

RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE
MINUTES
(REMOTELY)
WEDNESDAY, SEPTEMBER 16, 2020
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
Kevindaryán Luján, Legislator
Kathy Stegenga, Legislator
Laurie R. Tautel, Legislator
Antoinette Reed, Legislative Counsel
Harold J. Porr, III, Deputy County Executive
Dan Bloomer, Director, Operations and Cost Control
Alan J. Sorensen, AICP, Commissioner of Planning
Megan Tennermann, Planner, Department of Planning
Louise Vandemark, Commissioner, Board of Elections
Courtney Canfield Greene, Commissioner, Board of Elections
Bianca Staltare, Deputy Commissioner, Board of Elections
Chandler Campbell, Deputy Commissioner, Board of Elections
Deborah Slesinski, Budget Director
Deanna Crawford, Budget Analyst

Mr. Faggione opened the meeting at 3:31 p.m. and requested everyone stand for the Pledge of Allegiance to the Flag. All members were present.

On the agenda was a Census Update.

Ms. Tennermann addressed the committee stating that as of today the census self-response rate for Orange County was at 65.8% an increase from the 61.9% data collection of 2010. Of the five low self-responder municipalities in 2010 four are now above 50% in self-response; however, currently the city of Newburgh remains a low self-responder at 44.4%. That was actually an increase due to the significant work of the Newburgh Complete Count Committee but is still down from the 2010 self-response rate of 50.2%. While 85.9% of households have been counted in the Pawling Area Census Office which includes Orange, Rockland, Dutchess, Ulster and Sullivan counties that could actually mean that all of Dutchess County and Sullivan County have been counted but the three other counties are at 60%. They have one of the higher responses for census offices in the country and they are in a good position to have a 100% count or as close as possible by the end of data collection on September 30, 2020. The census not only determines representation at the local, state and federal levels but also the federal funding they receive. As of 2015, \$681 billion was distributed through 135 programs based solely on census population numbers and they want a portion of those funds. She would encourage legislators to contact their constituents and ask that they fill out their census forms and to work with any groups that may need a helping hand. The Orange County Complete Count Committee has been working diligently in known hard to count communities since late 2018 which includes children under the age of 5, people who work non-

traditional schedules, those living in rural areas and in this particular census seniors as the bulk of the census collection was conducted online. It is required by the United States Constitution that residents must fill out their 2020 Census and the Orange County Complete Count Committee has been working with various groups and conducting outreach to liaisons that work with those communities for nearly two years and they are seeing results and they are over the 2010 rates and while they are going to see better representation and funding there is still more to do as a 100% count is the goal by September 30, 2020.

Mr. Faggione asked where constituents can fill out the census form. Ms. Tennermann replied that they can do the census online at my2020census.gov. They can also do it over the phone with the phone number available on the website that will connect them to an enumerator in their language of choice of which there are thirteen. In addition, there are also accommodations for those that are hard of hearing, blind and/or need assistance.

Mr. Paduch thanked Ms. Tennermann for all her hard work and asked if the website listed the phone number by language. Ms. Tennermann replied that there are separate numbers for each language with the main number for English being 844-344-2020 with the five most frequently spoken languages in Orange County being English, Spanish, Mandarin Chinese, Haitian Creole and Yiddish and the numbers are provided by the census bureau.

Mr. Vero asked if they should refer people to the website or could they request a written copy to submit. Ms. Tennermann replied that they can go to the website to request a written form, request it from a census enumerator or they can contact the Pawling Area Census office.

Ms. Tennermann thanked the County Executive's office for their assistance in getting radio ads out that are encouraging people to finish their census and they have been airing for approximately two weeks on Fox and K104. It has been a big help and they have already heard from people based on those ads.

Ms. Stegenga stated that she and some of her constituents completed their census forms early on; however, they are getting secondary visits from census takers who want to verify and speak directly to the person who filled out the form. In her opinion, it would be more beneficial for them to be knocking on the doors of those individuals that have not filled out the form. Ms. Tennermann replied that she understands their frustration; however, that is part of the quality control operation run by the census bureau. They go back to verify the information to ensure that it was not entered by a person who does not live in the household and that the interface is working accurately. While quality control is important, she agrees that they should be focusing on households that have not responded.

Mr. Cheney asked if there were any Spanish speaking radio stations that cover and serve Orange County. Ms. Tennermann replied that there are several in Dutchess County that slightly bleed into Orange County but it was not enough to generate listener traffic which was unfortunate as those that are not native English speakers are traditionally a hard to count population.

Mr. Cheney asked for the municipality that was doing the best job in receiving a count. Ms. Tennermann replied the village of Warwick.

Mr. Kulisek commented that the phone number for those that speak Spanish is 844-468-2020. He noted that many people do not have access to the website and libraries have been closed so there has to be other ways to get this information out to the public as more than half of his district is Latino.

Ms. Tennermann agreed and a few weeks ago they received word that they would be receiving funds from New York State which was enough for them to print flyers and doorhangers that are being distributed in their hard to count areas. The Regional Economic Community Action Program (RECAP) handled the printing which included all pertinent information including phone numbers and is being distributed by them.

Mr. Kulisek asked if there was a sufficient workforce to handle that task. Ms. Tennermann replied that the census grant required they partner with known non-for-profit organizations that are currently operating in the areas and needed assistance. In the Newburgh area that would be Regional Economic Community Action Program (RECAP), Maternal Infant Services and Ramapo Catskill Library System.

Mr. Paduch asked about the Pawling Area Census Office. Ms. Tennermann replied that area census offices were setup across the country to cover a specific area and the no-response follow-up. In addition, the individuals that go door to door work out of that office which is a five-county area consisting of Orange, Rockland, Dutchess, Ulster and Sullivan counties.

Mr. Paduch asked for clarification that the 85.9% was for all five counties. Ms. Tennermann replied yes.

Mr. Faggione reminded everyone that it is a constitutional responsibility to take part in the census.

Ms. Tennermann added that her contact information is available on the Orange County website and she is available through phone and/or email for any questions. She asked that if they are going to events within the next two weeks, please encourage individuals to fill out the census.

Mr. Luján echoed the concerns expressed by Mr. Paduch and others and he thanked Ms. Tennermann and the Youth Bureau for their support. In the city of Newburgh numbers are very low but that is not due to the lack of outreach and he knows that the local Latino radio stations have been pushing for people to complete the census. He asked if Ms. Tennermann anticipates a strong push in the city of Newburgh over the next two weeks and are any events being planned that specifically target the hard to reach areas. Ms. Tennermann thanked Mr. Luján for his kind words. She cannot speak highly enough of the Newburgh Complete Count Committee as they have been doing a phenomenal job and they are making every push they possibly can to get enumerators to places that have a non-high response rate in order to ensure that the city of Newburgh gets a 100% count. She would suggest that Mr. Luján contact them as they have a list of events coming up.

Ms. Bonelli moved Local Law amending Local Law No. 8 of 1972, fixing the compensation for the Commissioners of Elections, as last amended by Local Law No. 4 of 2016, seconded by Mr. Kulisek.

Chairman Brescia explained that he was requesting the compensation for the Commissioners of Elections be set at \$90,595.00 for 2021, and the same rate of pay as 2020.

Motion carried. All in favor.

On the agenda was a preview of the 2020 election.

Ms. Canfield Greene announced to the committee that the Chandler Campbell is the new Republican Deputy Commissioner of Elections. Regarding the preview of the 2020 election Ms. Canfield Greene stated that the Board of Elections has sent out an informational mailer in both English and Spanish to approximately 160,000 households in Orange County at a cost of about \$110,000.00. The mailer advised voters of their polling site location, early voting dates, times and locations, how to apply for an absentee ballot and to return their ballot in a timely fashion due to delays with the post offices. Concerns have been expressed with respect to drop boxes for absentee ballots and early voting sites will have drop boxes available with early voting being conducted between October 24, 2020 and November 1, 2020. They have seen a significant increase in absentee ballot applications, and they expect ballots to be mailed around October 1, 2020.

Ms. Vandemark added that to date they have approximately 19,000 absentee ballot applications on file which is unprecedented. They are bringing in additional per-diem workers to help them get through the election and to ensure that everyone receives their ballots on time and for everything to be processed due to the different regulations they must follow.

Ms. Canfield Greene stated that with the June primary election they had 12,000 applications that were processed and in mid-September they are already at 19,000 requests for absentees. Governor Cuomo has issued several executive orders over the last few weeks and there is a different process with respect to when the ballots come back to the Board of Elections. The Cure process has been put into place which means that if a ballot comes back unsigned by the voter, unsealed and/or a reason that could cause them to void the ballot at the Board of Elections. Within 48 hours they must notify the voter as to why their ballot would be voided and give them the opportunity to "cure" their ballot for which they will need additional staff. In addition, there is the signature requirement process which entails them going through their voting list when a ballot envelopes comes back to the Board of Elections so they must verify their signature when the ballot is returned and an additional step in the process before they can canvass the vote.

Ms. Vandemark added that they will also need workers for prelat (preparing) of voting machines and packing supplies.

Ms. Canfield Greene added that staff is working seven days a week from 8:00 a.m. to 8:00 p.m. in order to get everything done in a timely fashion. They currently have eighteen staff members answering the phone continuously. In addition, they have been notified by the polling sites in the Town of Goshen that they are not available for the General Election in November; however, they are working to get that corrected with a final list published as soon as possible. They have been very fortunate in other municipalities who have expressed support and assistance. They will be mailing letters to all their poll site contacts with their poll site procedures and the health and safety plans that have been put into place to assure them that they are following every precaution they can for the safety of the voter, worker and the poll site. They are putting together virtual training for their election inspectors as they must be trained on the health and safety protocols as well as the

election process. The Orange County Information Technology Department has been wonderful, and they would like to thank them as they have bent over backwards to assist them with so many different things even on short notice.

Mr. Faggione asked where people can vote during early voting. Ms. Canfield Greene replied that early voting starts on October 24, 2020 and ends on November 1, 2020 and there will be seven locations in Orange County. They are the City of Newburgh Activity Center, City of Middletown Senior Center, Delaware Engine Company No. 2 in the city of Port Jervis, Village of Montgomery Senior Center, Town of Monroe Town Hall, Cornwall Ambulance Building and the Town of Warwick Town Hall with the locations, dates and times of early voting available on the Board of Elections website. In addition, a voter can go to any poll site within the county to vote.

Ms. Vandemark added that anyone with a polling site change will receive a post card two weeks before the election telling them of the change in location in addition to signs being posted at the old poll site.

Mr. Cheney asked about the need to hire per-diem employees and that currently their staff is working considerable overtime but have they done an analysis to see if some of the overtime could be supplemented and/or displaced by per-diem workers to save money. Ms. Vandemark replied that they have not, and the overtime has been since the beginning of September and they are still having trouble keeping up. They have learned from past years that the volume will only increase not decrease so they will need their staff at the current hours along with the additional per-diem workers as this year will be considerably worse.

Ms. Canfield Greene explained that they are trying not to put a burden on their full-time staff by not demanding they work both Saturday and Sunday and they will be bringing in per-diem workers to alleviate the workload.

Mr. Cheney stated that while he is in favor of bringing in the per-diem workers he is concerned with burning out the full-time employees that are the most knowledgeable and the ones they rely on the most during crunch time. He would suggest bringing the per-diem workers on right away to eliminate some of the pressure on the full-time staff, so they are ready when its crunch time.

Both Commissioners agreed with Mr. Cheney and once they receive the requested eight additional computers, they will do that.

Mr. Paduch asked why the poll sites in the Town of Goshen pulled out and were they open during the primary. Ms. Canfield Greene replied that they were not allowed in the Goshen Town Hall, the Goshen Administration building, Valley View or Dikeman Firehouse for the primary election in June so they used the Board of Elections warehouse; however, that cannot be done for the general election in November. She and Ms. Vandemark will be having further discussions with the poll site administrators or the Town Supervisor.

Mr. Paduch asked if they anticipate this happening with other locations. Ms. Canfield Greene replied that there are nine problem sites that are currently being worked on.

Mr. Paduch asked if they were being supplemented with New York State funding with respect to additional staff and if so, how much did they receive and if not, will this affect the taxpayers of Orange County. Ms. Canfield Greene replied that nothing has been offered for the

general election but they do have some funds leftover from the HAVA CARES grant but that has been accounted for. In addition, they must send a formal staffing plan for the general election to the New York State Board of Elections next week.

Mr. Hines moved resolution of the Orange County Legislature calling on the State of New York to provide timely support and guidance to the Orange County Board of Elections that will ensure the smoothest possible election operations and encourage a strong voter turnout, seconded by Ms. Bonelli.

Mr. Faggione stated that he worked in collaboration with Legislative Counsel Reed on this resolution based on information he received from the New York State Association of Counties (NYSAC) convention. Mr. Faggione read the following from the proposed resolution: "the Orange County Board of Elections effectively implemented a modified vote by mail primary election in under two months when it takes most states years to do; and where the costs of the primary election changes were covered by CARES Act funds; however, NO such financial support is in place for the general election. Therefore, be it resolved, that the Orange County Legislature requests that the state provide support and guidance to our county board of elections that will support the smoothest possible election and encourage a strong voter turnout."

Motion carried. All in favor.

Mr. Paduch moved resolution of the Orange County Legislature calling on the State of New York and the New York Public Service Commission to investigate the electric service providers in Orange County New York (CONSENT WAS REFERRED TO RULES AT 9/3/2020 LEGISLATIVE SESSION), seconded by Mr. Faggione.

Ms. Tautel explained that the prompting of this resolution was the abject failure of the power companies specifically the one she dealt with to provide data through Legislative liaisons to elected officials and then to the public on when they could expect their power to be restored. Their abject failure to build storm resiliency since Super Storm Sandy even though they have proclaimed to be doing that since that time and to address situations in which people were in serious medical need for power to operate various medical equipment with these individuals being told to simply relocate. She listed the following examples: a resident at home and on hospice care that needed power to run their equipment, a resident who was blocked in for several days due to a downed tree on a single access road that they failed to remove and the loss of power needed to run their medical equipment and the inability to leave their home to seek medical treatment. That individual was also told to relocate however, that was not possible due to the downed tree. Through the assistance of others that wheelchair bound individual had to be transported through downed branches, trees, and powerlines to get them out for medical treatment and their lack of response to those situations was atrocious. In the past power companies had good business practice in place so that a sanitary and/or medical conditions on a single access road took priority; however, priorities are now based on numbers and restoring power to the highest power outage areas. While she understands that process, they also need to take into account those individuals that rely on that power and that power

company. Those individuals were good enough to pay their bill every month but when push comes to shove, they were left with a response to relocate; however, in some situations that was just not possible. In addition, the global communication times on restoration was an issue and the failure of their cumbersome system which is the same system that has been in place for years. This was the prompting for this resolution, and she would ask that they call on the power companies to answer to these concerns. In Westchester County they forced the power company representatives to come and answer to public complaints and she would be willing to do that with Orange County. She does feel that New York State has more power in what they can enforce upon the power companies and to conduct a larger scope investigation.

Mr. Amo commented that several statements in the resolution have legitimate implications; however, there is no specific data to a company and/or Orange County so which utility providers had poor communication and computer issues that would warrant this investigation. He understands the issues pertaining to certain constituents but if they are asking the state to go after power companies but what data do they have on the companies that provide service to Orange County. Ms. Tautel replied that the third WHEREAS states that 38,000 homes in Orange County lost power due to the storm. She did not target a specific power company because she was unsure if they could do so legally. She would be willing to amend the resolution and name the power company she dealt with which was Orange and Rockland but during discussions with other individuals she learned that there were also issues with Central Hudson. She also had people calling from another legislator's district near the Town of Cornwall and she tried to answer their questions as it was easier than referring them to that legislator. While she does not have specific data on the computer issues over social media she saw at least a thousand different posts from people who were not getting specific responses on when their power would be restored and this was two or three days post storm. In her opinion, at that point they should have had specific information available to the customers and elected officials that were questioning them.

Mr. Amo asked for the definition of storm resiliency. Ms. Tautel replied that storm resiliency is where they reinforce their systems, vaults, substations, maintain trees and lines and so forth to prevent massive power outages. This storm was not a tenth of Super Storm Sandy that hit in 2012; however, it did come in second in the number of outages they had. In addition, there was also a problem with mutual aid which primarily comes from the east coast, but because this storm came up the east coast mutual aid was already deployed in other states, so they had to wait.

Legislative Counsel Reed explained that they have been down this road before with utility companies during hurricanes and storms. While it is good to do a resolution to the state, they have local liaisons from the utility companies and in the past when they found that utility companies were not responsive in meeting the needs of their constituents they had them come before the legislature and provide an assessment of how they handled it, how they staged for the event, what they could do better, their critical needs, where those critical needs were not being met and how they move forward. While she would recommend they do that in this instance she would defer to Chairman Brescia and Mr. Hines as Chairman of the Public Safety and Emergency Services committee.

Mr. Faggione asked if Ms. Tautel would consider working with Mr. Hines, Chairman of the Public Safety and Emergency Services committee, on this issue. Ms. Tautel replied that she would consider it as they need to answer to their failures and lack of what has been reported in their preparation for storm resiliency.

Mr. Faggione asked if Mr. Hines would be willing to address this before moving forward on this resolution. Mr. Hines replied yes, however, it was done with different specific power companies on the two other occasions based on complaints. He found that in the Town of Cornwall the fire department was able to grab Central Hudson crews and Town of Cornwall DPW personnel to assist in an instance that there was a medical emergency and/or need. He did not have many complaints with respect to Central Hudson and he was without power for three days and in his opinion, they did a heck of job based on the damage that was there. He understands the resiliency part as there were utility poles that went down because they were bad poles and that was part of the resiliency that Legislator Tautel has mentioned. He would do it, but they must have specific issues for them to address.

Ms. Tautel stated that she does not have an issue with pulling the resolution and she has specific information with respect to Orange and Rockland as she dealt with them directly. They did try using their local Department of Public Works for the single access road; however, because Orange and Rockland failed to remove all the downed powerlines, they were not able to remove the downed tree. Instead of sending a crew to remove the tree Orange and Rockland had an individual from their security team "babysitting" the tree for two and half days before removing it.

Mr. Faggione asked if Mr. Paduch would be willing to rescind his motion so Ms. Tautel could work with Mr. Hines to coordinate a meeting.

Ms. Tautel asked if this would be pulled completely or just tabled until after the meeting. Mr. Faggione suggested they withdraw what was presented today and if a resolution is not found with Mr. Hines and the Public Safety and Emergency Services committee then it could be brought back to this committee.

Mr. Faggione had technical difficulties, so Ms. Bonelli stepped in as the Acting Chairperson for the meeting.

Ms. Bonelli noted that she believed he was suggesting that Mr. Paduch rescind his motion and move forward with the suggestion that was brought forth and that Ms. Tautel was in favor of.

Ms. Bonelli asked if Mr. Paduch was in favor of rescinding his motion at this time. Mr. Paduch replied that this was discussed at the session, and the issues are there. Days after the storm he saw twelve utility bucket trucks near the park that were just sitting there like they had nothing to do when 38,000 people were without power and that is just unacceptable. The reality is that the county has no authority over the power companies, but the state does. He appreciates that Ms. Tautel has agreed to bring this to the Public Safety and Emergency Services committee for discussion and if not satisfied it could come back so he will rescind his motion so that it can go to the Public Safety and Emergency Services committee.

Mr. Paduch asked for clarification that it was being referred to the Public Safety and Emergency Services committee. Mr. Hines replied that if possible, they would bring in the executives and/or public relations personnel from Orange and Rockland and Central Hudson at next month's committee meeting.

Mr. Faggione explained that the following resolution was presented as a consent resolution at the Legislative Session on September 3, 2020 and was withdrawn and referred back to the Rules, Enactments and Intergovernmental Relations Committee.

Mr. Paduch requested a Point of Order. He explained that the resolution Mr. Faggione was referring to was revised by Legislative Counsel Reed and he would like to ensure that they are discussing the appropriate resolution that was approved by Legislators Tautel and Luján.

Mr. Faggione noted as a Point of Information. The agenda was submitted and released, and they were all provided with an email at 9:43 a.m. this morning that read as follows: "On behalf of Legislator Tautel and Legislative Counsel Reed: Please read the attached resolution supporting the BLM movement for Social Reform." No request was made to the Chairman of the Rules, Enactments and Intergovernmental Relations Committee as to a revision of the agenda. As per the rules of the committee and the rules in the Legislative Manual, Section I (9); under COMMITTEE CHAIRMAN DUTIES, RESPONSIBILITIES, FUNCTIONS AND RELATIONSHIP it reads: "To finalize the material for presentation to and review with committee members." He was not asked to revise the agenda and he was sent an email with no direction as to a revision and this is the resolution that is before them and are, they looking to withdraw this resolution. If so, is someone willing to make a motion and second and are they looking for an additional resolution before them.

Mr. Paduch pointed out that at last month's Physical Services Committee meeting they added something fifteen minutes before the meeting which changed the agenda. They brought it back to the committee and followed the proper protocol and with the help of Legislative Counsel Reed they have revised it to what it should be in order to get everyone's support. He does not see an issue as it was sent out this morning and he is sure that it has been reviewed by everyone.

Mr. Faggione replied that with all due respect it is the role of the chairman as per the legislative manual "To finalize the material for presentation" and the agenda was finalized last Thursday. At the September 3, 2020 Legislative Session Mr. Paduch stated: "I think this is an issue of importance to all of them and should follow proper protocol and go through the committee so that all of them can have input." He then replied, "that he would work with leadership to make sure that the resolution was put on the agenda." He is looking for a motion and a second on the resolution that is before them and on the agenda.

Mr. Kulisek requested a Point of Order to ask Legislative Counsel Reed a question. Mr. Faggione granted the request.

Mr. Kulisek asked Legislative Counsel Reed if the resolution currently before them and on the agenda could be replaced with the resolution that was emailed this morning. Legislative Counsel Reed clarified that she has worked with Ms. Tautel on this resolution and it was her oversight for which she apologizes to Mr. Faggione for not specifically request that this resolution be added to the agenda today. She thought that it would have been understood as her impression from the conversation at the Legislative Session was that legislators had major issues with the proposed resolution that was placed on consent for the September 3, 2020 meeting and that there was a request for revisions to that resolution. It was her mistake that she did not specifically ask in the email that this be placed on the agenda. It was her misunderstanding and no ill will or malice on the part of Ms. Tautel. With respect to going forward she would appreciate it if they could withdraw agenda item no. 6 and make a motion to add the new resolution that was emailed to legislators to the agenda as it was her error for which she apologizes.

Mr. Faggione replied that there was no malice but as chairman of the committee and on agreement with Messrs. Paduch and Kulisek he would allow the revised resolution for discussion purposes today. As a legislator it is his responsibility to be disciplined and to prepare for these meetings and to be fully immersed in the information provided as much as possible. He was prepared for the resolution as presented and while the resolution was emailed at 9:43 a.m. he did not have enough time to research the changes in the tone and tenor of the resolution.

Mr. Faggione stated that he would allow the resolution to replace agenda item no. 6 for discussion purposes only.

Mr. Paduch commented that he would make the motion but why for discussion only.

Mr. Faggione reiterated that he would need additional time to deliberate and research the matters before them as the resolution has changed in tone and tenor.

Mr. Faggione asked for a motion and a second for the new resolution to come forth for discussion only.

Mr. Paduch moved the new proposed resolution of the Orange County Legislature expressing unwavering support for the Black Lives Matter movement seconded by Mr. Kulisek.

Ms. Tautel expressed her extreme disappointment that this would be for discussion only. This would be the second time that she has presented this resolution and she has worked with Legislative Counsel Reed to address the concerns of her fellow legislators that were expressed at the Legislative Session due to it being solely on the Black Lives Matter movement. This is a very important resolution in today's tenor and of the current twenty-one-member legislature, two are Latino and the rest white. It is their job to protect and support those that are being oppressed. This resolution was run through Legislative Counsel Reed and worked on tirelessly by five legislators as this is an important issue. At the August Legislative Session, she did not receive the consent resolution supporting police departments until two days before the meeting and there was hardly any discussion on that resolution. She is highly disappointed that they will not stand as a legislative body and vote on a resolution that supports the cause and movement of people who are being oppressed, murdered and automatically perceived as a threat because they are black.

Mr. Faggione noted that Ms. Tautel mentioned working with five other legislators yet at the September Legislative Session and upon the withdrawal of the resolution Ms. Tautel stated that she ...looked forward to working with Mr. Faggione and the rest of the committee and getting input from the committee and getting it onto the Rules, Enactments and Intergovernmental Relations Committee Mr. Faggione stated that he was offering the time to work with Ms. Tautel and to bring it to the committee; however, at 9:43 a.m. on the day of the committee meeting and for which an agenda had already been set he would have to say that he did not have ample time to prepare but he was willing to work with her going forward as he mentioned at the Legislative Session on September 3, 2020.

Mr. Amo reminded everyone that he could possibly represent the largest minority in Orange County that is discriminated against. He was elected to this position by them and he takes offense that because he is not of that group that he cannot represent that constituency.

Ms. Bonelli stated that a comment was made by Ms. Tautel that there was a lot of discussion at the Legislative Session; however, she recalls that when Chairman Brescia agreed to put it on by consent nothing was said at that point. However, when that meeting started Minority Leader Paduch asked to have the consent resolution withdrawn and really no discussion was had on the resolution that was placed on today's agenda. The discussion today is on the process and not the new resolution and if they are going to work in a collaborative fashion, they should be discussing this. When Ms. Tautel was given the floor to discuss the resolution, she discussed her displeasure, not the resolution nor the substance of the resolution. They owe it to themselves, their constituents, and the actual issue at hand to have a thorough discussion so they can agree on some substance that would make a difference. They need to put together a resolution that they can stand strongly behind and let the people of Orange County know where they stand. Yet, that discussion has not happened and in her opinion, a lot of that discussion happens before it gets to the committee process and here, they are at the committee and not even discussing it. Instead they are discussing their feelings about how the process was handled which is just counterproductive and rather divisive. They are acting in a manner where they are trying to say unity and recognition, yet they have others that are trying to create a divisiveness between themselves. If they really believe in this, they should put their heads together and come up with a collaborative statement that truly expresses what is happening in Orange County.

Mr. Paduch stated that as a legislator for 24 years committee meetings were where they discussed the resolution. He understands Mr. Faggione's statement of not being able to review the proposed resolution; however, Legislative Counsel Reed has stated that she inadvertently did not state that it was a replacement resolution with this resolution only consisting of four possibly five paragraphs. Is it that difficult for them to discuss now because that is what is supposed to happen at committee. He was able to read the resolution in about 90 seconds and the reason the original resolution was pulled at the session was because they hoped that any changes and/or recommendations discussed during the committee process would move it forward. In his opinion, they did a great job working with Legislative Counsel Reed to make it more general to ensure that everyone could support it. He is having a difficult time understanding why this cannot be discussed and voted on today as that is what the committee process is for. He knows that the resolution was presented late but it was just an oversight that it was not presented to them as a replacement resolution. He would ask that they take two minutes to read the resolution and then discuss any possible changes. He would appreciate a little understanding and open-mindedness as he would like to hear any concerns, so that it can move forward.

Mr. Hines questioned the second WHEREAS and why "state-sanctioned violence" was included and how does it fit into this. He needs to look at this further because he needs to research the names in the resolution to get a better understanding of what they were about, but he would imagine they were decent people.

Ms. Tautel apologized for her earlier statement as it came from sheer frustration. She explained that she did not receive any emails with respect to input with the exception of Legislators Paduch, Luján, Kulisek and Sierra and of course Legislative Counsel Reed even though they knew it would be coming to the Rules, Enactments and Intergovernmental Relations committee this month to address concerns put forth at the full legislative session. Legislative Counsel Reed has stated that it was an error as to why it was not submitted as a replacement to the agenda. She is more than willing to work with the committee right now to address any concerns and to amend the resolution. She would hope that if they work to amend the resolution today that it could be put to a vote and moved to the full legislative session. If not, then they are moving it back even further and in her

opinion, this is timely as there are many things they could do in-house as a Legislative body and she will be addressing that with the Chairman of the Personnel and Compensation committee. She is willing to work with everyone to amend this resolution to make it more cohesive for the members of the committee and she is more than willing to remove "state-sanctioned" from the resolution as it was either added by Mr. Luján or Legislative Counsel Reed. In addition, she noticed that legislators Paduch, Kulisek, Luján and Sierra were not added as sponsors, but they should have been.

Mr. Faggione explained that this resolution was brought forward by Ms. Tautel and several colleagues as a consent and then referred to the Rules, Enactments and Intergovernmental Relations committee. He reminded Ms. Tautel that she said that she ... "looked forward to working with Mr. Faggione and the rest of the committee"... and he is willing to work with her. The legislative process is deliberate for a reason and to provide ample time to research therefore he is offering this for discussion today and to work forward so that a resolution comes forward in October that they can debate and vote on.

Mr. Vero agreed with Ms. Tautel that this is an important issue and that is why they need to get it right. As Chairman of the Personnel and Compensation Committee he wrote a letter to all legislators and departments heads on bringing things forward at the very last minute for staff to rush and add and change an agenda. Items are set on an agenda for a reason, yet on Thursday, Friday and/or even that following Monday requests are being made to add something to an agenda that has not been discussed. It got to the point where it was very frustrating in addition to the time needed to review these items. He recalls that at the legislative session they talked about Ms. Tautel working with party leaders and the Chairman of the Rules, Enactments and Intergovernmental Relations committee; however, that did not happen. At this point the best they can do is discuss it, but he was pleased to see that the original consent resolution would not be discussed as he had a lot of issues with the wording in that resolution and he could not have supported it. While the new resolution is better it is not ready to go before the full legislature as further research and discussion amongst themselves needs to be done but they could discuss the merits of the resolution today.

Mr. Cheney stated that he was in favor of a resolution of this type and it is important for them to take a stand. His expectation of the last month was that when the motion was withdrawn that work would be done and he expected more time to review and comment. He does have suggestions and questions regarding the resolution such as the next to the last WHEREAS as "environmental justice" was omitted but should be added as it is very important. He was also not clear on "domestic policy reform" as it is a broad term and should be more narrowly defined. In his opinion, the last WHEREAS should be a RESOLVE because it is something they are recognizing and taking action on. These are solely off the cuff observations that he was able to make over the last few hours, but he looks forward to more discussion and more opportunity to provide input and to receive answers.

Mr. Amo commented that many of his points were addressed by Legislator Cheney. He is looking at some of the things they need to clarify such as in the second to the last WHEREAS that states ... "we have seen the call for change"... which may be true but he would like to see the data. It is very important that they get straight what they are talking because he has not seen nor heard of the same issues in the municipalities he represents that someone in another part of the county may have as he would not want to label the police in his district with the same broad brush. He agrees that this is a timely issue and something that they need to get behind.

Mr. Luján agreed that this is a very important issue for their constituents. As he has mentioned previously, they have seen protests across all fifty states, around the world and right here in Orange County. This truly speaks to a growing and pressing concern for their constituents, neighbors, friends and family members that have been targeted and/or faced discrimination due to the color of their skin for far too long. While it would be great to say that these things ended with the civil rights movement, but it is very clear and present in their lives. He understands the procedural concerns, but this resolution generally speaks to the kind of issues that they as a legislative body could and should be able to get behind. The names George Floyd and Breonna Taylor have become synonymous with the movement due to their tragic deaths and speaks volumes toward the actions that unfortunately black lives have faced. He has spoken at other meetings about similar situations such as that a black and/or brown person is 30% to 40% more likely to be pulled over by the police, how your name can make you more likely to not be hired because it may sound ethnic which is supported by data. He was one of the original co-sponsors of this resolution and it is personal to him as he has experienced discrimination and racism and it is something that black and brown communities face and it is something that stays with them. As a legislator that represents possibly the most diverse and largely African American and Latino population it is truly personal. This resolution takes a small step in setting the tone for Orange County and how they can be leaders for all community members, and he understands that some of these conversations are challenging but perhaps this is where they start. They have discussed whether systemic racism even exists in Orange County and to some that may not be a real and present thing, but the truth is it is very present. He would challenge and encourage individuals because there are outlets to educate them on this issue and he would be happy to work with any legislator and to look at the information and data that shows precisely why they are so concerned about these issues. Procedurally this could be something they could move on now but if not then let us go line by line and highlight the points that they disagree on. Mr. Cheney mentioned "environmental justice" which is a great concept and coming from a community that suffers from PFOS, lead in paint and water, environmental justice is present and clear in the city of Newburgh. If they are to postpone this fine but when this was first written they both had very different versions on how they wanted it to be and it was toned down in order to be more general yet clear and specific on the issues they felt would get overall support. He appreciates the support of Legislative Counsel Reed for taking the lead on that because their community is in desperate need of leadership from them now more than ever.

Ms. Bonelli asked that they not misinterpret that by Mr. Faggione saying "discussion" that he was shutting this down. The discussion they are having right now and while it may be brief, it is starting to focus on the resolution itself and the things she spoke to previously. She appreciates Mr. Hines getting into the nitty-gritty of the resolution and the things he felt could be problematic and the things he was unfamiliar with that required further time to research. They need to be educated individuals so they can speak with some form of knowledge as they go forth and express their sentiments and feelings with respect to a memorialization resolution. They all acknowledge that nationwide they do have an issue that needs to be addressed and it has escalated in various parts of the country. They have been fortunate in Orange County because while they have had gatherings expressing a sentiment, they have all been peaceful. Why are they peaceful, because they have organizations that are working hard. They have heard from Mr. Luján on various occasions about these organizations and a great deal of what he has said has a lot of value because they communicate. She would like to see the resolution talk about the various different organizations in Orange County that are working with these programs and groups that Mr. Luján works closely with and recognize them for their efforts in keeping a peaceful Orange County. In her opinion, that would enhance their resolution a little more as some of the language in the resolution is a little broad stroked and they have to be careful as to what they put into the resolution. Initially when the first

resolution was presented the terminology "Black Lives Matter" was pretty broad brush and if you research it you could find various different groups that interpret that differently. They do not want to put a broad base because if you go to a particular website you will get one interpretation that is not necessarily the same as another. They need to be careful of the language they use and they must do their due diligence, the discussion today is good and warranted and it gives Ms. Tautel the opportunity to go back and take into consideration some of these things and to come up with something that they could all embrace.

Mr. Paduch commented that in the past we have requested that changes be made to a resolution before it comes to the full legislature; however, it does not look like this resolution will have that opportunity. He agrees on some of the mistakes that have been pointed out and he received the resolution at the same time as everyone else and with the help of Legislative Counsel Reed it was improved. He agrees on some of the recommendations and what the main issues are and if it must go back for another month, so be it. Because this is a timely issue, he would ask that legislators submit their suggestions to Legislative Counsel Reed in a timely manner so that the resolution could possibly go to the next legislative session which has been done in the past. If not approved, then it could possibly go back to committee for further discussion.

Ms. Bonelli agreed with Mr. Paduch as she would welcome the opportunity to bring this to the full republican caucus to be discussed as they are not all present today.

Mr. Kulisek commented that previous versions of this resolution contained a full description of how the Black Lives Matter movement began. He then read the following: Black Lives Matter began as a slogan in response to police violence and racist violence against Black people. The phrase means that Black lives matter as much as those of any other racial group, and is used to call attention to racial discrimination and racist violence. They made this resolution much more generic because they did not want to identify just anyone organization such as the Black Lives Matter Global Network. They wanted this to refer to the movement and Black Lives Matter and the slogan he just read is very generic and covers a lot of ground and he had hoped to get this on the floor for the next Legislative Session. The resolution before them has four WHEREAS's and two RESOLVES and during this conversation time frame most of them have read this resolution and they do not think that they could have gone through these and solved any issues that they had. It is unreal that they have been discussing this resolution for an hour, yet they could not change what was objectionable in a ten-line document.

Ms. Bonelli appreciates what Mr. Kulisek just stated; however, there are fourteen members of the republican caucus and some are not participating in this meeting which means they have not had the opportunity to look at and/or weigh in on it. She is at a disadvantage and as Majority Leader she can speak on how she personally feels about it, but she is only one vote. It is obvious that the democratic caucus worked on this resolution together and that is great, but she cannot speak for her fellow colleagues that are not here today.

Mr. Faggione commented that he would continue to work with Mr. Paduch and Ms. Tautel to bring the resolution back to the Rules, Enactments and Intergovernmental Relations committee in October after revision and collaboration with fellow legislators. He is looking forward to working with Ms. Tautel and his fellow legislators to bring a resolution back to this committee in October that they can debate and finally vote on.

The meeting adjourned at 5:24 p.m.