advised the committee that at the April Public Hearing there were comments about the \$50 maximum amount for an allowable gift.

MOTION by Legislator Cummings, 2nd by Legislator Bischoff: To amend "Section IV. Standard of Conduct, letter D.)" of the County Ethics Law to read "A County officer or employee ... any gift valued over seventy-five (\$75) dollars, nor shall he/she accept or"

MOTION PASSED UNANIMOUSLY

Chairman Bischoff continued by advising the committee that a number of complaints about Section IV. Standard of Conduct letter C.) regarding participation in town political committees were also received. He added that the smaller political parties, ie: Conservative, were especially concerned about this.

MOTION by Legislator Bischoff, 2nd by Legislator Roberts: To strike “City, Town or Village” from “Section IV. Standard of Conduct, letter C.)” and “Section IV. Standard of Conduct, letter C.) sub-paragraph 2.” of the County Ethics Law.

The committee engaged in a discussion on the pros and cons of including such a low level of party participation in the Ethics Law.

Lorraine Rosenberg, of the Citizens Advisory Board to the Ethics Committee and resident of Lake Hill, advised the committee that low level parties were included so that the ordinary citizen could feel like there isn't any collusion in government operations. She said that the entire point of the Ethics Law is to avoid the appearance of impropriety and so no one person or group holds too much power. She also added that the law doesn't say that individuals can't participate in a town committee but that he/she can't be an office holder.

The committee engaged in a discussion on whether an exception should be made for the position of Board of Elections Commissioner. The committee agreed that BOE Commissioner is, in fact, a political position and should be excluded.

MOTION PASSED UNANIMOUSLY

Chairman Bischoff asked if there were any other motions.

MOTION by Legislator Cummings, 2nd by Legislator Maloney: To amend “Section IV. Standard of Conduct, letter C.)” of the County Ethics Law to read “County elected and appointed officials. No elected ... County Committee, Commission or Board, with the exception of the Board of Elections ...”

MOTION PASSED UNANIMOUSLY

Lorraine Rosenberg, of the Citizens Advisory Board to the Ethics Committee and resident of Lake Hill, ask if the Ethics Law would hold after the County Executive was elected.

Chairman Bischoff replied that the County Executive would be subject to the ethics Law and would not be able to hold political office. He continued by saying that he would like to see the Ethics Law passed before the County Executive is elected. He asked the committee if there were any other motions on the Ethics Law.

MOTION by Legislator Rodriguez, 2nd by Legislator Maloney: To move the Ethics Law, as amended, forward and to ask the Clerk of the Legislature to set a date for Public Hearing.

MOTION PASSED UNANIMOUSLY

The meeting was adjourned by unanimous consent at 7:40pm