

March 17, 2020

Dear Chairman Pulver:

We are writing to protest in the strongest terms your intention, stated during yesterday's COVID update conference call and reported last night in the *Mid-Hudson News*, to cancel the legislature's April meetings. We have five reasons for opposing this action.

1. Meetings can now be held remotely. In response to the COVID-19 crisis the governor of New York, in Executive Order 202.1, has suspended Article 7 of the Public Officers Law, known as the “open meetings law.” Until the crisis has passed, members of the public may now view meetings remotely and participate telephonically, and the legislature as a whole can also meet telephonically. (Link below.).

Helped by this directive, many other New York counties are developing strategies to continue working through what will clearly be a prolonged period of disruption. Ulster County's legislature meets tonight and has issued a statement on how it will proceed (link below). Westchester's legislative committees meet next week and their legislature has outlined clear procedures (link below). Other counties — including many with confirmed cases of COVID-19 — are postponing public hearings but finding ways to conduct essential business. Our work can continue in ways fully compatible with public health mandates.

2. It violates the Permanent Rules of the Dutchess County Legislature. Rule 4.3.G states that “the Chair may declare an emergency and adjourn a regular or special meeting to a date not to exceed seven (7) days beyond the meeting so adjourned.” The Chair has no power to declare that a meeting will not occur.

3. By deferring to an Executive Order, it violates the Dutchess County Charter. Article 2.02(d) of the Charter states that the legislature “adopts all necessary rules and regulations for its own conduct and procedure.” The County Executive himself indicated this during today's phone call. His order to restrict “social, community, and public events or gatherings” clearly does not apply to an elected body with powers distinct from, and coequal with, his own.

4. It demonstrates an inaccurate and disturbing assumption that the legislature is disposable in challenging times. The legislative branch is a necessary counterbalance to the executive at all levels of American government. It would be shocking — indeed, un-American — for the U.S. Congress to adjourn itself and leave all decision-making power in the hands of the president. It would be equally wrong for the New York State legislature to close up shop for an extended period and leave the governor wholly in charge. The same is true at the county level.

In the regular course of business we find that the Republican majority in the Dutchess County legislature shows excessive deference to executive authority, acting largely as a rubber-stamp body with little deliberation. Today's decision illustrates an even more extreme form of deference by the Chair, one that goes beyond any acquiescence the Executive himself is seeking. That the chair's decision was reported to the *Mid-Hudson News*, which quotes a purported “email to lawmakers”

that members of our caucus have yet to receive, compounds this flagrant violation of governmental norms.

5. It insults the work of other hard-working county employees who are serving actively during the COVID-19 crisis and even risking their lives to protect the public. We may be part-time legislators, but our Democratic caucus takes the work of governance very seriously, especially at this critical time. As you know, yesterday morning we submitted five resolutions for the April agenda. We proposed:

- * expanded county COVID-19 hotline services, so that residents can get more individualized answers and referrals (in both English and Spanish) and less often hear a recorded message;
- * funding to provide emergency food supplies for unemployed and at-risk residents and children out of school;
- * public hand-washing stations for homeless individuals and at locations where essential public services are provided;
- * a moratorium on mortgage foreclosures (to complement the state legislature's moratorium on tenant evictions); and
- * a moratorium on shut-offs of gas, electric, telephone, and Internet utilities.

We suggested that these measures might be taken sooner by executive action and indicated flexibility in both ends and means, as we respond to a rapidly evolving situation. But our resolutions indicate our readiness to participate actively in problem-solving as our communities face the deadly threat of COVID-19. We believe this continued, engaged public service — not a month off — is the legislature's appropriate role.

The Chair's decision must be rescinded immediately. Arrangements must be made, as is being done in other counties, for the Dutchess County legislature to proceed with its April meetings, in a format that protects everyone's health and also protects the operations of our elected government.

Sincerely,

Rebecca Edwards, Nick Page, and members of the Democratic caucus