

## Annual Report of the Broome County Legislature and the Office of the Clerk of the Legislature for the year 2010

### LEGISLATIVE BRANCH

The Broome County Legislature and the Office of the Clerk of the Legislature comprise the legislative branch of government of the County of Broome, New York. According to the form of government set forth in the Constitution of the United States, the Constitution of the State of New York, and the Broome County Charter, the Legislature considers and approves the annual budget, contracts, agreements, leases, the acquisition or sale of county property and other assets, and other matters that require approval in order for the County Executive and the County's department heads and employees to execute them.

Broome County is divided into nineteen legislative districts and one legislator is elected by the voters of each district to serve a two-year term. Subsequently, the Clerk of the Legislature and the Legislative Assistant are appointed by the Legislature. The Clerk of the Legislature appoints the remaining staff in the office.

### PERSONNEL

In 2010, the staff of the Legislature consisted of the following:

Clerk of the Legislature	Eric S. Denk
Deputy Clerk of the Legislature	Carol L. Hall
Second Deputy Clerk of the Legislature	Joanna M. Kamin/Jennifer K. Royer
Third Deputy Clerk of the Legislature	Jennifer K. Royer
Legislative Assistant	Christopher H. Marion

For a complete list of Members of the Legislature, please see Appendix A.

The County Comptroller, who is also appointed by the Legislature, submits a separate annual report.

### LEGISLATION

In order for an item to be considered by the Legislature, a Request for Legislative Approval (Request) must be submitted to the Office of the Clerk of the Legislature along with appropriate accompanying documentation to enable staff to draft a resolution, ordinance, or local law for consideration.

Upon receipt of a Request, a log is created to track the item from the time it is received through the drafting and distribution to legislators of the final draft, to the assignment to committee, to the assignment to the floor of the Legislature, to its final disposition: adoption and enactment, adoption and veto, or defeat.

The Office of the Clerk of the Legislature reviews the request and accompanying documentation in order to produce a draft resolution. This review may include a search of indexes, files, or Journals of Proceedings for past related resolutions and/or contacting the originating department for additional information or clarification. The Clerk and staff use the information gathered to draft the resolutions. Drafted resolutions are sent to the Department of Law for review by counsel. After the resolutions are prepared in their final form, including committee assignments, the staff produces committee meeting agendas.

The completed package of resolutions and committee agendas is then reproduced and distributed to legislators and all appropriate department heads in preparation for the committee meetings.

There were 639 Resolutions processed in 2010 and were drafted by the following:

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Legislative Staff	674	752	710	611	570
Law Department	30	18	8	15	18
Budget Office	50	56	52	68	51
<b>Total</b>	<b>754</b>	<b>826</b>	<b>770</b>	<b>694</b>	<b>639</b>

### LEGISLATIVE/COMMITTEE MEETINGS

The above mentioned resolutions are prepared for review and action through the committee system before they are acted upon by the full Legislature. A five-year history of committee meetings and legislative sessions follows:

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Regular Committee Meetings	118	107	107	117	118
Special Committee Meetings	16	13	10	10	10
Committee of the Whole Meetings	4	2	4	3	2
<b>Total</b>	<b>138</b>	<b>122</b>	<b>121</b>	<b>130</b>	<b>130</b>
Organizational Session		1		1	
Regular Legislative Sessions	15	15	13	13	13
Special Legislative Sessions	5	5	3	4	5
<b>Total</b>	<b>20</b>	<b>21</b>	<b>16</b>	<b>18</b>	<b>18</b>

In 2010, the County Executive's State of the County Message and Budget Address were scheduled during a regular legislative session.

In addition to the above committee meetings, the Finance Committee conducted budget review sessions with various county departments and contract agencies during the month of October to review the County Executive's proposed 2011 budget.

Preparation for the committee meetings and legislative session requires special attention:

- Resolutions are copied and distributed to all legislators and other affected units of county government prior to committee week
- Agendas for each committee are prepared for each committee and distributed with the resolutions
- A clerk is assigned to cover specific committee meetings, take notes, record votes, and prepare minutes of the committee meetings
- Special meetings require special notices to be posted and sent to Legislators as well as the news media at least 48 hours prior to the meeting to comply with the Open Meetings Law

Resolutions, committee agendas and minutes, and session agendas and minutes are also posted on the Legislature's page of the County's website and on the Intranet

During the committee meetings, resolutions can be defeated, deferred, or approved. Resolutions approved in committee are assigned to the Floor of the Legislature at the ensuing Legislative Session. Following the committee meetings, the Legislative Session Agenda, containing all of the Resolutions and other business to come before the Legislature at that Session, is produced and distributed to Legislators and department heads.

Following the legislative session, all adopted resolutions are signed by the Clerk of the Legislature and presented to the County Executive for his or her signature. Resolutions that are returned to the Clerk signed by the County Executive are officially enacted and are then distributed to all appropriate units of the County. Resolutions returned unsigned are effective 10 days after they were presented to the County Executive. If a resolution is returned with a veto, the Legislature may act to override said veto and, with an affirmative vote of 12, approve the resolution over the objection of the County Executive.

Minutes of the legislative session are prepared for approval by the Legislature at its next regular session and, once approved, are made part of the Journal of Proceedings.

## **AD-HOC COMMITTEES**

In 2010 an Ad Hoc Intergovernmental Relations Committee was formed by Chairman Reynolds to discuss issues, resolutions and local laws that may affect the constituent municipalities of the County or other issues of common concern and to seek ways in which the County and municipalities can work together to deliver services in the most efficient and cost effect manner possible. The committee consisted of the Chairman of the Legislature, five Legislators and a like number of municipal representatives.

Also in 2010, an Ad-Hoc Natural Gas Education Committee was formed by the Chairman to host informational updates and presentations by various county, state and federal departments and agencies and discuss natural gas exploration issues. The committee consisted of the Majority Leader, the Minority Leader, the Chair of the Transportation & Rural Development Committee and two public representatives and met on a monthly basis.

## **JOURNAL OF PROCEEDINGS**

The Clerk of the Legislature is required by State statute to prepare and publish an annual Journal of Proceedings. In 2010, the Journal for the year 2009 was prepared for publishing and distributed in 2011. The 2009 Journal of Proceedings contains 766 pages and contains the following information:

- Minutes of all Legislative Sessions
- The County's Operating Budget
- The Operating Budget for Broome Community College
- Excerpts of the Operating Budgets for each town in the county
- Current Financial Report of the County
- Current County Salary Schedule
- Schedule of County Real Property Taxes

## LOCAL LAWS

Local Laws are handled and presented to the Legislature in resolution form. If the Local Law is adopted, a public hearing is scheduled before the County Executive following said adoption by the Legislature. After the County Executive conducts the public hearing, he or she can sign the Local Law or exercise one of the other alternatives. Once the County Executive signs the Local Law, it is filed with the County Clerk and the Secretary of State of the State of New York. Upon verification of receipt and recording by the Secretary of State, the Local Law is deemed fully enacted, unless otherwise specified in the local law, and it is distributed to the appropriate departments. A five-year history of local laws follows:

	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Local Laws drafted and presented to the Legislature	9	12	12	9	16
Local Laws defeated/withdrawn	0	4	2	1	1
Local Laws adopted by the Legislature	7	10	9	16	16
Local Laws passed by the Legislature and scheduled for public hearing the following year	2	0	0	1	1
Local Laws filed with the Secretary of State	8	10	9	15	15
Local Laws adopted for Public Referendum	0	0	1*	0	1

A complete list of adopted local laws is found on Appendix B.

## FREEDOM OF INFORMATION REQUESTS

“The Freedom of Information Law (FOIL), effective January 1, 1978, reaffirms an individual’s right to know how government operates. It provides the right of access to records reflective of government decisions and policies that affect the lives of (citizens). The law also preserves the Committee on Open Government, which was created by enactment of the original Freedom of Information Law in 1974.” (From the booklet “**Your right to know. New York State’s Open Government Laws**”)

The Clerk of the Legislature was designated by Resolution 201 of 1986 as the Records Access Officer for all County agencies with the exception of the County Clerk, the Board of Elections and the Department of Social Services. In order to be supported by FOIL, a request must be submitted in writing. In order to assist people seeking public documents, the office developed an “application for public access to records”. FOIL requests are acknowledged in writing and the request is forwarded to the appropriate County agency for response. When the agency responds, the applicant is notified of any charge that may be due. There is a fee, as allowed by statute, for providing records on paper or other media. Those fees are as follows \$.25 per page for paper records (waived in this jurisdiction for records that are four pages or fewer), \$2.00 for CD’s or Diskettes, \$2.00 for Polaroid photographs, \$.28 for digital full color picture printed on 8 ½” x 11” copier paper, \$.50 for pictures printed on photographic paper. For maps, the fee structure set by the Department of Planning and Economic Development is followed. Once the fee is collected, the requested information is provided to the individual seeking the information. A log of all requests is maintained, including the applicant’s name, the date, the agency that supplied the record, and what action was taken.

In 2006, the State of New York mandated that local governments accept FOIL requests via email. Additionally, a FOIL request that is submitted electronically must be replied to electronically. And, if the information that the applicant requests is available electronically, it must be provided electronically. Electronic records, as stated by state law, if provided by email, are provided at no expense to the applicant.

There is a dedicated E-Mail address for submitting FOIL requests ([foil@co.broome.ny.us](mailto:foil@co.broome.ny.us)) and a dedicated page on the County's web site ([www.gobroomecounty.com/legis/LegisFOIL.php](http://www.gobroomecounty.com/legis/LegisFOIL.php)) explaining how to apply for Broome County records. The FOIL page not only provides detailed instructions on how to submit a FOIL request by fax, on paper, or via email, it also provides downloadable forms in both Word format and Adobe Acrobat format and an on line submission form. The page also includes a link to the New York State Committee on Open Government's web site to assist people with questions and appeals.

A five-year history of FOIL requests and the generated revenue follows:

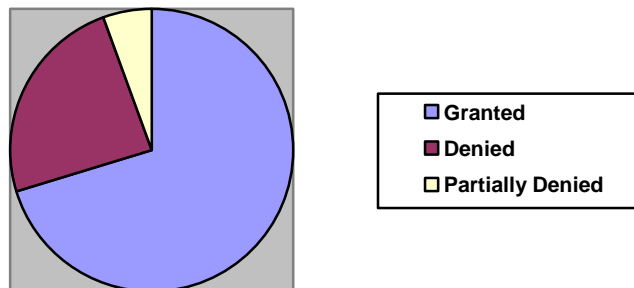
	<u>2006</u>	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Paper Requests		467	421	414	435
Email Requests		88	120	339	407
Total Processed	418	555	541	753	842
Revenue	\$1,573.46	\$998.25	\$1,171.75	\$1,608.48	\$1,233.48

FOIL requests were sent to the top five departments as follows:

- Sheriff-Records 348
- Environmental Health 79
- Sheriff-Jail 56
- Office of Emergency Services 44
- Finance 30

Seventy-one percent of all FOIL requests were granted, 24% were denied and 5% were partially denied.

Breakdown of FOIL Requests Granted, Denied, and Partially Denied



**CODE OF ETHICS**

The Office of the Clerk of the Legislature serves as the support unit for the County's Board of Ethics. The Clerk handles correspondence for the Board of Ethics as well as the distribution of the Annual Statement of Financial Disclosure forms. On February 1 of each year, a statement of financial disclosure covering the preceding calendar year is distributed to elected officials, the head of agencies, departments, divisions, councils, boards, commissions, deputies and assistants pursuant to §19-6 of the Broome County Charter and Code. A second mailing is distributed on March 15 to those that did not file by the March 1<sup>st</sup> deadline. On April 1<sup>st</sup> a list of employees and officers who did not submit a disclosure form is produced and distributed to the County Executive, the Chairman of the Legislature and those named on the list. Completed

disclosure forms are returned to the Clerk of the Legislature in sealed envelopes marked "Confidential" and are forwarded unopened to the Board of Ethics no later than April 15. In 2010, 216 forms were distributed and 203 were filed with the Clerk.

The office of the Clerk of the Legislature is also responsible for producing a report of all received semiannual gift disclosure statements that contain gift disclosures and submit said report to the Board of Acquisition and Contract for its review. In 2010, a report for 2008 semiannual gift disclosure statements was produced and forwarded to the Board of Acquisition and Contract. Out of the 2,230 statements that were reviewed, 160 statements claimed some type of gift.

## **DIRECTORY OF GOVERNMENT OFFICIALS**

The Clerk of the Legislature compiles and publishes annually a Directory of County, City, Town, & Village Officials. Each municipality in the County is contacted and asked to review their information for changes and updates. The Real Property Tax Director provides statistical information for each municipality and the Clerk's staff reviews and updates all other information.

Copies of the Directory are distributed to County Departments and to municipalities throughout the county at no charge. The public may request a copy of the Guide free of charge for the first copy and \$3 for any additional copies. In 2010, 1,000 Directories were printed and distributed.

The Directory of County, City, Town, & Village Officials is available under the Quick links tab on the County's web site [www.gobroomecounty.com](http://www.gobroomecounty.com).

## **DESK DIRECTORY (Blotter)**

The Desk Directory is published annually by the Clerk of the Legislature. The directory contains the names of county department and division heads, phone numbers, fax numbers, and the calendar of sessions for both the Board of Acquisition and Contract and the County Legislature. The names of county, state, and federal elected officials are also included. Included are names, fax and telephone numbers for the following:

- All elected Broome County government officials
- All Broome County Departments/Divisions
- County Court Judges and their clerks
- State Supreme Court Justices and their clerks
- Law Library Trustees
- Jury Board Members
- Board of Elections Commissioners and Deputy Commissioners
- United States Senators
- Congressional representatives covering Broome County
- New York State Senator covering Broome County
- Members of the state Assembly covering Broome County

In 2010, the Desk Directory was co-sponsored by the International Brotherhood of Electrical Workers (I.B.E.W.), Local 325, the Plumbers and Pipe Fitters, Local 112, of the United Association of Journeyman and Apprentices of the Pipefitting Industry of the United States and Canada, and the Laborers International Union of North America, Local 7.

Five hundred copies of the Desk Directory were produced and distributed free to county and other governmental agencies and, if available, to other interested parties.

## **AGRICULTURAL DISTRICT PROGRAM**

In 1971, The New York State Legislature enacted the Agricultural Districts Law, which created the Agricultural District program, a tool for maintaining lands in agriculture and assuring New York's position as an outstanding agricultural state. Rather than seeking to "preserve" agricultural lands, the Agricultural Districts Law seeks to create an economic and regulatory climate which will encourage farmers to continue farming. Relying primarily on the initiative of landowners and local governments with state oversight, the law provides agricultural landowners with a number of benefits and protections.

Agricultural districts are initiated by landowners and ultimately adopted or rejected by the county legislative body, the elected representative of all citizens in the county. Once a district is approved or modified, the information must be sent to the New York State Department of Agriculture and Markets, which assures that the district plans conform with the requirements of the law.

Agricultural districts are designed to encourage the continued use of farmland for agricultural production. Agricultural Districts should not be confused with town-designated agricultural zones, which determine allowable activities.

### AGRICULTURAL DISTRICTS – ANNUAL INCLUSION PERIOD

The Agriculture and Markets Law was amended by the 2003 New York State Legislature to provide farmers with viable parcels within a certified agricultural district the option to add those parcels to an existing agricultural district annually.

Pursuant to Law, the Broome County Legislature, by Resolution 496 of 2004, established an annual 30-day period during which land owners can submit proposals to include viable farm land within a certified agricultural district. The 30-day period runs annually from December 1 through December 31.

At the end of this 30-day period, all requests for inclusion are referred to the County Agricultural and Farmland Protection Board (AFPB). The AFPB determines if each request for inclusion in an agricultural district consists of predominately viable agricultural land and would serve the public interest by helping to maintain a viable agricultural industry within the district.

The recommendations of the AFPB to include parcels in an agricultural district are made to the County Legislature. Following a public hearing, the County Legislature adopts or rejects a resolution to include the parcels into an existing agricultural district.

On March 18, 2010, the County Legislature conducted a public hearing regarding the modification of Broome County Agricultural Districts which included the addition of 21 parcels in Agricultural District No. 4 and 6 parcels in Agricultural District No. 5. The Legislature voted unanimously to approve Resolution 2010-86 Adopting a Plan for the Modification of Broome County Agricultural Districts No. 4 and No. 5 Pursuant to Section 3030-b of the Agriculture and Markets Law.

### AGRICULTURAL DISTRICTS – EIGHT YEAR REVIEW

There are three Agricultural Districts in Broome County. The County Legislature reviews each district every eight years and votes to discontinue the District, or continue the District with or without changes. During the eight year review parcels may be added or deleted.

In 2010, the County Legislature by Resolution 2010-348, Adopted a Plan or Proposal for the Continuation and Modification of Broome County Agricultural District No. 5 Located within the

Towns of Barker, Lisle, Maine, Nanticoke and Triangle for an Additional Eight Year Period Pursuant to Section 303 of the Agricultural and Markets Law. A thirty day public review commenced June 1, 2010 and resulted in the recommendation of the inclusion of 31 parcels and the deletion of six parcels. The County is required to complete the next review of Agricultural District No. 5 on or before January 11, 2019.

## **INTERNSHIP PROGRAM**

The Legislature hosts an Internship program for undergraduate and graduate students. The program offers practical learning opportunities in the Office of the Legislature. At the beginning of the program, each intern receives an orientation and a substantial amount of background information about Broome County and its municipalities. At the student's option, the student may arrange for academic credit from his or her college or university.

Participants in the Program assist the Legislative Assistant and Clerks staff with research, data compilation and analysis, and other projects as required. The student interns also assist the Chairman and Legislators with public relations, constituent service matters, and other support services and assists the Clerk and staff with limited tasks. Intern projects are designed in consultation with the Chair of the Legislature, who receives periodic updates of project status.

Upon completion of the Internship Program each intern receives a letter of completion from the Clerk of the Legislature and a letter from the Chairman thanking him or her for the services rendered.

Student Interns assisted staff with research and other items and allowed this office to be more productive in general. In 2010 the Legislature conducted the third annual Green Recognition Program, which is a program recognizing organizations for environmentally friendly practices.

In 2010, this office hosted nine undergraduate student interns.

## **CONCLUSION**

We continue to add more and more information to the Legislative Business page on the County web site, and organize it in a way that is intended to be easy for people to find the current business of the Legislature and whatever documents they may be looking for. The Legislative Business page can be found at <http://www.gobroomecounty.com/legis/business>.



## APPENDIX A

### 2010 Members of the Legislature

District 1 – Mark R. Whalen

District 2 – Timothy P. Cleary/Joseph A. Merrill

District 3 – Jason T. Garnar

District 4 – Joseph S. Sanfilippo

District 5 – John F. Hutchings

District 6 – Suzanne M. Gorman Messina

District 7 – Marchie Diffendorf

District 8 – Wayne L. Howard

District 9 – Stephen D. Herz

District 10 – Jerry F. Marinich \*\*\*

District 11 – Ronald J. Keibel

District 12 – Donald T. Moran

District 13 – Matthew J. Pasquale

District 14 – Richard A. Materese

District 15 – Gene E. LaBare \*\*

District 16 – Mario M. Nirchi

District 17 – Suzann W. Buchta

District 18 – Barry L. Klipsch

District 19 – Daniel D. Reynolds \*

\* Chairman

\*\* Majority Leader

\*\*\* Minority Leader

**APPENDIX B**

In 2010 the following Local Laws were adopted by the Legislature, approved by the County Executive and filed with the Secretary of State.

Local Law Permanent 1 of 2010

Resolution 611 of 2009, Adopted December 17, 2009

A LOCAL LAW AMENDING CHAPTER 168 OF THE BROOME COUNTY CHARTER AND CODE

Local Law Permanent 2 of 2010

Resolution 5 of 2010, Adopted January 21, 2010

A LOCAL LAW AMENDING CHAPTER 158 OF THE BROOME COUNTY CHARTER AND CODE REGARDING FEES AND CHARGES

Local Law Permanent 3 of 2010

Resolution 98 of 2010, Adopted March 18, 2010

LOCAL LAW AMENDING CHAPTER 85 OF THE ADMINISTRATIVE LOCAL LAWS, AS AMENDED, REGARDING TAXICAB REGULATIONS

Local Law Permanent 4 of 2010

Resolution 230 of 2010, Adopted June 17, 2010

A LOCAL LAW REVISING THE BOUNDARIES OF THE TRIPLE CITIES EMPIRE ZONE

Local Law Permanent 5 of 2010

Resolution 200 of 2010, Adopted June 17, 2010

A LOCAL LAW CREATING CHAPTER 100 OF THE BROOME COUNTY CHARTER AND CODE PROVIDING THAT A SPECIAL HAULING PERMIT SHALL BE REQUIRED FOR USE OF COUNTY ROADS BY CERTAIN VEHICLES THAT EXCEED THE WEIGHT OF DIMENSIONAL LIMITS IN SECTION 385 OF THE VEHICLE AND TRAFFIC LAW OF THE STATE OF NEW YORK

Local Law Permanent 6 of 2010

Resolution 231 of 2010 Adopted June 17, 2010

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE IN RELATION TO THE OFFICE OF THE SHERIFF

Local Law Permanent 7 of 2010

Resolution 327 of 2010, Adopted August 19, 2010

A LOCAL LAW ELECTING A RETIREMENT INCENTIVE AS AUTHORIZED BY PART A, CHAPTER 105, LAWS OF 2010, FOR THE ELIGIBLE EMPLOYEES OF THE COUNTY OF BROOME

Local Law Permanent 8 of 2010

Resolution 346 of 2010, Adopted August 19, 2010

A LOCAL LAW AMENDING THE BROOME COUNTY CHARTER AND CODE TO CREATE THE OFFICE OF MANAGEMENT AND BUDGET

Local Law Permanent 9 of 2010

Resolution 351 of 2010, Adopted August 19, 2010

A LOCAL LAW AMENDING CHAPTER 185 OF THE BROOME COUNTY CHARTER AND CODE TO ADD ARTICLE XVII-EXEMPTION FOR COLD WAR VETERANS

Local Law Permanent 10 of 2010

Resolution 452 of 2010, Adopted October 21, 2010

A LOCAL LAW AMENDING LOCAL LAW NO. 2, 1969, AS AMENDED, ESTABLISHING A NEW FEE SCHEDULE FOR FOOD SERVICE PERMITS AND FOOD SERVICE PLAN REVIEW

Local Law Permanent 11 of 2010

Resolution 195 of 2010, Adopted November 18, 2010

A LOCAL LAW AMENDING CHAPTER 185 TAXATION, TO ADD ARTICLE XVII EXEMPTION FOR HOME IMPROVEMENTS

Local Law Permanent 12 of 2010

Resolution 474 of 2010, Adopted November 18, 2010

A LOCAL LAW AMENDING ARTICLE XII OF CHAPTER 125 OF THE BROOME COUNTY CODE PROVIDING FOR THE ESTABLISHMENT AND COLLECTION OF FEES BY THE OFFICE OF THE BROOME COUNTY CLERK

Local Law Permanent 13 of 2010

Resolution 546 of 2010, Adopted November 18, 2010

A LOCAL LAW AMENDING CHAPTER 115 OF THE BROOME COUNTY CHARTER AND CODE REGARDING THE CHARGES AND FEES AT THE BROOME COUNTY DOG SHELTER

\*Local Law Permanent 14 of 2010 (Approved by the voters at the September general election)

Resolution 26 of 2010, Adopted February 18, 2010

A LOCAL LAW AMENDING ARTICLE VI OF THE BROOME COUNTY CHARTER AND CODE, AS AMENDED, REGARDING ADOPTION OF THE ANNUAL COUNTY BUDGET

Local Law Permanent 15 of 2010

Resolution 547 of 2010, Adopted December 16, 2010

A LOCAL LAW AMENDING CHAPTER 85 OF THE ADMINISTRATIVE LOCAL LAWS, AS AMENDED, REGARDING TAXICAB REGULATIONS