

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

DATE & TIME: March 9, 2023 – 6:00 PM
LOCATION: KL Binder Library, 6th Floor, County Office Building, Kingston
PRESIDING OFFICER: Chair Heppner
LEGISLATIVE STAFF: Jay Mahler, Deputy Clerk
PRESENT: Legislators Levine, Roberts & Ronk
ABSENT: Legislator Gavaris
QUORUM PRESENT: Yes

OTHER ATTENDEES: Legislators Erner, Hansut, and Litts, Minority Counsel Pascale
Legislative Counsel Gordon, and Deputy County Executive Kelly

Chair Heppner called the meeting to order at 6:02 PM

Motion No. 1: **Moved to Approve Minutes of the February 9, 2023 Meeting**

Motion By: Legislator Ronk
Motion Seconded By: Legislator Levine

Discussion: None

Voting In Favor: Legislators Heppner, Levine, Roberts & Ronk
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Minutes Approved**

Resolutions for the March 21, 2023 Session of the Legislature

Resolution No. 73: Establishing A Policy To Prohibit Certain Appointees Of Ulster County Elected Officials And Board Of Elections From Holding Any Elective Public Office Of Any City, Town or Village Within Ulster County

Resolution Summary: This resolution prohibits the following from holding any elective public office of any City, Town or Village within Ulster County: appointed members of the County Executive’s staff, including Deputy County Executives, Department Heads, and all other assistants, officers, and employees; the Commissioners of the Board of Elections and all employees of the Board of Elections; the Clerk of the Legislature and all employees of the Office of the Clerk of the Legislature, and any appointees of the Comptroller, County Clerk, District Attorney, and Sheriff. The elected offices of Town or Village Judge, and Fire, School and Library Districts are not included.

Motion No. 2: **Resolution No. 73 Moved for Discussion**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion:

Legislator Ronk advised the members that there were amendments to the previous version presented to them in the meeting materials. He explained that the positions the policy would apply to were further limited. He added that he was not aware of any objections from the County Executive or other elected officials. Chair Heppner stated that he also had heard no objections from the County Executive, Comptroller or Sheriff. He questioned why the County Clerk's Office was not included in the policy. Deputy County Executive stated that their office was also curious about the omission.

Legislator Ronk stated it was an oversight and he would add the County Clerk's Office to the policy. Chair Heppner commented that there were a few noes in his caucus, but the majority asked about the Clerk's Office.

Motion No. 3: **To amend the first RESOLVED to include “and the following appointed members of the Ulster County Clerk’s staff: Deputy Clerks”**

Motion By: Legislator Ronk

Motion Seconded By: Legislator Roberts

Discussion: None

Voting In Favor: Legislators Heppner, Levine, Roberts & Ronk

Voting Against: None

Votes in Favor: 4

Votes Against: 0

Disposition: **Amendment Adopted**

Discussion:

Legislator Levine questioned whether provisions of state law already prohibited employees of Boards of Elections from holding elective office. Legislator Ronk stated there were no such prohibitions and added that a previous Democratic Deputy Commissioner was also a Town Council member in Rosendale. Minority Counsel Pascale was asked to confirm that the policy did not conflict with any state laws. Counselor Pascale responded that it did not.

Legislator Levine asked if co-sponsor Maloney was supportive of the changes. Legislator Ronk stated that Legislator Maloney preferred the prior version but would consent to the changes. Legislator Erner asked if serving as a committee member would be in conflict with the policy. Legislator Ronk explained that the policy was limited to elective public office of any city, town or village, therefore excluding committee people. Legislative Counsel Gordon asked about the enforcement mechanism. Counselor Pascale responded that there was no provision for vacating the public office, but the count position would be in jeopardy at the discretion of the department head. Deputy County Executive Kelly stated that their office would either not hire someone or approve the hiring of someone who holds public office, or would expect a resignation of a current employee who becomes elected to a public office. He added that he couldn't speak for other county elected officials. The members briefly discussed whether there was any benefit to putting enforcement mechanisms in writing.

Legislator Erner asked what would happen to employees currently in violation of the policy. Legislator Ronk confirmed that no current employee was in violation of the policy. Legislator Levine stated that there was discussion about limiting the policy to only those appearing in a line of succession and questioned the inclusion of the position of assistant deputy county executive. Legislator Ronk responded that he wanted

that position included. Chair Heppner recalled the conversations surrounding the position and stated that he considered it a matter of parity.

Chair Heppner asked if there was any further discussion and hearing none called for a vote in favor of the Resolution as amended.

Voting In Favor: Legislators Heppner, Levine, Roberts & Ronk
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution Adopted As Amended**

Resolution No. 115: Approving The Execution Of A Contract Amendment For \$50,000.00 Entered Into By The County – Cook, Kurtz & Murphy, P.C. – Ulster County Attorney

Resolution Summary: This Resolution approves the execution of a contract amendment with Cook, Kurtz & Murphy, P.C. in the amount of \$50,000 to increase funding for general legal services through December 31, 2023.

Motion No. 4: **Resolution No. 115 Moved for Discussion**
Motion By: Legislator Ronk
Motion Seconded By: Legislator Roberts

Discussion:

Chair Heppner explained that the firm was essentially on retainer for the county. Deputy County Executive Kelly added that they do litigation, and work related to sexual assault or sexual abuse claims against the county going back to the 50s and 60s. Legislator Ronk added that this was the firm that represented him when he was Chair of the Legislature and was sued by other members of the Legislators, namely John Parete and Dave Donaldson.

Chair Heppner asked if there was any discussion and hearing none called for a vote in favor of the Resolution.

Voting In Favor: Legislators Heppner, Levine, Roberts & Ronk
Voting Against: None
Votes in Favor: 4
Votes Against: 0
Disposition: **Resolution Adopted**

Chairman Heppner advised the members of resolutions listed on the agenda under Forthcoming Resolutions/Local Laws that were not advanced out of other committees this month. Legislator Ronk asked if Resolution No. 8 (Establishing A Policy Requiring Disclosure Of The Names Of Individuals Holding Ownership Interest In Entities Doing Business With Ulster County) would be before the Laws, Rules and Government Services Committee. He was advised that the policy is only under consideration in the Ways and Means Committee.

Chair Heppner advised the members that there were invitations to voting system demonstrations extended by the Board of Elections.

He also advised the members that Legislative Counsel was in receipt of an advisory opinion from the Board of Ethics in response to the Legislature query on participation by members who are landlords or tenants on the Good Cause Eviction legislation. He stated that the courts have made it pretty clear that action on the subject will have to be taken at the state level. He added that he found the opinion confusing and advised the members that the closing paragraph suggests the Legislature revisit the Ethics and Disclosure Law. Legislator Ronk said the opinion was astonishing and seemed to imply that the Legislators shouldn't be voting on anything. Chair Heppner added that it implied they also should not be voting on the budget. The members briefly discussed the makeup of the board and the appointing authorities. Chair Heppner encouraged the members to read the opinion. He added that he would ask Legislative Counsel and Minority Counsel to review the opinion and make recommendations on possible amendments to the Ethics Law to provide clearer language, especially regarding laws of general applicability.

Chair Heppner asked if there was further discussion, old or new business, and hearing none;

Adjournment

Motion Made By: Legislator Ronk
Motion Seconded By: Legislator Levine

No. of Votes in Favor: 4
No. of Votes Against: 0

TIME: 6:26 PM

Respectfully submitted: Deputy Clerk Mahler
Minutes Approved: April 11, 2023

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ULSTER COUNTY BOARD OF ETHICS

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Robert Nuzzo
Deborah Schneer



February 23, 2023

Christopher P. Ragucci, Esq.
Legislative Counsel
Ulster County Legislature
(Via Email raguccilaw@gmail.com)

Re: Request for Advisory Opinion

Dear Mr. Ragucci:

The question presented to the Ulster County Board of Ethics was “may a Legislator who owns or rents a ‘housing accommodation’ within Ulster County that would be subject to the proposed Good Cause Eviction legislation, participate in debate and vote upon said measure without contravening the Ulster County’s Ethics Law, as amended in 2022?”

Under the plain language of the law, it appears that the proposed Good Cause Eviction Law may cause, at minimum, an indirect pecuniary or material benefit to any legislator who owns or rents a “housing accommodation” as defined in the proposed law. Accordingly, any legislator who owns or rents a housing accommodation and acts upon the proposed law would be contravening the Ethics Law as written.

However, the Board believes that this raises a concern regarding the Ethics Law’s impact on the Legislature’s ability to debate this and other important matters. For example, as written the law could theoretically hamper the Legislature’s ability to vote on tax matters or business regulation matters, as those issues could have a conceivable indirect pecuniary or material benefit to all members of the Legislature. The Legislature may want to reconsider the Ethics Law’s impact on debate over matters that may merely “indirectly” benefit its members.

Sincerely,

Robert Nuzzo, Temporary Chair
Ulster County Board of Ethics