

**Legislative Committee
Special Meeting
August 23, 2023
1:40 p.m.**

Attendees

Committee: Allen Hinkley, Lisa Driscoll, Art Merrill, Mark Tuthill, Patti Valente, Tina Molé
Staff: Amy Merklen, Joe Ermeti, Shawn Smith, Deb Goodrich, Penny Bishop, Judith Garrison,
Maria Kelso
Guest: Kathleen Hayek, Chair, Delaware County Democratic Committee

Mr. Hinkley introduced Ms. Hayek. Ms. Hayek stated that the Democratic party is concerned that citizens of this county are not getting their public notices. The Hancock Herald is a small town paper and the whole purpose of a newspaper of record is to allow the citizens of the county to know what is going on in their civic lives. She believes they are not getting that. They are not getting the full service. Basically, you are getting what you are paying for. The Democratic Committee wants their citizens to have full coverage of legal notices like they had before. She does not care about the County's argument with The Reporter.

Ms. Molé said it is not about that. It is about the choice that the Democratic Committee made for 2023, which was the Mountain Eagle. The Democratic Committee has the opportunity in the fall to recommend to the Board a new paper if the Democratic Committee wishes.

Ms. Hayek responded that they will do that, and meanwhile, months are going by and the citizens of this county are not getting full service from the Board of Supervisors. They are not getting legal notices that they should be getting because of the Board's precedent-setting decision made a year and a half ago and she feels the Board can do this now.

Mr. Merrill indicated that for financial reasons, they will not comply with the request this year.

Ms. Hayek stated she believes the county is saving money with the Hancock Herald, but they are not serving the people.

County Attorney Amy Merklen noted that the Hancock Herald has a free online subscription. Ms. Molé confirmed that the Hancock Herald is working with the Mountain Eagle to provide coverage throughout the entire county.

Ms. Hayek said she sees that as a Band-Aid for a problem the county created and is now trying to solve. She believes a better way to solve the problem is to allow the Delaware County Democratic Party to choose a second newspaper of record which is allowed by law. She stated if the county does not do that on their own, then it will be facing a lawsuit.

Mr. Merrill stated that all legal notices are posted on the Delaware County website. If people need those legal notices, they can access them.

Ms. Hayek said they may be posted on the website now, but they weren't when she looked.

In reply to Mrs. Valente, Ms. Molé and Mr. Merrill confirmed that the political party committees make a recommendation to the Board of Supervisors as to which newspaper they wish to utilize which is then decided at the Organizational Meeting in January.

Ms. Hayek noted that Mr. Marshfield went to them in January asking them to change the newspaper of record to The Reporter. She said they only designate a paper every two years when they reorganize their committee, which has been their tradition and they decided to stay with their commitment to the Mountain Eagle. That is why they did not change it in January. They were getting the service they asked for and did not wish to pull a good source of income from a local newspaper for no good reason. She indicated they are not switching, and they are holding to their commitment. They are not asking to switch; they are asking to add another newspaper. It is a popular request since people are supporting it.

In reply to Mrs. Valente on the cost for the rest of the year, Ms. Hayek speculated the cost would be less than \$10,000.

Ms. Molé said that was the reason why they decided to change newspapers. Because midstream, the cost had tripled.

In reply to Mr. Hinkley's question if the Democratic Committee has the chance in January to choose two newspapers, Ms. Molé and Mr. Merrill said they can recommend one paper.

Ms. Hayek opined that each political party recommends a newspaper and she believes the law states at least two papers per county. She acknowledged there are two interpretations of the law as to how many newspapers of record each party could select.

Mr. Merrill clarified that political parties could request newspapers; however, the requests do not have to be granted.

Ms. Hayek noted the requests may be granted and there is nothing that states they cannot request more than one newspaper.

Mr. Merrill stated that the cost would be an additional expense for the rest of the year of \$40,000 to \$50,000. The county will not spend that on legal notices. Using the amount Ms. Hayek gave earlier of \$10,000 for the balance of this year, which is approximately one quarter of the year, the full cost would amount to \$40,000+ per year.

Ms. Kelso noted that the Board of Elections uses both the Mountain Eagle and the Hancock Herald because they are bipartisan.

In reply to Mr. Hinkley, Ms. Molé stated this will be addressed when the two parties make their recommendations for the organizational meeting.

Upon a motion by Mr. Merrill and seconded by Mrs. Driscoll, the committee entered into executive session to discuss particular employee positions and salary negotiations.

Committee reconvened in regular session.

Meeting adjourned at 2:40 p.m.