

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE
Held via Audio Webinar Pursuant to Temporary Emergency Orders**

Members: Chairman Sullivan and Legislators Albano & Castellano

Thursday

6:00pm

July 16, 2020

The meeting was called to order via audio webinar at 6:03pm by Chairman Sullivan who lead in the Pledge of Allegiance. Upon roll call Committee Members Albano, Castellano, & Chairman Sullivan were present.

Item #3 - Approval of Minutes – June 18, 2020

The minutes were approved as submitted.

Item #4 - Approval/ Appointment/ Board of Ethics/ Boissonnault

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano.

Legislator Montgomery requested that discussion be had before the vote is finalized.

Chairman Sullivan agreed.

Legislator Montgomery clarified that the Ethics Board is comprised of five (5) members who each serve three (3) year terms. She requested clarification on the process of getting on the Board; how the individual is chosen and how the resume is sent to the Legislature.

Chairman Sullivan stated a letter was sent from County Executive MaryEllen Odell requesting that the appointment be approved.

Legislator Montgomery questioned if there was solicitation for this resume or if there was an opening on the Board due to a vacancy. She questioned if the County Executive is who seeks out the Board members.

Chairman Sullivan stated those questions could have been directed to Personnel Director Paul Eldridge, who serves as the Secretary to the Ethics Board, prior to the meeting.

Legislator Montgomery stated the purpose of asking the question in the meeting is for the benefit of the public.

Chairman Sullivan made a motion to pre-file the necessary resolution; Seconded by Legislator Albano. All in favor.

Item #5 - Approval/ Resolution Establishing a Human Rights Commission

Chairman Sullivan stated he would like to provide an overview of the process followed in regards to this item. He stated at the January 23, 2020 Rules Committee Meeting, the topic of establishing a Human Rights Commission (HRC) was discussed. He stated the topic and discussion were well received by members of the public. He stated at that point, he stated the concept of the Human Rights Commission is great and the Committee would be working with the stakeholders, the County Attorney, and Legislative Counsel to put together legislation that would be a good fit for Putnam County. He stated at that time, he made clear that it would take several months to perform all the work required to establish an HRC in Putnam County. He stated something as important as this cannot be created without thoughtful discussion, research, and the involvement of many individuals. He stated tonight, as promised, there is a resolution on the agenda for approval. He recognized that this is being addressed later than one may have originally expected, due to the impact of the COVID-19 pandemic on the way business has been conducted. He stated the Legislature and Administration have worked diligently over the last several months to establish an HRC that we can all be proud of. He stated he is unhappy about the misleading comments and lack of honesty that a fellow Legislator has accused him of in the newspaper in regards to being slow to respond to this issue. He stated he believes they have moved as quickly as possible on this issue and it was made clear from the beginning that it would take several months. He stated government tends to work a little slower than other organizations and that coupled with the pandemic has caused this process to be longer than originally planned. He stated he believes the Legislature and Administration have done a phenomenal job working to establish the HRC, and they have been anything but slow. He stated he is very happy to present this resolution.

Legislator Albano stated he is on the fence about this topic as he tends to believe that sometimes less government is better. He stated he is proud to live in Putnam County and has lived here for 50 years. He stated he has not seen many issues, although he knows they do exist. He stated in his experience, when an issue did arise it was addressed immediately. He stated he will look at this with an open mind.

Legislator Castellano stated he shares the same concerns at Legislator Albano. He stated it is the right time to establish an HRC in Putnam County. He stated he has some concerns about the duplication of services, since the New York State Human Rights Commission (NYSHRC) can be utilized by Putnam County. He stated our taxpayer dollars go toward the NYSHRC and Putnam is a small county. He stated he believes the format is a good place to start. He stated he understands there are many individuals who are interested in having this HRC and there may be a local need for it. He stated his concern is that it is a duplication of services and there is potential for it to cost taxpayers money. He stated Westchester County's HRC cost taxpayers \$1,000,000 each year and even at 10% of that, which is the size of Putnam County in comparison, it could cost our taxpayers \$100,000 if it expands in the future. He stated he is also concerned about the liability issues of Putnam County having an HRC. He

stated he does not object to the resolution in front of the Committee this evening, he believes it is a good idea. He stated he will keep an open mind to it as it evolves.

Legislator Montgomery stated she is grateful that this is on the agenda for approval. She stated she first brought this forward in January with James Hyer, a local attorney and constituent. She stated usually, when initiatives are placed on an agenda the person who brought it forward is acknowledged, however that was not done here. She stated in January, Mr. Hyer presented the Committee with a local law and a lot of background material to provide a good understanding of what creating an HRC would entail. She stated since the considerations have not been addressed in Committee since January, the urgency to take action has grown. She stated for months now, people within each town have stood up for the causes of human rights and equality. She stated Putnam's racial, social, and economic disparities have been brought to light in those assemblies and conversations recently. She stated she has attended rallies herself and she has listened. She stated constituents who have been routinely marginalized are simply asking Putnam County to make space for their concerns and participation. She stated marginalization and prejudice, both issues that impact human rights, are not things that people necessarily do consciously. She stated it can be hard to admit that there are human rights issues right here in Putnam; but we do have them. She stated even in Putnam's local governments, the leadership is predominantly white, including this Legislature. She stated the governing bodies do not reflect the demographic and socioeconomic realities of the entire County. She stated everyone brings their own individual biases to their positions, whether they recognize and understand it or not. She stated it is our job, not just as Legislators but as human beings, to learn how those biases manifest in our thoughts and actions and most of all in our leadership. She stated we have to ask ourselves: "How is it manifesting in the way we are responding to this proposal, to establish a Human Rights Commission?" She stated the power held by Legislators comes with tremendous responsibility and it needs to be used with great humility, which means making space for multiple points of view and experiences. She stated diversity requires diversity of thought from many sources. She stated a safe space needs to be made for constituents from across the political, racial, and economic spectrum to have a voice. She stated more importantly, we need to make sure we are listening. She stated a County-level HRC is a forum where people can speak honestly about their experiences, disagree respectfully, and find pathways to change, together. She stated this is not a responsibility we can throw upon the State. She stated there are local human rights issues that need to be solved locally. She stated just as in education, healthcare, and other areas of public life, we know best what we need on a local level. She stated self determination and home rule is embraced in virtually every other area of our governance. She stated conclusions reached collaboratively among neighbors are far more meaningful and more likely to be accepted. She stated it is our job as Legislators to offer constituents the same safe, local space that their neighbors in surrounding counties already have available to them. She stated creating a Putnam County HRC is not a radical proposal, it reflects the regional norm. She stated the outreach education services that neighboring counties offer their constituents through their HRCs is accessible in their own meeting rooms, their own public forums. She stated our neighboring counties are not waiting for the

State to get through its backlog of human rights cases to deal with local issues and they are not having to take solutions hoisted upon them by outsiders in Albany. She stated they are taking community building in their own hands and trusting county residents to creatively, compassionately, and humanely do this work, and so should we. She stated whether we want to admit it or not, we need to learn how to truly and deeply listen to our constituents. She stated this should be apparent to us right now. She stated the Rules Committee has not made space for public comment on this, they have not even allowed participation this evening from the constituent who first drafted this proposal, Mr. Hyer. She stated that represents the hubris and insecurity of this public body on this matter. She stated the Legislature does not have all the answers, which is why experts are brought in. She stated it is clear from the numerous emails and letters in support of this, that an HRC is needed. She stated the need for it is now and it is clear that our constituents are ready to engage and serve. She stated the infrastructure needs to be created and then government needs to get out of the way and let the people of Putnam County lead. She stated we are being asked to do the right thing, and we should do it.

Chairman Sullivan stated most points raised by Legislator Montgomery have been addressed. He stated there is a proposal in front of the Committee for the establishment of an HRC. He stated input was received from Legislative Counsel and the County Attorney to draft the resolution on the agenda tonight. He stated this is a great place to begin. He stated as the HRC moves forward things can be changed as needed. He stated Putnam County is different than many other counties. He stated the HRCs in surrounding counties were researched and he believes the legislation being considered tonight fits the needs of Putnam County.

Legislator Gouldman read from the resolution, Article 1.(d) "Membership shall take into consideration and shall attempt to achieve diversity based upon religion, race, nationality, political affiliation, veteran's status, sexual orientation, gender identification, and affiliation with other groups and organizations." He suggested adding "age" to this as well.

Chairman Sullivan stated the ending of "affiliation with other groups and organizations" was meant to be as broad as possible without listing every possible identification.

Legislator Gouldman questioned if the specific identifications listed should be removed and just leave the general wording at the end.

Chairman Sullivan stated Legislative Counsel Robert Firriolo, County Attorney Jennifer Bumgarner, and Deputy County Attorney Amber Wodraska are present.

County Attorney Bumgarner stated the wording in that section is not a legal determination, it would be the preference of the Legislature. She stated it would be legally acceptable to state it either way.

Legislator Albano stated in the past 50 years since he has lived in Putnam County, he has attended school and seen his five (5) children attend school here. He stated there

have been occasional issues and he will not pretend Putnam County is perfect, however there does not seem to be an overwhelming issue. He stated he has worked with many individuals from various ethnic backgrounds and his experience has always been positive. He stated he disagrees with Legislator Montgomery that there are disparities and human rights issues here that rise to the level where it needs more serious attention.

Legislator Gouldman read Article 3-B.(c) "To accept and utilize such goods and services as are necessary to accomplish the goals and objective of the Commission." He questioned if it would be appropriate to have a reporting mechanism to keep track of goods or services utilized by the HRC.

Chairman Sullivan stated the HRC will be required to report to the Legislature on an annual basis. He stated the HRC will not be permitted to accept monetary funds, therefore the goods and services should mainly be volunteerism or any printed materials. He stated he is open to adding language regarding a requirement to notify the Legislature of any goods or services.

Legislator Gouldman stated he believes it would be beneficial to have that requirement.

Legislative Counsel Firriolo stated the Legislature could require that the HRC provide a description of any goods or services it accepted during the year as part of the annual report, which is already provided for under Article 4(f). He stated if the Legislature wishes, it can be added to the resolution so it is more explicit.

Chairman Sullivan questioned if Legislator Gouldman would like to add more explicit language.

Legislator Gouldman stated yes, he would like to add that in. He stated under Article 3-B(a) it states that the HRC would have the power to report complaints to the NYS Division of Human Rights. He requested clarification on whether an HRC is necessary to make a report to the State, or if an individual can contact them directly.

County Attorney Bumgarner stated an individual can file a complaint directly to the NYS Division of Human Rights. She stated this wording would provide the ability for the HRC to report to the State if and when they believe a situation has risen to that level.

Legislator Addonizio wanted to clarify that the residents of Putnam County have always had the opportunity to contact the NYS Division of Human Rights. She stated with a Putnam County HRC, the complains can go to the advisory committee, and then be brought to NYS Division of Human Rights.

Legislator Montgomery stated in regard to the two (2) pieces of correspondence received in the Legislative Office stating their position against Putnam County forming an HRC and to the comments made about duplication of services, the NYS Legislature passed two (2) primary laws to address human rights. She stated the NYS Division of

Human Rights is largely focused on enforcement, while the value of a local HRC is having local community members assessing the need and providing outreach. She stated the closest Human Rights office is in White Plains; there is no public transportation between Putnam County and White Plains. She stated the majority of the people who are seeking human rights support may not have access to transportation. She stated this is an opportunity to have local support for this initiative. She compared the HRC to the establishment of the Behavioral Health Hub, which provides local resources to address the local drug crisis.

Chairman Sullivan requested that Legislator Montgomery stay on topic. He stated there are trains that go to White Plains and taxis that can be used to get to the train.

Legislator Montgomery stated she believes comparing the HRC to the Behavioral Health Hub was a helpful analogy.

Chairman Sullivan stated he would like to move forward with the resolution in front of the Committee.

Legislator Jonke stated he believes less is more when it comes to government. He questioned how many incidents have taken place in Putnam County in the last 10 years that rise to the level of being brought before the HRC.

Chairman Sullivan stated News 12 released an in-depth report where hate crimes were tracked across the Hudson Valley. He stated they found 21 reported incidents since 2006, which is 1.6 reported incidents per year. He stated 14 of the 21 incidents were considered Anti-Semitic in whole or in part.

Legislator Jonke restated his belief that less government is better and questioned if 1.6 cases per year is necessary to convene a minimum of nine (9) people a couple times per year.

Chairman Sullivan made a motion to pre-file the necessary resolution.

Legislator Montgomery stated she has made a request to speak and is not being recognized by the Chair.

Chairman Sullivan stated a motion has been made and he called for a second.

Legislator Castellano seconded the motion made by Chairman Sullivan. All in favor.

Item #6 - Other Business – None

Legislator Montgomery thanked the Rules Committee for moving the Establishment of the Human Rights Commission forward to the Full Legislature.

Item #7 - Adjournment

There being no further business at 6:42pm, Chairman Sullivan made a motion to adjourn; Seconded by Legislator Albano. All in favor.

Respectfully submitted by Administrative Assistant, Beth Green.