

RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
(REMOTELY)
WEDNESDAY, JANUARY 20, 2021
3:30 P.M.

PRESENT: Thomas J. Faggione, Chairman
Michael Amo, Katie Bonelli, Barry J. Cheney, Kevin W. Hines, James M. Kulisek,
Michael D. Paduch, John S. Vero

ALSO

PRESENT: L. Stephen Brescia, Chairman
Leigh J. Benton, Legislator
Kevindaryán Luján, Legislator
James J. Minuta, Legislator
James D. O'Donnell, Legislator
Paul Ruskiewicz, Legislator
Rob Sassi, Legislator
Kathy Stegenga, Legislator
Janet Sutherland, Legislator
Laurie R. Tautel, Legislator
Peter V. Tuohy, Legislator
Harold J. Porr, III, Deputy County Executive
Dan Bloomer, Director, Operations and Cost Control
Langdon Chapman, County Attorney
Kerry Gallagher, Deputy Commissioner, Department of Finance
Deanna Crawford, Budget Analyst
Betsy Abraham, Attorney
Jonathan Drapkin, President & CEO, Mid-Hudson Pattern for Progress, Inc.
Joshua Weiss, Ph.D., President, Negotiation Works, Inc.

Mr. Faggione opened the meeting at 3:30 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

Mr. Faggione quoted the following from President Abraham Lincoln's March 4, 1861 inaugural address: "...We are not enemies, but friends. We must not be enemies. Though passion may have strained it must not break our bonds of affection..."

Mr. Kulisek moved resolution recognizing February as "Black History Awareness Month," seconded by Ms. Bonelli.

Motion carried. All in favor.

Mr. Kulisek moved request confirmation of reappointments to the Orange County Planning Board (C. Best, E. McClung, M. Sweeton, S. Turner), seconded by Mr. Cheney.

Motion carried. All in favor.

Ms. Bonelli moved request confirmation of reappointments to the Orange County Board of Ethics (R. Golden, P. Johnson), seconded by Mr. Hines.

Motion carried. All in favor.

Mr. Porr commented that current chairwoman Gail Sicina will be stepping down from her position and she is appointed by the Ethics Board itself. They have met and determined a new member that he will be bringing forward at next month's meeting. He thanked Ms. Sicina for her outstanding work over the years.

Mr. Faggione moved request authorizing the County Executive of Orange County to sign the renewal sales tax agreement with the Cities of Newburgh, Middletown, and Port Jervis, seconded by Mr. Paduch.

Ms. Gallagher explained that it is a two-year agreement from March 1, 2021 to February 28, 2023 and has been signed by the appropriate parties in those cities.

Mr. Kulisek asked if this includes the towns and villages. Ms. Gallagher replied no, it is only for the three cities portion.

Mr. Cheney asked if there were any changes to the agreement. Ms. Gallagher replied no.

Mr. O'Donnell requested the percentage of lost sales tax to the cities as compared percentage of lost sales tax to the towns and villages at next month's meeting. There is a difference in the percentages of sales tax that goes to the cities compared to the towns and villages.

Chairman Brescia replied that it should be commensurate with the sales tax agreement with the cities receiving approximately \$2.00 for every dollar that the villages and towns receive which he finds completely unfair.

Mr. Faggione asked if that information could be provided for the Ways and Means committee on Tuesday. Ms. Gallagher replied yes.

Motion carried. All in favor.

On the agenda was an update on the Diversity Intervention Initiative and the introduction of Jonathan Drapkin, President & CEO, Mid-Hudson Pattern for Progress, Inc. and Joshua Weiss, Ph.d., President, Negotiation Works, Inc.

Mr. Amo introduced Messrs. Drapkin and Weiss to the committee. He explained that as part of the initiative the consultants would report to the Rules, Enactments and Intergovernmental Relations committee on a regular basis. Since the contract has been signed, they requested that the

consultants come before the committee and explain their perception of the project and how they see it being laid out. One purpose is to ensure they all understand what the objective is and what the outcomes are likely to be with the Rules, Enactments and Intergovernmental Relations committee included in their discussion. The steering committee was appointed by Chairman Brescia and includes the party leaders. They have met with the consultants and discussed where they are going and to provide guidance.

Mr. Drapkin stated that they are excited to try and help the legislature with this initiative. It's important for them to introduce themselves and to explain the process to the Rules, Enactments and Intergovernmental Relations committee. He and Mr. Weiss have talked a great deal about managing expectations and it's very important for the committee and the consultants to have a clear understanding from the beginning that they will not solve decades old disputes in the course of this contract. Their goal is to try and leave the legislature with a process for addressing conflicts that may occur in the areas of diversity and intervention. However, to be clear, it is the process, participation and the selection of projects that will help them achieve the best possible outcome in the duration of this contract.

Mr. Weiss added that when they responded to the RFP, he suggested to Mr. Drapkin a common conflict resolution approach while also trying to build relationships between different communities. They have requested conflicts from legislators that may already exist and are somewhat limited in scope and could be addressed by this process. This would allow them to tackle specific practical conflicts that are impacting different communities and teach the participants how to handle these types of conflicts without constantly going down the road of litigation. The idea is to create a replicable model that could be used at the local level across the county. These lawsuits cost a great deal of time and money and fractures communities but if they can get people to work together practically and tangibly, they could have success. They received several different projects; however, they do not have a lot of information about them. He and Mr. Drapkin will be speaking to the individuals that have brought something forward in order to understand them in better detail and to determine which projects would be best to start with. He views this as a beginning phase because if a few projects are chosen and some are not it would not be to the exclusion of those projects. They are starting with projects that they feel are manageable and could have positive results in order to show people that they can resolve these practical conflicts.

Mr. Amo emphasized that the establishment of the model is critical, they are not just plugged into one community and/or one particular problem but a way to talk through solutions as opposed to litigation and animosity. They have had successful experiences in the past and this is another opportunity for them to build on. Chairman Brescia asked that legislators submit suggestions for potential projects that have attainable conflicts and they received six or seven suggestions. The consultants will now go through those suggestions and then go back to the steering committee who will vet them and then recommend which ones to move forward. As the consultant's go through the process and receive information from constituents and groups, they should share that information with the steering committee so they can modify the process and build on it and learn on each step along the way. This way by the end of the contract they will have a product that is both doable and reasonable.

Mr. Hines asked for a brief description of the projects submitted and the selection process for the project(s) and would this committee have any input or would it only be done through the steering committee. Mr. Drapkin replied that suggested projects ranged from land use issues,

infrastructure and issues of race and religion; however, they must flush out which are actually doable during the course of this contract.

Mr. Amo clarified that the steering committee is an offshoot of the Rules, Enactments and Intergovernmental Relations committee and they can tell them if there is something they want done differently. They thought it would save time and energy if they were the workgroup and reported back to this committee. However, if someone has a different idea that would be fine.

Mr. Faggione asked for the members of the steering committee. Mr. Amo replied himself, Chairman Brescia, Majority Leader Bonelli and Minority Leader Paduch with Chairman Brescia requesting he be the driver in order to keep it moving; however, if someone has a better way let them know.

Mr. Paduch commented that when they met with the consultants, they discussed some of the issues that were presented in the proposals. He was reassured when he heard that they would be discussing this with the individuals who submitted the proposals; however, how will the Human Rights Commission be involved. Mr. Drapkin replied that at the request of the Legislature it was too soon for them to incorporate any particular agency of county government nor would they have the authority to do so. As they get closer to leaving them with a process it will come down to the issue because if it's a diversity issue it could fit better with the Human Rights Commission but if it's a land dispute issue it could fit better with the Planning Department. However, at this stage they are not committing to any particular county employee and/or department as it is too soon.

Mr. Weiss added that as part of this process they will be happy to work with those departments and/or persons with respect to training and/or any way they can assist in that transfer of process.

Mr. Kulisek commented that he has not heard what they will actually be addressing but throughout the Hudson Valley they are still seeing racial strife and the discrimination of brown and black individuals of which there are many more incidences of that than land disputes. It would be a better directive to put their efforts toward racial diversity and bias toward religion in Orange County as opposed to land. Being from the city of Newburgh, he grew up with people of all nationalities and it's disgraceful that in 2021 they are still hearing derogatory comments being made toward people of color.

Mr. Amo agreed with Mr. Kulisek and he cannot imagine that anyone would disagree with the enormity of that problem. He added that with Minority Leader Paduch on the steering committee that message is being heard regularly and they are not ignoring it but trying to create a success story. He hopes that after this is put together that this model would be used for years and address all those types of problems.

Mr. Vero commented that land disputes are a big issue in Orange County and have been going on for decades specifically in Monroe, South Blooming Grove and Chester and is tied to a religious sect. In his opinion, it's imperative that they include land disputes.

Mr. Weiss commented on racial conflicts and where he lives, they have a similar issue and with a contract of this scope they need to see where they can make a difference. There are various ways to approach racial conflicts and conflicts around religious values. When he started

dealing with conflicts it was in the former Yugoslavia after the war and part of his job was to try and mend these communities back together. They started by getting them to rebuild telephone wires, fix water piping between communities and other things along those lines and they did that because they knew that they were not open to anything else as the wounds were raw, so they started practically and tangibly and as they worked together on these projects they began to see the other differently. Part of the philosophy behind this is getting the people in these communities to work together so they begin to see a solution. It is not just the outcome and the particular issue but that philosophical way of trying to get people to engage with each other when they are not interacting. He and Mr. Drapkin cannot do something about the vast racial conflict that covers Orange County. However, the idea behind this is to create a model that demonstrates that people can engage so the next time a conflict arises they won't immediately rush to a lawsuit but try to talk it through. Their hope is that this model will be replicated across the county.

Mr. Faggione emphasized that they have the strength of the steering committee and party leaders, in his opinion, a great deal of this dialog should be funneled through them.

Ms. Bonelli thanked Mr. Weiss for clarifying their goals and what they are trying to achieve. She reminded the committee that all twenty-one legislators had the opportunity to submit an idea, project, issue and/or concept and they received some input from six or seven legislators and that is what they are focusing on. The steering committee is not going out and searching for ideas, projects, issues and/or concepts they asked for inclusion by all twenty-one legislators and to provide input so that they can craft something that is keeping with what Mr. Weiss has stated with the main goal being to come up with a project that has a likely positive outcome. These ideas, projects and/or concepts will go through a vetting process with the consultants and they will make recommendations after they have spoken to the legislators who submitted an idea, project, issue and/or concept to determine what they can work with.

Mr. Paduch moved resolution requesting the New York State Commissioner of Health to adjust the Medicaid transportation reimbursement fee schedule for Orange County, seconded by Mr. Kulisek.

Mr. Amo explained that in 2019, a similar resolution was presented to the state asking that they consider the increase; however, no action was taken. In the past, counties ran the medical transportation program; however, the state decided to take it over and have been managing it since with counties having no input. It is unfair for Orange County to get so little in reimbursement when surrounding counties receive significantly more.

Mr. Faggione asked for clarification that this passed unanimously at the Human Services and Health and Mental Health committee meetings. Mr. Amo replied yes.

Motion carried. All in favor.

Mr. Amo moved discussion on the Legislative Manual – Section III.A.16. voting, seconded By Ms. Bonelli.

Mr. Chapman explained that the Legislative Manual reads: "Every Legislator present when a question is stated from the Chair shall vote thereon, unless excused by the Chair or unless he be directly interested in the question. Unless a Legislator expresses his vote in the negative, the same will be recorded in the affirmative." So, a legislator either votes no or they are excused because they have a reason and they directly interested in the question or its recorded in the affirmative. With respect to abstaining if someone has a direct interest in the question, they can be excused by the chair which would be an abstention otherwise they vote no and if they do not state that negative vote it will be recorded in the affirmative.

Mr. Amo asked if someone must ask permission of the Chair to abstain. Mr. Chapman replied that the Legislative Manual states: "unless excused by the Chair or unless he be directly interested in the question." Mr. Chapman stated that even if the Chair does not excuse the individual, they could state why they are directly interested in the question and therefore abstain.

Mr. Faggione asked if they would be required to specify the reason for the abstention or can they state that they have an interest and cannot vote. Mr. Chapman replied that they need to explain why they are directly interested.

Mr. Hines asked if someone could abstain due to not having sufficient information to make a decision. Mr. Chapman replied no, based on the Legislative Manual.

Mr. Amo asked if the Legislative Manual should be amended to make this clearer and/or is this based on interpretation. Mr. Chapman replied that if someone is directly interested, they have a duty to abstain and they should tell their constituents why they are abstaining.

Chairman Brescia stated that going forward he will be doing his due diligence and asking for the reason for the abstention. He agrees that they are doing a disservice to their constituents when they abstain for little and/or no reason.

Mr. Faggione asked for clarification that an abstention is considered a yes vote and goes toward the number needed to pass legislation based on Mr. Chapman's early description. Mr. Chapman replied yes, unless it's a valid abstention that was explained and excused by the Chair.

Mr. Paduch expressed his concern because legislators have abstained on numerous occasions and on numerous issues during his 23 years as a legislator without commenting on their direct interest. He has no issue with fixing it; however, it seems strange that all of a sudden this has become an issue. He's glad it is being addressed and that they understand that if they have a direct interest. He explained that when he abstained on the vote for the 2021 Legislative Chairman he did so because he has talked with Chairman Brescia on multiple occasions about discussing things with him as a party leader; however, that has not been worked out and is why he abstained from the vote but is that a reason to abstain based on the information given today. His abstention was to convey the message that he needs to do a better job with working in conjunction with him as the Minority Leader.

Ms. Tautel asked how on different boards and through various classes the voting process states that if you abstain you are formally declining to vote either for and/or against a proposal and/or motion and was that not addressed in their Legislative Manual. Mr. Chapman replied that he can only state what it says which is: "Every Legislator present when a question is stated from

the Chair shall vote thereon, unless excused by the Chair or unless he be directly interested in the question. Unless a Legislator expresses his vote in the negative, the same will be recorded in the affirmative." He understands that is a common interpretation; however, their Legislative Manual states otherwise.

Mr. Kulisek moved discussion on Party Leadership seconded by Ms. Bonelli.

Mr. Chapman stated that as the Orange County local law is written and the Charter and Administrative Code having a specific definition of party which is: "The term "party" means any political organization which at the last preceding election for governor polled at least fifty thousand votes for its candidate for governor." The question is because the New York State Legislature changed it, do they automatically have to change that as well or would it automatically change. In his opinion, he does not think it does because they have chosen to provide a specific definition in the Charter and Administrative Code of fifty thousand votes or more based on the last gubernatorial election and it does not say as amended from time to time by the New York State Legislature just simply fifty thousand votes or more based on the last gubernatorial election. In his opinion, Mr. Amo is still a "party leader" for the balance of this year.

Mr. Paduch commented that he was okay with Mr. Chapman's explanation for this year, but could it be different after the next election. Mr. Chapman replied yes, under the present circumstances the Independence Party will not be on the ballot and Mr. Amo cannot run as a member of the Independence Party in the November election. He could be elected under another party and if he is the sole member, he would be the leader of that party; however, it must be a recognized political party.

Ms. Stegenga asked if these changes would take place after Mr. Amo's term has ended. Mr. Chapman replied that the Charter and Administrative Code is defined by stating that fifty thousand votes or more based on the last gubernatorial election; however, it does not state unless the New York State Legislature changes the definition of party.

Mr. Kulisek moved Local Law amending the Laws of Orange County by adding a new Chapter 685, entitled, "Third Party Food-Delivery Service," seconded by Ms. Bonelli.

Mr. Chapman explained that this is modeled after Westchester County with various counties across the state dealing with the same issue. The head of the restaurant and tavern association approached County Executive Neuhaus and explained that many small restaurants are being hit with large fees by third-party platforms and they are looking to cap these fees during states of emergencies. These third-party platforms recommend customers to restaurants in the area and then charge fees for delivery and other things. This would establish a cap fee for delivery of 15% and a cap of 5% for any other service that the third-party platform offers.

Mr. Faggione asked for clarification that if passed this local law would be the laws for Orange County and not just to be used during a state of emergency. Mr. Chapman replied that it would only be used in a state of emergency and 90 days thereafter. In his opinion, this could be a state legislative issue which is why there is a reverse preemption clause in the local law. That would mean that if the state legislature takes this over, their local law would go away.

Mr. Kulisek asked if this would be a price gauging restriction and/or would it restrict, lower or eliminate delivery charges. Mr. Chapman replied that the fee would be capped at the value of the purchase price as described in Section Two (1); Fee limits during declared emergencies in the proposed local law.

Mr. Paduch asked about enforcement measures. Mr. Chapman replied that the business would be required to enforce it with the third-party platform as they will know if they are being charged inappropriately.

Ms. Stegenga asked if this would be a deterrent to restaurants if they do not have a minimum charge for delivery. Mr. Chapman replied no, it applies to third-party platforms such as grub hub.

Mr. Faggione commented that this local law will protect both customers and the small restaurateur.

Motion carried. All in favor.

Mr. Hines moved appointment of Legislative Counsel, seconded by Mr. Cheney.

Chairman Brescia commented that Ms. Abraham was interviewed on three separate occasions with leadership and a few legislators included in those interviews and he has the utmost confidence that Ms. Abraham will do an outstanding job. He knows that Mr. Paduch was concerned with Ms. Abraham's lack of municipal experience; however, the suggested standards under the job classification states: a. seven years of experience in the practice of general municipal law or b. ten years of experience in the general practice of law. While Ms. Abraham does not have the municipal law experience, she does have over 10 years of experience in general practice of law. He went on to read excerpts from letters of support. He did not want to hire a firm that would not be fully committed to the office and Ms. Abraham has assured him that she will be fully committed, and he firmly believes she will fit well with the Legislative office. He understands that there are municipal attorneys out there with more municipal experience; however, with Ms. Abraham's research capabilities and accolades she will be a perfect fit for the legislative office. Ms. Abraham has read both the Legislative Manual and Charter and Administrative Code and has researched the SEQRA process. In addition, Ms. Abraham will not only serve at the pleasure of the Chairman but the legislature as a whole.

Mr. Paduch commented that as a member of leadership he sat on one of the interviews for Ms. Abraham but apparently others were held. She seems very personable and a generally nice person; however, after reviewing her resume and reading the requirements outlined in the Charter and Administrative Code which states: "be the sole legal advisor and representative of the County Legislature." He became concerned after reading the position requirements which states: "thorough knowledge of General Municipal Law and its principal and practice, thorough knowledge of federal, state and local statutes, thorough knowledge of county laws, Charter and Administrative Code, thorough knowledge of the organizational operation of county government and a good knowledge of state and federal laws. Ms. Abraham's experience is as an associate attorney in personal injury law, not general municipal law. During the interview he participated in he asked Ms. Abraham about her knowledge of general municipal law for which she stated that she does not

have much municipal law background. He also asked her about her experience with budgets for which she stated that she has not dealt with budgets which should be a concern for all of them. He then asked about her knowledge of the SEQRA process and redistricting which they will be facing this year and something that was not in her background. He expressed his concerns with having a legislative counsel that would rely on and be influenced by the county attorney's office and the fact that she has no knowledge of their history as a legislature including past concerns and issues they have faced. He spoke with Steve Gross, Commissioner of Human Resources who stated that the job posting was taken down after a few days at the request of Chairman Brescia. He suggested tabling the appointment and post the position for two weeks and/or until they receive at least two prospective attorneys who are interested in the position and have seven years of experience in the practice of general municipal law or ten years of experience in general practice of law. In addition, the proposed salary of \$115,000.00 is too high, former Legislative Counsel Reed started with \$84,000.00 in 2003 and worked sixteen years before reaching her final salary of \$120,000.00 in 2019.

Mr. Paduch motioned to table the appointment of Legislative Counsel for one month, seconded by Mr. Kulisek.

Mr. Hines stated that he was against tabling the appointment. He had the opportunity to discuss several issues with Ms. Abraham including the ones raised by Mr. Paduch. In his opinion, she is more than qualified to handle the position as a fifteen-year practicing attorney. He also believes the final salary for former Legislative Counsel Reed was \$132,000.00. While the Orange County Charter and Administrative Code does state that the sole counsel would be the legislative counsel it does allow for assistants. They have hired outside counsel such as the annexation issue which was not within the wheelhouse of the former Legislative Counsel. There is not an attorney alive that knows the answer to every question and legal research must be done and based on one of the letters read by Chairman Brescia she has fantastic research and writing skills, which is what we do. During his discussion with Ms. Abraham, he advised her that there would be occasions when she will have to jump in and tell them that they are wrong and things of that nature. Based on his discussion with colleagues and one of the references he checked she has legal acumen and comes from conducting research and her starting salary is not at the top of the range and in his opinion, she will do a fantastic job. In addition, the County Attorney has his own issues to deal with and the sooner they get her up to speed the better. He never asked former Legislative Counsel Reed any question pertaining to budgeting with the exception of timeframes and deadlines and they should all know those timeframes and deadlines and he does not see that as an issue. There is no reason to delay this nomination and he wholeheartedly supports it.

Ms. Bonelli commented that she had the opportunity to participate in two of Ms. Abrahams interviews and she had severe reservations after seeing she did not have municipal experience. However, she is looking at an individual with fifteen years of litigation experience. She was pleasantly surprised to hear that Ms. Abraham had already watched several legislative meetings and had looked at the Legislative Manual and by the second interview she had begun looking at other things and this was before she was offered the position. She agrees with Mr. Hines' comments and her litigation experience far out ways her lack of municipal experience. She is an individual that is not unfamiliar with doing research, digging in her heels to get the job done and is not afraid to say that she will research something as she knows how to go to the right place in order to get the answer. She questioned her with regard to working with other departments. They interview a lot of people and many of the young attorneys still wanted to be in the courtroom and many that thought

this position was different than it actually is as it is a unique position. Ms. Abraham was very enthusiastic and up to the challenge and after speaking to her and questioning her on how she would approach the position she believes she will be a wonderful fit for the office. One of her priorities was that she not only have legal experience and the wherewithal to assist them but to realize that she will be a member of a team and our office staff is a well-oiled machine and they are missing a key component right now and something she was looking for in the previous interviews. Chairman Brescia vetted various other people with the help of previous Legislative Counsel Antoinette Reed and in her opinion, this is the first person that came to them that will fit the bill and she wholeheartedly supports moving this forward today.

Mr. Amo commented that he would vote against tabling and it should be brought to a vote today as he would support it if it does. During his time as a legislator, he has been through two County Attorneys and as much as he liked the previous Legislative Counsel there were occasions when he would have liked her to do things differently, but he never had a say. They have commissioners and department heads who can help guide her as she reaches out for information but more importantly, she has twenty-one legislators who can tell her how to behave as their legislative counsel. He has every indication that she will absorb their concerns and show them quickly that she is up to the challenge.

Mr. Paduch clarified that it took the former Legislative Counsel sixteen years to get to \$120,000.00 in 2019, and yes, she was earning \$132,000.00 when she retired; however, that was due to salary cap increases and other increases. As a member of leadership, it would have been nice to be included in those interviews which could have resulted in a different opinion; however, he was only invited to one meeting and while he did ask questions, he did not get the answers he needed. He asked that Ms. Abraham not take this personally as he's sure she has the support of the Republican Caucus and Independence Party Caucus. Molded and guided into the position; however, he does not see it that way because he sees it as coming into a position with the knowledge to help them. As the minority leader and a part of leadership he should have been included in all the interviews not just one for Ms. Abraham. His motion to table is so that the position could be posted for more than three days and to see if anyone applies with municipal experience. He knows the motion to table for one month will be defeated but he will tell it like it is in order to represent the democratic caucus.

On roll call, the motion to table was defeated by the following vote:

Motion defeated 2-6 with Legislators
Kulisek and Paduch voting in favor and
Legislators Amo, Bonelli, Cheney, Faggione,
Hines and Vero voting against.

Mr. Paduch asked that Ms. Abraham not take his comments personally, but he has a responsibility to the 19,000 people in his district and as the minority leader it is sometimes difficult to get the information he needs. He looks forward to working with Ms. Abraham once she is confirmed and he is optimistic that it will work out well for all of them.

Mr. Kulisek commented that he will be voting to move this to the full legislative meeting; however, that is not guarantee on how he will vote then.

Mr. Amo commented that he was also only given one opportunity to interview Ms. Abraham and he is ready to support her appointment.

Chairman Brescia commented that no one attorney is versed in all forms of law including the duties of the legislative office. He initially screened applicants and then brought them to leadership and a few statutory chairs with everyone but Mr. Paduch being comfortable with the recommendation and as chairman he has the right to screen the applicants. He would strongly encourage any questions be addressed at the Personnel and Compensation committee meeting.

Mr. Paduch stated that he understands this an appointment by the Chair of the Legislature, but he is doing his due diligence as minority leader. He reiterated that he was only invited to one interview, yet Chairman Brescia has indicated that he met with leadership a couple of times, but he was only invited once to interview Ms. Abraham. As minority leader he needs to be more involved as his vote is as important as anyone's and to the people he represents.

Mr. Paduch requested that once confirmed Ms. Abraham meet with the Democratic Caucus.

On roll call, the motion on the appointment of Legislative Counsel passed by the following vote:

Motion carried 8-0 with Legislators
Amo, Bonelli, Cheney, Faggione,
Hines, Kulisek, Paduch and Vero
voting in favor.

Mr. Amo moved resolution of the Orange
County Legislature calling for Peace and
Unity, seconded by Ms. Bonelli.

Mr. O'Donnell asked that the fifth WHEREAS of the resolution be modified to "President Biden" and remove the word "elect" and in the last RESOLVED and the name of the Minority Leader of the New York State be corrected to Robert G. Ort in the resolution.

Mr. Faggione stated that with no objection the resolution will be modified and discussed.

Mr. O'Donnell stated that as they start a new era in their democracy this resolution is very fitting, he then went on to read the proposed resolution (see original minutes).

Mr. Faggione thanked Mr. O'Donnell for the work he did in composing this resolution and bringing it to him weeks ago when circumstances presented themselves.

Mr. Paduch expressed his displeasure that ten days ago he sent Mr. Faggione a request to have a resolution addressed at this meeting condemning the actions of the president and his enablers for inciting the insurrection at our nation's capitol. He responded the next day that he would discuss it with the Republican Caucus and advise accordingly. After not hearing back he submitted the resolution to the Clerk of the Legislature for review and distribution to the appropriate individuals. When he finally heard back from Mr. Faggione, he was told that it would be a moot point

as the new president would be sworn into office by the time of the meeting and it would not be added to the Rules, Enactments and Intergovernmental Relations committee meeting agenda. He followed all proper protocol to have a resolution added to the agenda only to have it denied. County Executive Neuhaus agreed with Congressman Maloney and others that President Trump should resign and make this statement without reserve; however, they as the legislature have never made the same condemnation of the president and have taken no stand. He finds this unbelievable and would suggest that the majority party is attempting to promote healing and unity without passing through on accountability and consequences. They should have addressed the accountability and consequences before trying to promote healing and unity which is the theme of our newly elected democratic president and party. He had hoped to say that before supporting the proposed resolution.

Motion carried. All in favor.

Mr. Kulisek suggested that all committee members sponsor the resolution.

Mr. Faggione agreed with Mr. Kulisek and all members of the committee agreed to be added as sponsors.

Mr. Paduch moved resolution of the Orange County Legislature supporting local community efforts of the "Black Lives Matter" movement to end social injustices, seconded by Mr. Kulisek.

Ms. Tautel addressed the committee and read the proposed resolution which was also sponsored by Mr. Luján (see original minutes). The Democratic Caucus is asking that the committee support this resolution and move it to the full legislature. They need to do more as representatives for Orange County and that they do not just honor the history but that they also recognize the present trials still being faced by the black and brown residents of Orange County as they are judged and perceived guilty until proven innocent based on the color of their skin. That they recognize the evidence of systemic racism and that they will work to end racism in Orange County and that they respect and support the right to peaceful protests and wholly condemn those who resort to violence and destruction. She is asking this committee to support this resolution for these reasons and to not push this off again. This resolution was first submitted to this committee in September but only read and not discussed and the time has come for them to make a move and to show the residents of Orange County that they understand what they face.

Mr. Amo commented that this has been a long time coming with a great deal of debate and discussion and public notice on the importance of this issue. The statements at the end of Ms. Tautel's presentation were on point with respect to the goal of this legislature and the focus of equality for all minority residents in Orange County. He expressed his issue with the label of the resolution and that it only offers support to one organization and movement while leaving out many other organizations that could come to them. He was attending Purdue University when everything happened at Kent State and with the Chicago Seven and he understood what was going on and there were probably about twenty different groups expressing the same concerns.

Mr. Amo motioned to amend the resolution, seconded by Ms. Bonelli.

Mr. Amo stated to remove the phrase “Black Lives Matter movement” and its definitions in the title and the following WHEREAS’s is that they are tied to the definition of the “Black Lives Matter” as a movement.

Ms. Bonelli added that this was a joint effort as they all recognize the need to respect the issue and to respect it in a way that they can all embrace the sentiments. While they all may take different approaches, in the end they do not want to see residents being suppressed and they do not condone violence and/or racial discrimination. These changes were made because at the September 2020, Rules, Enactments and Intergovernmental Relations committee meeting when this was discussed nearly every legislator on this committee contributed. However, when they received the resolution for this meeting none of those comments were taken into consideration.

Ms. Bonelli presented the remaining changes to the proposed resolution.

- I. In the 1st WHEREAS, the language “most recent” “Breonna Taylor” and “by police officers” was removed.
- II. The 2nd WHEREAS, was replaced with the language “Orange County embraces the need to ensure our residents live more productive lives with all the guarantees given them under the Constitution which reminds us that it is our dedication to ‘We the People’ that makes us unique across the world.”
- III. The 3rd WHEREAS, was replaced with the language “Orange County in recognizing the power of our national spirit and the unifying strength of freedom – that we have more in common that must bind us together than divide us - has embarked on many positive initiatives focused on injustices and improved equality among all our residents, including:

- Orange County’s Human Rights Commission commitment to outreach programs
- The Diversity Intervention Initiative, which strives to set in place a model for reducing tension and opening dialogue between diverse groups in our county.
- The Orange County Police Reform and Reinvention Collaborative Advisory Panel
- Orange County Department of Human Resources - Community Outreach and Recruitment

Orange County is committed to pursue new initiatives in these regards.

- IV. The 4th WHEREAS, was replaced with the language “the Orange County Legislature recognizes the importance of the right to free speech and demonstration as essential to our nation’s identity and give our unwavering support to the fight against racism, antisemitism, and all forms of hatred.

- V. The 1st RESOLVED, was amended to "that the Orange County Legislature respect and commend the commitment that Orange County residents have in supporting movements calling for social reforms to end racial injustices, antisemitism and all forms of hatred in our county; and"- "becoming part of the "Black Lives Matter" movement calling for social reforms to end racial injustices" was removed.

- VI. The 2nd RESOLVED, was added with the language "The Orange County Legislature will provide fairness and equal treatment in the counties policies and procedures."

Ms. Bonelli added that they took the sentiments that were discussed at the September 16, 2020 committee meeting and they are asking for their support to this amendment. They agree with their democratic colleagues that this is important and needs their attention and why they spent a great deal of time going through the resolution. Unfortunately, it had been her position from the beginning that they would get together in a work session to produce a product; however, when Mr. Faggione's offer was refused the remaining individuals worked on the amended resolution that is now being proposed.

Mr. Faggione added that the revised resolution as seen below was just sent via email to legislators.

Title: Resolution of the Orange County Legislature supporting local community efforts of the ~~"black lives matter"~~ movement to end social injustices and to bring equality to residents of Orange County

(1-Amended) WHEREAS, the ~~most recent~~ death of George Floyd, Breonna Taylor and (removed) other black and brown individuals, and all forms of hatred across the country, ~~by police officers~~ have captured the world's attention on the social and racial injustices that still exist in our United States; and

(2-Withdrawn) WHEREAS, ~~the Black Lives Matter movement began with a commitment to ending police brutality and state-sanctioned violence and injustice against black people. It is also "dedicated to affirming black people's contributions to our society, our humanity, and our resilience in the face of deadly oppression.";~~ and (removed completely)

(2-Added) WHEREAS, Orange County embraces the need to ensure our residents live more productive lives with all the guarantees given them under the Constitution which reminds us that it is our dedication to "We the People" that makes us unique across the world.

(3-withdrawn) WHEREAS, ~~its leadership embraces policy changes and legislation as necessary elements to end oppression of black people. The movement is not only comprised of black individuals, but people of all color, creed, and age who will stand up in unison for ending social injustice by change.~~

(3-Added) WHEREAS, Orange County in recognizing the power of our national spirit and the unifying strength of freedom – that we have more in common that must bind us together than divide us - has embarked on many positive initiatives focused on injustices and improved equality among all our residents, including:

- Orange County’s Human Rights Commission commitment to outreach programs
- The Diversity Intervention Initiative, which strives to set in place a model for reducing tension and opening dialogue between diverse groups in our county.
- The Orange County Police Reform and Reinvention Collaborative Advisory Panel
- Orange County Department of Human Resources - Community Outreach and Recruitment

Orange County is committed to pursue new initiatives in these regards.

For as Dr. Martin Luther King wrote:

“Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

—“Letter from Birmingham Jail,” April 16, 1963.

~~(4-withdrawn) WHEREAS, we have seen the call for change in Orange County, in our towns and villages. Along our highways, government centers and community parks, we have seen our mothers and fathers, brothers and sisters, sons and daughters, risk their health and safety to join together for institutional reforms to end systemic racism, focusing on police brutality, domestic policy reform, economic justice and investment in equitable educate and health care; and~~

(4-Added) WHEREAS, the Orange County Legislature recognizes the importance of the right to free speech and demonstration as essential to our nation’s identity and give our unwavering support to the fight against racism, antisemitism, and all forms of hatred.

(R1-Amended) RESOLVED, that the Orange County Legislature respect and commend the commitment that Orange County residents have in supporting movements calling for social reforms to end racial injustices, antisemitism and all forms of hatred in our county; ~~and becoming part of the “Black Lives Matter” movement calling for social reforms to end racial injustices; and~~

(R2-Added) RESOLVED, The Orange County Legislature will provide fairness and equal treatment in the counties policies and procedures.

(R3) RESOLVED, that the Clerk of the Orange County Legislature is hereby directed to send certified copies of this resolution to, Honorable Andrew M. Cuomo, Governor of the State of New York, the Honorable Andrea Stewart-Cousins, President-Majority Leader of the New York State Senate, Honorable Robert G. Ort, Minority Leader of the New York State Senate, Honorable Carl E. Heastie, Speaker of the New York State Assembly, Honorable William A. Barclay, Minority Leader of the New York State Assembly and to all Senate and Assembly members whose districts include any or all of Orange County.

Mr. Paduch stated that he was amazed that they were seeing this for the first time today and as they are amendments he would have liked to discuss it with the Democratic Caucus. He is sure they will make comments today and he agrees that it is important that they work together; however, he is unsure if they can concur with everything that has been amended and would it be

possible to make suggestions before the full legislative session that everyone can agree on as they are only just seeing this for the first time. He was astonished that there were so many amendments when they could have brought them forward three or four months ago. There are drastic changes to the original resolution, and he would have preferred to have it at least two days before the meeting in order to discuss it and possibly agree on the changes and possibly add some of their own amendments today.

Mr. Faggione stated that since last year he has made it clear that if this resolution wanted to go forward the sponsors of the resolution needed to reach out to leadership and work together. What they have here today was the product of people working together. None of this was just put together there was deliberation, a serious work product presented. He has reached out to Mr. Paduch and the sponsor of the resolution in regard to this resolution to work with leadership. With no disrespect nor animosity and in the spirit of cooperation this resolution as amended is the product of a two-hour discussion with Majority Leader Bonelli and Independence Party Leader Amo because it mattered to them. When they were presented with a resolution that, in all honesty, he could not vote on he turned to party leaders to work on something that could be brought to the committee for a vote and ultimately to the legislative session.

Ms. Bonelli commented she always wanted to reach out and include everyone so that they could put together a resolution that they could all be proud of. The fact that at the eleventh hour the chairman of this committee reached out to the sponsor and suggested that working with party leaders they could together create something they could all embrace; however, that offer was declined. That then gave them no other recourse then to say that they would not entertain it, or they feel strongly enough to entertain it. She called special caucus meetings and received input from the Republican Caucus and Independence Party Leader Amo who was a partner in this just as they all should be. Her preference from the beginning was to sit down with the sponsor and Minority Leader Paduch to craft a solid resolution but that offer was refused and that is what brings them to this point. It is embarrassing that they have been talking about this since August and it's time for them to embrace something and move forward as this resolution contains solid positive statements. They do not need a listing of all the injustices as they are perfectly aware, and Orange County is making a real difference and making a real effort to squash the oppression and they should recognize that. She would have preferred to work with Minority Leader Paduch and Legislator Tautel, but she was not provided that opportunity and therefore asked that they consider the amendments they have put forth.

Ms. Tautel commented that Ms. Bonelli's offer of a work group was done at the eleventh hour. The resolution she submitted in September was worked on with previous Legislative Counsel Antoinette Reed and addressed some of the comments made the August Legislative Session when it was presented as a consent resolution. She does not recall this resolution being discussed only read at the September Rules, Enactments and Intergovernmental Relations committee meeting. When the offer of a work session was presented to her last week, she felt as though the resolution was once again being pushed off. She has had this resolution since September and she stated at the Legislative Session in September that if anyone has questions to please contact her; however, not one person reached out to her. Because the resolution was wrongly sent by former Legislative Counsel Antoinette Reed shortly before the committee meeting in September that the resolution would be on the agenda for the October committee meeting. It was not on the agenda for October as the focus was on departments budget review; however, she assumed that it would be on the November Rules, Enactments and Intergovernmental Relations committee agenda but she did not

know that she would have to “resell” something that she was already trying to sell and something that was already out there. While she appreciates the comments, she would have appreciated a work group if the work group had it not felt like the Chairman of Rules, Enactments and Intergovernmental was trying to push this resolution off the agenda once again which is something she has faced since she first presented the resolution in August. She has had everyone tell her how important it is, but no one reached out to her. She worked with the Democratic Caucus and Minority Leader and followed the directions she was given; however, she did not understand that a workgroup would be offered to her until last week. She did not flatly refuse the workgroup as it was misleading as to how it was presented to her along with everything else since trying to bring this resolution forward. While she takes offense, she does agree with a great deal of what they have proposed; however, she would like to see Breonna Taylor’s name put back into the resolution as she cannot understand why her name would be deleted along with several more names since this resolution was first presented. She agrees that it is embarrassing that it has come down to this and that she has had this out there and no one bothered to call her with this resolution.

Mr. Amo commented that he understands the feelings they just heard on how the process worked. When they were going through the Collaborative Governing experience, they discussed organizing their work so that they bring things to the floor of the legislature that comes to them in a smooth way and garners support and garners the opportunity for people to work together on issues rather than not. The solution to that was the formation of the leadership committee by the Chairman of the Legislature and they have met on numerous occasions with many issues surfacing through that group including the Diversity Intervention Initiative. He had to take the Diversity Intervention Initiative idea to the leadership group and convince that group that they should move forward on that issue and he had to get buy-in from that group before he took it any further and once he had buy-in from leadership it went to the next step and that is the purpose of the leadership group. He would hope that the confusion being expressed here is because the role of the leadership group has been forgotten and if that is not clear they may have to clarify that working relationship. With respect to this resolution, he did pay attention to it and reviewed it and knew what he objected to; however, he did not act on it because it was not an issue on an agenda to act on until today. When he saw it on the agenda, he knew there were things that he would have to amend, or he would have to vote against it. When Ms. Bonelli reached out to him and shared the same opinion it grew into a leadership discussion and put on the table what he felt should be removed and what should be added. He knows that they can work better as a leadership team to start these kinds of initiatives.

Ms. Bonelli echoed Ms. Amo’s sentiments and suggested they learn from this and to learn and communicate better.

Chairman Brescia stated that this resolution could have come back to committee in November. The process is that if a legislator wants to bring a memorialization forward, they are to do so through their party leader or themselves to the chair of the committee. Ms. Tautel should have asked that Mr. Faggione put it on the November committee agenda and address it then. He knows that people expressed concerns with Ms. Tautel’s resolution, and it could have been ironed out before, but they are here today, and they do have the right to amend this resolution at the Legislative Session. He would hope that Minority Leader Paduch would share those changes with Majority Leader Bonelli and Independence Party Leader Amo before it gets to the floor of the legislature.

Mr. Paduch expressed his disappointment. As a member of leadership they have worked well in the past on many important issues. However, Ms. Bonelli stated that she reached out to Mr. Amo who is not a member of the Republican party so why did she not reach out to him with these proposed changes. This would have enabled him to discuss this with the Democratic Caucus and possibly gotten support after small changes being made today so that it could get to the full legislature. Communication is key and he is not involved in a lot even though he is part of leadership. If they want better communication and to worker better together, he needs to be included so that the Democratic Caucus has the same information that the other caucuses have. It is imperative that they all have the same information and the same amount of input. This resolution can be worked on, but it needs to get better and while he thinks that some of these amendments are okay, he needs input from his caucus.

Mr. Luján commented that it was good to have debate and discussion but if they had been apprised of this amendment prior to today they could have discussed in detail why Breonna Taylor's name must be included in the resolution and why other elements are so important to this resolution. He questioned why the 4th WHEREAS was deleted and replaced as they have seen protests across Orange County, United States and the world calling for racial justice and equality. The current power dynamics are negatively impacting people of color and they always have. People get flustered when they are addressed on their racism but there are other ways to respond by possibly looking inward. If they want to talk about unity and working together this is the perfect opportunity to do that but they must listen to why things are being said the way they are. As one of the few minorities on the legislature he is not talking about racism for political purposes but as someone who has dealt with racism on a personal level. He represents the most diverse district in Orange County in terms of demographics particularly their Latino and African American population. Historically, a black and/or brown person is 30% to 40% more likely to be pulled over by the police, and their incarceration rates are through the roof as compared to other communities despite being minorities. There is still no justice for Breonna Taylor and to have her name removed was very disappointing as they are erasing someone who was killed unjustly. As someone of Jewish descent he appreciates them adding anti-Semitism; however, this resolution was specific to the Black Lives Matter movement and the black and brown communities that are being discriminated against and this was in response to that. If they are going to add another group they should also add the transgender groups and many other issues but if this resolution is to be about discrimination against black and brown individuals then it should be about them. As a county they are trying to take efforts to address some of the injustices that are being posted but they can do better and what was presented today is a bit watered down and it does not send the right message to their communities of color that are looking to see if the Orange County Legislature will act on the issues in our community.

Ms. Tautel added that even though she likes some of the changes and she understands the Republican caucus has an issue with it being Black Lives Matter, she agrees with Mr. Luján that the resolution was about their black and brown communities. The intent of this resolution was to focus on their black and brown communities and the systemic racism they face. If a black or brown person walking down the street and a white person walking down the street that black or brown person will be looked at as guilty until proven innocent while they have the advantage of white privilege. It's sad that in 2021 they are still talking about racism and the inequality based on the color of someone's skin. This is something she feels strongly and passionately about, and she has brought this before the legislative body twice and this committee. The work group was only presented to her last week and no one has reached out to her about this resolution so they must

understand her level of frustration as to where they are on this because no one has ever gotten back to her. She objects to the removal of Breonna Taylor's name, it should not have been removed from the initial resolution and that the 4th WHEREAS needs to be merged between what was removed and what was now being presented and she would ask that it be done at the legislative session and something that they could possibly present together as they move forward between the Democratic and Republican caucuses and Independence Party Leader Amo. She wants to see this move forward and not wait another month. She is fine with some of the changes being made and with the removal of Black Lives Matter due to some contention with that wording and she respects that.

Mr. Paduch stated because they discussed making minor changes together before going to the Legislative Session and if that opportunity is still there and presented but until that time he would be abstaining.

On roll call, the motion to amend the resolution passed by the following vote:

Motion carried 7-1 with Legislators
Amo, Bonelli, Cheney, Faggione,
Hines, Kulisek and Vero voting in
favor and Legislator Paduch abstaining.

Mr. Paduch stated that he was in favor of the resolution as presented even though a few changes need to be made; however, he would like to hear from this committee that they are open to listening to amendments on the floor of the legislature.

Chairman Brescia replied yes, but if possible, please get all revisions to Majority Leader Bonelli and Independence Party Leader Amo pre caucus so they can be reviewed prior to the meeting.

Mr. Paduch agree to those terms.

Mr. Amo recommend that a leadership meeting be called prior to the caucuses so that Minority Leader Paduch can bring their revisions for discussion so that it goes to the caucus as a result of leadership discussing it.

Ms. Tautel asked if she could still be listed as a sponsor of the amended resolution. Mr. Chapman replied that he would look into and get back to the committee.

On roll call, the resolution as amended passed by the following vote:

Motion carried 8-0 with Legislators
Amo, Bonelli, Cheney, Faggione,
Hines, Kulisek, Paduch and Vero
voting in Favor.

The meeting adjourned at 6:22 p.m.