

**BROOME COUNTY LEGISLATURE
REGULAR SESSION
JANUARY 3, 2013**

The Broome County Legislature, Broome County, New York, held an organizational meeting on Thursday, January 3, 2013 at 5:00 PM in the Legislative Chambers, Sixth Floor, Edwin L. Crawford County Office Building, Government Plaza, Binghamton, New York.

The Chairman Pro-Tem, Richard R. Blythe, Broome County Clerk, welcomed those at the dais, County Attorney Robert Behnke and Executive Deputy County Clerk Sharon Exley, and several members of the audience.

The Executive Deputy County Clerk Sharon Exley read the Fire Exit Announcement.

The Chairman pro tem proceeded to call the roll by legislative district.

Legislative District	Legislator	Legislative District	Legislator
1	Stephen J. Flagg	9	Ronald J. Keibel
2	Scott Baker	10	Jerry F. Marinich
3	Kelly Wildoner	11	Colleen E. McCabe
4	Daniel D. Reynolds	12	Michael P. Sopchak, Jr.
5	Daniel J. Reynolds	13	Anthony F. Fiala, Jr.
6	David M. Jensen	14	Jason T. Garnar
7	Matthew J. Pasquale	15	John F. Hutchings
8	John A. Black		

Present-15, Absent-0.

Sheriff David E. Harder led the members of the Legislature in the Pledge of Allegiance to the Flag and Deputy County Clerk Sharon Exley delivered the Invocation.

Mr. Blythe requested nominations for the post of Chairman. Mr. Keibel moved, seconded by Mr. Pasquale, Mr. Wildoner and Mr. D. D. Reynolds the nomination of Jerry F. Marinich as Chairman. There being no other nominations Mr. Blythe declared the nominations closed. Mr. Blythe proceeded to call the roll and announced the unanimous vote of Jerry F. Marinich as Chair of the 1st Broome County Legislature of the New Era. Majority Leader Ronald J. Keibel and Minority Leader Daniel D. Reynolds escorted Mr. Marinich to the podium.

REMARKS FROM THE LEGISLATIVE CHAIR

Thank you to Majority Leader Ron Keibel for the nomination and Legislators Pasquale and Wildoner for the second.

County Clerk Rick Blythe, thanks for your help this evening serving as Chairman Pro-Tem for our Organizational Session. We appreciate your service as County Clerk, Former Legislator and Former Clerk of the Legislature. Thank you also to Sharon Exley for serving as Acting Clerk of the Legislature. Thank you to Sheriff Harder for leading us in the Pledge of Allegiance. And congratulations to the returning Legislators and new Legislators and thank for the trust you have again placed in me. Two years ago I stood here and spoke about our need to put our heads down and get to work on issues that are important to Broome County residents. And we did that. We held the line on taxes and spending and delivered two consecutive Budgets with no increase in property taxes. Working with County Executive Preston we began taking a hard look at County debt and reduced by \$5 Million the money we need to borrow each year to pay our bills. We reformed the County's Ethics Laws and banned gifts to County Officials and employees. We increased the number of Sheriff's Officers patrolling the roads of Broome County. We eliminated

the “facility user fee” on tickets to events at the Forum and Arena and with help from Senator Libous we secured new grants to make improvements to the Veteran’s Memorial Arena. We put strict new rules in place for the use of County vehicles and worked with County Executive Preston to eliminate many County take-home cars. Together we cut the salaries of top appointed County officials by 5% to save taxpayers over \$350,000 per year. We defeated a proposal to charge fees to use County parks and we passed a law banning County elected officials from plastering their names all over our parks signs for free campaign advertising. And working with Congressman Hanna we secured a Federal grant to purchase seven new buses for our Transit Department. These are just some of what we were able to accomplish together these past two years. The people of Broome County recognized our accomplishments. But we can’t sit back as there’s a lot more to do in the coming two years and there are less of us to do it. As a result of a public referendum we have reduced our number from 19 to 15. I would be remiss if I didn’t thank the members of the bi-partisan ad hoc redistricting committee that worked so hard in 2011 to craft a fair redistricting plan that reduced the number of Legislative districts by four. It was a tough task but I’m extremely proud of the result – districts that are logical and do a much better job at respecting municipal boundaries and keeping communities of interest together. We now have 15 Legislators and that means more work for everyone -- but I’m confident in the talent we have in this room. We’ll be working on a new Road Preservation Law to protect our roads from excessive wear and tear. We’ll continue to work to recover from the floods of 2011 and enhance our planning in hopes to mitigate future flooding. We’ll grapple with energy development and conservation efforts. And we’ll be facing tough decisions in the next Budget – how to help the municipalities we represent, ensure we have a strong community college, transit system and public safety operation all while controlling taxes and spending. It won’t be easy but I’m sure that by working together with County Executive Preston and her staff we can get the job done. Once again, thank you for the trust you’ve placed in me by electing me as your Chairman. And my best wishes to all of you for success in the coming two years.

Mr. Blythe proceeded to administer of the Oath of Office to Chairman Jerry F. Marinich.

Mr. Blythe announced the next item of business as Resolution 1-1 Appointing Aaron M. Martin as Legislative Clerk. Mr. D. J. Reynolds seconded the nomination of Aaron M. Martin as Clerk of the Legislature. Mr. Blythe called the roll and confirmed the appointment of Aaron M. Martin as Clerk of the Legislature. Ayes-15, Nays-0.

Mr. Blythe administered the Oath of Office to Legislative Clerk Aaron M. Martin.

Chairman Marinich and Legislative Clerk took their seats at the dias and proceeded with the next Resolution.

RESOLUTIONS INTRODUCED AT THIS SESSION

Resolutions were acted upon out of order, but for the purpose of clarity, they are presented here in numerical order.

RESOLUTION NO. 1

By All Members Seconded by D. J. Reynolds

RESOLUTION APPOINTING AARON M. MARTIN AS LEGISLATIVE CLERK

WHEREAS, pursuant to Section 205 of the Broome County Administrative Code, the County Legislature appoints a Clerk of its body for a term for which the members of the County Legislature were elected, and

WHEREAS, it is desired at this time, in accordance with the provisions of said Administrative Code, to make such appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Broome County Administrative Code does hereby appoint Aaron M. Martin, 209 Reese Avenue, Vestal, New York 13850 as Legislative Clerk for a term of January 1, 2013 through December 31, 2014.

Carried. Ayes-15, Nays-0

RESOLUTION NO. 2

By All Members

Seconded by Mr. Black

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE COUNTY LEGISLATURE FOR THE 2013-2014 LEGISLATIVE TERM

RESOLVED, that the Rules of Order of this County Legislature, attached hereto as Exhibit "A", shall be the Rules of Order of the County Legislature for the term of this County Legislature, and be it

FURTHER RESOLVED, that this Resolution shall become effective immediately.

RULES OF ORDER

RULE 1

ORGANIZATION OF THE COUNTY LEGISLATURE

The County Legislature shall bi-annually, by Resolution duly adopted during the month of December, fix the date and time of the meeting to organize, which meeting shall be held on or before the eighth day of January next following, in the Legislative Chambers, Edwin L. Crawford County Office Building, Government Plaza, Binghamton, New York, for the purpose of adopting Rules of Order and such other business as may legally come before it at the Organizational Meeting.

At the Organizational Meeting held in the calendar year next succeeding the General Election at which the Legislators have been elected, the County Legislature shall elect a Chair and Clerk for a term of office for which the members of the County Legislature were elected (two full years).

RULE 2

PROCEDURE FOR ORGANIZATIONAL MEETING

The County Clerk shall act as Chair pro tem. The Chair pro tem shall call the Legislators to order, and read the fire exit announcement and call the roll. The Pledge of Allegiance to the Flag shall be followed by an Invocation of Prayer. Whereupon the Chair pro tem shall declare: "The first order of business is the election of a Chair." Nominations for the office of Chair shall then be taken from the floor and such nominations must be seconded. Before proceeding to an election, the Chair pro tem shall inquire if there are any further nominations. If there is no response, the Chair pro tem shall declare the nominations closed. Voting shall be by full roll call with each Legislator, when his/her name is called, declaring the name of the candidate of his/her choice who has been duly nominated and seconded. Voting shall continue until a candidate receives a majority vote of the whole number of members of the County Legislature; whereupon the Chair pro tem shall declare the duly elected Chair. Upon election, the Chair shall immediately assume all duties and responsibilities of the office and shall continue to act in such capacity until the termination of his/her term of office, which shall be for two full years.

The Chair shall then preside over the election of the Clerk of the County Legislature subject to the same procedure and vote. Upon election, the Clerk shall immediately assume all duties and responsibilities of the office and shall continue to act in such capacity until the termination of his/her term of office.

RULE 3

MEETINGS

The County Legislature shall, at its Organizational Meeting, adopt a schedule of regular meetings for the year; and at the second meeting in December of that year, adopt a schedule of regular meetings for the following year. When the Chair of the County Legislature deems it necessary and advisable, he/she may change the time of the regular meeting to an hour of the day or evening other than that provided for in the Schedule of Meetings. In such event, the Chair shall require the Clerk of the Legislature to give notice to each member of the Legislature of such change in time for the regularly scheduled meeting, which notice shall be served personally, by mail, email or by phone upon each Legislator at least forty-eight (48) hours before the date fixed for holding the meeting. The Legislature may, by majority vote of its members, set another day.

Special meetings shall be held at the call of the Clerk of the County Legislature upon direction of the Chair or upon written request signed by a majority of the Legislature. Notice in writing

stating the time, the place and purpose of the special meeting shall be served personally or by mail, email, or by phone upon each Legislator by the Clerk of the Legislature at least forty-eight (48) hours before the date fixed for holding the meeting. A member may waive the service of this notice for a special meeting in writing. Only business specified in the notice thereof may be transacted at a special meeting.

An Invocation of Prayer may be offered immediately following the Pledge of Allegiance to the Flag. The Chair of the County Legislature, or his/her designee, shall make suitable arrangements to invite clergy of various faiths and denominations, insofar as is possible, to offer such Prayer.

RULE 4

QUORUM

A "Quorum" shall mean a majority of the whole number of members of the County Legislature. There must be a quorum to transact business in either the County Legislature or Committee thereof, but a lesser number may adjourn. In the absence of a quorum during the sessions of the Legislature, the Chair may take whatever measures are provided by law and as he/she may deem necessary to secure the presence of a quorum.

RULE 5

COMMITTEES

The Chair shall appoint all committees and chairs of committees unless ordered or directed by a two-thirds (2/3) vote of the County Legislature. Special committees may be authorized from time to time by the Legislature.

The Chair is authorized to appoint ad hoc committees. The Chair shall be a member ex-officio of every committee, with no right to vote.

The Chair may make temporary appointments to fill vacancies on any committee caused by the absence of members thereof. The chair of a standing committee may designate one of the members as temporary chair of a specific committee meeting or portion of a specific committee meeting. In the case of the absence of the chair of a standing committee at any meeting, and no designation of a temporary chair, the members present shall choose one of their members as temporary chair. The County Law Department and/or the Legislative Clerk shall draft Resolutions for the consideration of the appropriate committees. The Legislative Clerk will further propose assignments of committees. The first committee will be considered the Prime sponsoring committee.

The Chair of the Legislature shall have the right to add or delete committee assignments, or change the order to review, as he/she shall deem fit.

Resolutions must be approved by the Prime sponsoring committee prior to presentation to the full Legislature.

Unless otherwise provided by the County Legislature, by Resolution passed by a two-thirds (2/3) majority, there shall be the following standing committees:

1. COUNTY ADMINISTRATION

Five members who shall consider and report upon all matters relating to

- the Rules of Order
- local laws
- advisory resolutions
- the Legislature
- County Executive
- County Clerk
- Department of Law
- Information Technology
- Elections.
- This committee shall also consider and report upon all matters pertaining to County officers, County offices or departments not properly coming under the jurisdiction of any other standing or special committee. Any matters not

properly within the jurisdiction of any standing committee shall be referred to this committee unless otherwise provided by the Legislature by Resolution.

- The committee shall also have jurisdiction to allow Resolutions, which are untimely under Rule 21d to be considered by the Legislature.

2. ECONOMIC DEVELOPMENT, EDUCATION AND CULTURE

Five members who shall consider and report upon all matters relating to

- the Department of Planning and Economic Development
- Environmental Management Council
- Broome County Industrial Development Agency
- Office of Employment and Training
- Southern Tier East Regional Planning Development Board
- Broome County Public Utility Service
- Brownfield Assessment and re-development
- all other matters of County interest relating to economic development, including the Chamber of Commerce, Visitors Bureau, and County events and promotions
- Cornell Cooperative Extension of Broome County
- all matters pertaining to rural affairs including agriculture, logging / timber harvesting, agricultural reviews, watershed flood protection projects, Soil & Water Conservation Service
- all other matters of County interest pertaining to rural development.
- Broome Community College
- County Historian
- Broome County Public Library
- Contract agencies and all other matters of County interest relating to education, the arts and culture
- The Division of Parks, Recreation and Youth Services
- Veterans Memorial Arena and the Forum
- Youth Bureau

This committee shall have concurrent jurisdiction with the Health and Human Services Committee on matters pertaining to oil and gas energy development.

3. FINANCE

Five members who shall consider and report upon all matters pertaining to the Department of Audit and Control, Real Property Tax Service, Risk Management, and the Office of Management and Budget. The committee shall:

- review and make recommendations concerning the proposed annual budget and capital program
- review and make recommendations for any change or modification in the current annual budget or capital program
- review and make recommendations on the purchase of, and all matters pertaining to, County insurance and the bonds of County officers and employees
- consider and report upon all matters pertaining to reassessment, the equalization of both State and County assessments, the assessment rolls and footings, erroneous assessments, tax maps, and tax sales
- consider and report upon Off Track Betting, sales tax and other tax revenues
- report upon all property deeded or conveyed to the County and shall recommend the disposal or sale of all real and personal property when no longer required for public use
- survey, consider, study and report upon all capital projects as defined in Section 603 of the Broome County Charter and, to submit recommendations thereon with the order of priority based upon the County's financial condition and future needs.

A Preferred Agenda may be presented at any committee meeting of the Finance Committee, by the Chair of the Finance Committee. That Preferred Agenda shall be limited to Resolutions that have been carried unanimously in other committee(s). Any Resolution may be withdrawn from the Preferred Agenda by any Finance Committee member. Those Resolutions where Finance Committee is prime shall not be placed on the Preferred Agenda. The Preferred Agenda as such, may be acted upon with a single vote of the Finance Committee.

4. HEALTH AND HUMAN SERVICES

Five members who shall consider and report upon

- All matters pertaining to the Department of Health, including Environmental Health, dog inoculation and quarantine and all other agencies or matters pertaining to public health
- All matters pertaining to the Department of Mental Health, Mental Health Clinic and all other agencies and matters pertaining to mental health
- Matters pertaining to public water supply and wastewater treatment
- Matters pertaining to hazardous materials handling, disposal of hazardous waste
- Soil and groundwater contamination
- All matters pertaining to long term care, including the Nursing Home and the Community Alternative Systems Agency (CASA)
- matters pertaining to the Department of Social Services
- Family Violence Prevention
- Office for the Aging
- Veterans Services

This Committee shall have concurrent jurisdiction with the Economic Development, Education and Culture Committee on matters pertaining to oil and gas energy development.

5. PERSONNEL

Five members who shall consider and report upon

- all matters pertaining to the Personnel Department, Civil Service, and County employees, including salaries, wages and all other employee benefits and terms and conditions of employment. This committee shall act on behalf of the Legislature on matters assigned by the Legislature.
- This committee shall also be responsible for reporting to the Legislature the current status of all labor negotiations. This committee shall conduct legislative hearings under the Taylor Law.
- All required confirmations of Executive appointments shall be referred to this committee. Confirmation hearings should be conducted jointly by the Personnel
- other relevant committees with the chair of the Personnel Committee presiding. Said appointment, with the recommendation of the Personnel Committee, shall then be referred to the full Legislative Body.

6. PUBLIC SAFETY AND EMERGENCY SERVICES

Five members who shall consider and report upon

- all matters pertaining to the District Attorney
- Public Defender
- Coroners
- Emergency Services
- Probation Department
- STOP-DWI

- the Sheriff, Civil Defense
- Fire Coordinator and Fire Advisory Board
- the Traffic Safety Board
- the Security Division of the Department of Public Works
- the Dog Shelter
- all matters pertaining to public safety and emergency services.

7. PUBLIC WORKS AND TRANSPORTATION

Five members who shall consider and report upon matters pertaining to the Division of Highways, the Division of Buildings and Grounds, the Division of Engineering and the Division of Solid Waste Management. This committee shall:

- Consider and report upon all matters relating to the condition and maintenance of County highways and bridges
- Review and make recommendations on construction, renovation, and maintenance and security of all County-owned or leased buildings, including the dog shelter
- Review and report upon all matters relating to County water studies and/or districts and County sewer studies and/or districts
- Review any study, development, construction, operation and maintenance of any solid waste disposal system, including resource recovery, recycling and landfill operations

The committee shall also consider and report upon matters pertaining to the:

- Department of Aviation
- Department of Public Transportation
- Binghamton Metropolitan Transportation Study
- all other matters of County interest pertaining to public transportation.

**RULE 6
OTHER COMMITTEES AND BOARDS**

The committees and boards listed below shall consist of Legislators as follows:

- Airport Advisory Board, one Legislator
- Arena Board, one Legislator
- Community Services Board, one Legislator
- Emergency Medical Services Board, one Legislator
- Environmental Management Council, two Legislators
- Fire Advisory Board, three Legislators
- Health Advisory Board, two Legislators
- Jury Board, one Legislator
- Nursing Home Board, one Legislator
- Agricultural and Farmland Protection Board, one Legislator
- Cornell Cooperative Extension Board, two Legislators
- IDA Board, two Legislators
- Southern Tier East Regional Planning and Development Board (STERDB), two Legislators
- Soil & Water Conservation District, two Legislators
- Local Development Corporation, two Legislators
- En-Joie Golf Course, two Legislators
- Law Library Board of Trustees, one Legislator
- Fish and Wildlife Board, one Legislator

RULE 7

COMMITTEE-OF-THE-WHOLE NO QUORUM; ADJOURNMENT

The Legislature may, at any time when in session, move by a majority vote, to resolve itself into a Committee-of-the-Whole on any subject before it, and in such case, the Chair of the Legislature may preside or name some member to preside.

The Chair of the Legislature may call a Committee-of-the-Whole when deemed appropriate. If at any time, when in a Committee-of-the-Whole, it is ascertained that there is no quorum, the Chair shall immediately so state and adjournment of the Committee-of-the-Whole shall be in order.

RULE 8

ROLL CALL AND MINUTES

At every meeting of the Legislature, upon the members being called to order by the Chair, the Clerk shall call the roll of members, and the names of those absent shall be inserted in the Minutes. The Minutes of the preceding meeting shall then be presented to the end that any corrections, alterations, or additions may be made, the Minutes shall be made available to the Legislators as soon as possible following the session but no later than 4:30 p.m., Friday immediately preceding the next Regular Meeting of the County Legislature. In all cases when an order, Resolution, or a motion shall be entered in the Minutes of the Legislature, the name of the member or committee presenting or moving the same shall be entered.

RULE 9

ORDER OF BUSINESS

At all meetings, the following order of business shall be observed unless otherwise changed by a majority vote of the Legislature:

1. Call to Order
2. Roll Call by Clerk and Fire Exit Announcement
3. Pledge of Allegiance to the Flag
4. Invocation
5. Announcements from the Chair
6. Written or Oral Presentations of the County Executive
7. Written or Oral Presentations of the County Legislature
8. Public Hearings
9. Review and Approval of Session Minutes
10. Review and Approval of Committee Minutes
11. Report of Standing Committees
12. Report of Special Committees
13. Presentation of Petitions, Communications, Notices and Reports
The Clerk or any member of the Legislature may present petitions, communications and notices.
14. Other Matters Pending or Referred from Previous Meetings
15. New Business – Preferred Agenda
A Preferred Agenda may be presented at any regular session of the Legislature. That agenda shall be limited to Resolutions that have been carried unanimously in committee(s) and then designated for placement on the Preferred Agenda by the Chair of the Legislature, Majority Leader and Minority Leader for consideration as a single piece of legislation. However, any Legislator may ask for separate consideration of any Resolution within the preferred agenda as such agenda comes before the Legislature for consideration. The Preferred Agenda as such, may be acted upon with a single vote. The Clerk shall assign appropriate introductory and permanent numbers to each Resolution within the Preferred Agenda.
16. Other New Business
17. Legislators' Comments
18. Adjournment

RULE 10

COMMUNICATIONS

The receipt of petitions, communications, notices and reports, if received in advance, shall be noted on the Agenda of each Regular Session. The receipt of petitions, communications, notices and reports, if received by the conclusion a Regular Session, shall also be noted in the Minutes of each Regular Session.

Petitions, communications, notices and reports shall be filed and indexed by the Clerk and, if the Chair so directs, published in the Journal of Proceedings.

RULE 11

DUTIES OF THE CHAIR

The Chair shall take the chair promptly at the hour specified for the convening of the Legislature and shall preserve order and decorum. In debate, he/she shall prevent personal reflections and confine members to questions under discussion. He/she shall decide all questions of order, which shall be final, unless an appeal is taken to the Legislature and the decision is overruled.

The Chair shall, in all cases except appeals from his/her rulings, have a right to vote.

RULE 12

APPEAL FROM THE CHAIR'S RULING

Every Legislator shall have the right to appeal rulings of the Chair and assign his/her reasons for the challenge. The Chair, on every appeal, shall have the right to assign his/her reasons for the ruling. An appeal from the Chair's ruling shall be presented in the following manner: "Shall the ruling of the Chair be sustained and the ruling of the Chair stand as the judgment of this Legislature?" An appeal of the Chair's ruling shall be without debate. In the event of a tie vote the ruling of the Chair shall be deemed sustained.

A minimum of eight (8) votes is necessary to override the ruling of the Chair.

RULE 13

ACTING CHAIR, MAJORITY AND MINORITY LEADER

The Chair may name a member of the County Legislature to perform the duties of the Chair for a period not longer than two consecutive meetings of the Legislature. For a period in excess of two consecutive meetings, an Acting Chair shall be selected by the Legislature, with a majority vote, to serve until such time as the Chair resumes his/her regular duties.

The majority and minority members of the County Legislature may appoint a leader, which appointment shall be filed with the Clerk of the Legislature.

RULE 14

MAJORITY VOTE

A majority of the total vote of the whole number of members of the Legislature shall be necessary to carry any question, proposition, Resolution, motion or any other matter, except where it is otherwise provided herein, or by law.

RULE 15

WHEN A MEMBER MAY BE EXCUSED FROM VOTING

A member who has a prohibited conflict of interest, under the General Municipal Law, shall not vote after stating his/her connection with the questions and obtaining a ruling from the County Attorney that such constitutes a prohibition from voting.

Where a member is required to disclose an interest in legislation, but is not prohibited from voting, he/she shall state his/her connection with the question and may be excused from voting with the consent of two-thirds (2/3) of the whole number of members of the Legislature.

Any member requesting to be excused from voting may, when his/her name is called, make a brief statement of his/her reasons for making such a request. Such statement shall be limited to five (5) minutes in time and the County Legislature, without debate, shall decide in the affirmative or the negative by majority vote upon the said request.

RULE 16

RECORDING AYES AND NAYS

Short roll call shall be used by the Chair of the Legislature except when any member calls for a full roll call. At the beginning of each Legislative Session, and immediately following the calling of the roll of members, the Chair shall designate two members present to vote during short roll

calls. Thereafter, on any question coming to a vote, the Clerk shall call the names of the two members designated and then the Chair's name, and the vote of each of the three shall be recorded. Each of the other members present shall be considered to have voted affirmatively upon a question unless he/she indicates otherwise to the Clerk of the County Legislature prior to the announcement by the Clerk of the final vote tally.

Full roll call whenever required by law or by any member shall consist of the recording of the Ayes and Nays of each Legislator present whose names shall be called in an order determined by the Chairman. The Clerk shall record the names of the members and the way each shall have voted whether by short or full roll call and the same shall be entered into the proceedings of the Legislature.

Full roll calls are required for all Resolutions dealing with local laws, financial bonds, capital improvement programs, the annual budget and budget notes. (See Rule 27)

Any member, absent during a vote, may, prior to adjournment of the Legislature, request the Clerk to record his/her vote which shall be duly recorded upon the Minutes provided that said vote does not change or modify the Legislative action taken.

RULE 17

PRIVILEGE OF THE FLOOR

Except as otherwise provided herein, no person shall be entitled to the privilege of the floor during a meeting of the Legislature unless, either a member of the Legislature requests said privilege on behalf of a person and the Legislature grants said privilege by a majority vote of the whole number of the members of the Legislature, or a special or standing committee grants said privilege by majority vote of the whole number of the members of the Committee on behalf of a person who has appeared before the Committee.

The Chair of the Legislature may recognize and grant privilege of the floor to any County, State, Federal or municipal official.

The granting of the privilege of the floor may be conditioned upon such terms of time and content as the Chairman may impose.

RULE 18

SUSPENSION OF RULES

These Rules at any time during the meeting may be suspended by two-thirds (2/3) vote of the members of the Legislature present; however, the member making application for such suspension must state the purpose for which the same is asked.

RULE 19

VOTE ON DISTINCT PROPOSITION

If the question in debate contains several distinct propositions, the same shall be divided by the Chair at the request of any member to the end that a vote may be taken on each proposition. A motion to strike out and insert shall be deemed one proposition.

RULE 20

PRESENTATION OF MOTION

When a question shall be under consideration, no motion shall be received except as herein specified, which motions, termed subsidiary motions, shall have precedence in the order named, to wit:

1. For an adjournment of the Legislature
2. For the question before the Legislature
3. To table indefinitely
4. To table to a day certain
5. To go immediately into a Committee-of-the-Whole on the pending subject
6. To recess
7. To commit to a Standing Committee
8. To commit to a Special Committee
9. To amend

RULE 21

RESOLUTIONS

- a) Form

Every Resolution offered shall be in writing, shall have a number affixed, and, be accompanied by a signed Resolution Request form. The number and name of the members or Committee offering a Resolution shall be entered in the Minutes. Each Resolution offered shall be reviewed by the County Attorney as to its form and legality and a copy shall be submitted to the Director of Budget and Research before it is presented to the Legislature

b) Second

The name of the member who seconds a Resolution shall be entered in the Minutes. In seconding a Resolution, the member must proceed in the usual manner by addressing the Chair first.

c) Timing

All requests for Resolutions shall be presented in final form to the Clerk of the County Legislature by 9:00 a.m., twenty one (21) days prior to the Regular Meeting of the County Legislature, at which it is proposed that said Resolutions will be presented. All Resolutions presented within this deadline shall appear on the final printed agenda of the appropriate committee(s) unless determined otherwise by the Chair of the committee(s).

d) Late Resolutions

The County Legislature shall consider no other request for Resolution(s) after the above date unless first approved by the County Administration Committee for presentation. The Chair of the County Administration Committee shall determine if a late Resolution(s) will be accepted for presentation to the County Administration Committee.

The Prime Sponsoring Committee and other involved committees may first act on untimely (late) Resolution(s) pending acceptance and approval for presentation of the late Resolution(s) by the County Administration Committee.

Such untimely (late) Resolution(s) must be accompanied by complete documentation and shall include rationale explaining its untimeliness and the necessity for consideration as a late Resolution, or the County Administration Committee will not consider it. Request(s) for Resolution(s) received after the above date shall be kept by the Clerk of the County Legislature until the following Regular Meeting.

e) Committee Agenda

The chair of each committee shall be responsible for determining his/her committee's agenda; however, a majority of the committee members may also determine the committee's agenda. Once included as part of the formal written agenda of a committee, Resolutions can only be removed or deferred by a majority vote of the committee.

f) Notice of Resolutions

A list of titles of all Resolutions to be acted upon by the County Legislature at a Regular Meeting along with copies of amendments and/or corrections made to Resolutions in Committee shall be mailed to each Legislator by 4:30 p.m. on Friday immediately preceding the Regular Legislative Meeting. Copies of all Resolutions shall be presented to the Clerk of the Legislature by 4 p.m. on Friday prior to a Regular Meeting and placed in the Legislators' mailboxes, located in the Clerk's Office, on the same day. Each Resolution presented shall be numbered consecutively.

g) Special Sessions

No Resolution may be presented at a Special Meeting of the County Legislature unless the same has been presented in written and final form to the Clerk of the County Legislature and the County Attorney at least seventy-two (72) hours before the meeting.

h) Failure of Resolution in Committee

No Resolution may be presented by an individual Legislator at a Regular Meeting unless it has been presented to the appropriate Committee or Committees having jurisdiction of the subject matter at least sixteen (16) days prior to said Regular

Meeting for the Committee's consideration. Failure of a Committee to act on or sponsor a Resolution presented to it shall not, however, prevent an individual member from offering said Resolution for consideration by the Legislature at the second regular session following the committee's consideration.

i) Majority Vote Required

A Standing Committee may introduce no Resolution unless it has received a majority approval of the sponsoring Committee at the time of the meeting.

j) Hold Over Request

Every Resolution appearing on the agenda for the first time shall lie over until the next regular meeting if so requested by any Legislator or to a special meeting called to consider said Resolution. This shall not apply to the last regular meeting held by the Legislative Body or to Resolution(s) confirming appointments by the County Executive pursuant to Sections C311 and C312 of the Broome County Charter and Code.

RULE 22

AMENDING A RESOLUTION

The Prime Committee shall be the only committee that can amend a Resolution or a local law during the committee-review cycle. Amendments may be presented to secondary committees for information only if they meet before the Prime Committee. The secondary committees may recommend passage or rejection of an amendment to the Prime Committee, or it may defer action on the Resolution itself to the Prime Committee.

Any member of the Legislature may offer an amendment to any Resolution or local law during a Legislative session, or by pre-filing an amendment with the Clerk of the Legislature.

Note: If a local law is amended during the committee cycle or during a Legislative session, the required local law cycle starts all over again except in a case of emergency declared by the County Executive.

RULE 23

WITHDRAWAL OF RESOLUTION OR MOTION

Any Resolution or motion offered by a member or Committee may be withdrawn by the member or Committee presenting it at any time before an announcement by the Chair of the vote thereon or before an amendment to such Resolution or motion has been adopted.

RULE 24

MOTIONS NOT AMENDABLE OR DEBATABLE

All motions for an adjournment, for a recess, for immediate consideration of the question before the Legislature, or to lie on the table, shall be neither amended nor debated.

RULE 25

MOTIONS FOR RECONSIDERATION

A motion for reconsideration shall not be in order unless made on the same day, or the meeting next succeeding that on which the action proposed to be reconsidered took place. A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered, except that a member who was absent, may at the first meeting thereafter, have a right to move a reconsideration of the same unless the Resolution or Local Law has been implemented. When a motion to reconsider has been defeated, it shall not again be submitted to the Legislature without consent of two-thirds (2/3) of the whole number of legislators.

RULE 26

MOTION TO RESCIND

A motion to rescind can only be entertained when moved by a member who voted with the prevailing side on the action proposed to be rescinded and requires the affirmative vote of two-thirds (2/3) of the whole number of members of the Legislature.

RULE 27

COMMITTEE PROCEDURE

No Resolution asking for the appropriation of money shall be acted upon at any meeting unless the same shall have been referred to the Prime Committee for consideration and recommendation.

All Committees shall meet on or before the Thursday preceding the Regular Legislative Meeting for the purpose of taking necessary action on Resolutions to be presented at the next Regular Meeting.

RULE 28

APPROPRIATION OF COUNTY FUNDS

Except as otherwise provided by law, all Resolutions or other proceedings involving an appropriation of County funds shall be taken by roll call vote.

RULE 29

APPLICATION FOR SALARY INCREASES

No Resolution for a salary or wage increase shall be considered by the Legislature unless the Personnel Committee shall have considered such application and a recommendation shall have been made thereon. In the event such application requires a change in a budgetary provision, or budgetary appropriation, the same shall, in addition, be considered by the Finance Committee and a recommendation shall be made thereon.

RULE 30

AMENDMENT OF RULES

These Rules of Order shall not be altered or amended except by a two-thirds (2/3) vote of the members of the County Legislature. Any Resolution presented to the Legislature proposing an amendment of these Rules shall lay over until the next regular meeting.

RULE 31

ROBERT'S RULES OF ORDER

Robert's Rules of Order Newly Revised will be used as the parliamentary authority for those rules not specifically identified in this document.

Mr. D. D. Reynolds made a motion, seconded by Mr. Hutchings to amend Rule 21 j) to provide for a 72 hour waiting period before a special meeting may be called.

Amendment failed. Ayes-5, Nays-10 (Flagg, Baker, Wildoner, D. J. Reynolds, Jensen, Pasquale, Black, Keibel, Marinich, Sopchak).

Resolution as presented carried. Ayes-15, Nays-0.

RESOLUTION NO. 3

By All Members

Seconded by Mr. Baker

RESOLUTION ADOPTING THE SCHEDULE OF LEGISLATIVE SESSIONS FOR 2013

RESOLVED, that, in accordance with Rule III of the Rules of Order, this County Legislature hereby adopts the following schedule of Legislative Sessions for 2013

SESSION SCHEDULE FOR 2013

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Meeting Time</u>
Thursday	January 17	Regular	5:00 pm
Thursday	February 21	Regular	5:00 pm
Thursday	March 21	Regular	5:00 pm
Thursday	April 18	Regular	5:00 pm
Thursday	May 16	Regular	5:00 pm
Thursday	June 20	Regular	4:00 pm
Thursday	July 18	Regular	4:00 pm
Thursday	August 15	Regular	4:00 pm
Thursday	September 19	Regular	5:00 pm
Thursday	October 17	Regular	5:00 pm
Thursday	November 21	Regular	5:00 pm

SESSION SCHEDULE FOR 2013

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Meeting Time</u>
Thursday	December 19	Regular	5:00 pm
Monday	December 30	Regular	5:00 pm

Carried. Ayes-15, Nays-0.

RESOLUTION NO. 4

By All Members Seconded by Mr. Black
RESOLUTION APPOINTING CHRISTOPHER P. DZIEDZIC AS LEGISLATIVE ASSISTANT

WHEREAS, the Broome County Legislature, by Resolution 318 of 1977, created the position of Legislative Assistant, and

WHEREAS, it is the opinion of this County Legislature that Christopher P. Dziedzic will satisfactorily fulfill the duties of the position and it is appropriate to appoint him to the position of Legislative Assistant effective January 1, 2013, now, therefore, be it

RESOLVED, that Christopher P. Dziedzic, 235 Chenango Street, Binghamton, New York, 13901 be and he hereby is appointed to the position of Legislative Assistant to the Broome County Legislature effective January 1, 2013 to serve at the pleasure of the Chair.

Carried. Ayes-15, Nays-0.

RESOLUTION NO. 5

By All Members Seconded by Mr. Flagg
RESOLUTION DESIGNATING NEWSPAPERS PUBLISHED WITHIN BROOME COUNTY AS THE OFFICIAL NEWSPAPERS FOR THE PUBLICATION OF ALL LAWS, NOTICES, AND OTHER MATTERS REQUIRED BY LAW TO BE PUBLISHED

WHEREAS, County Law Section 214, Subsection 2, requires the annual designation of at least two newspapers published within the County as official newspapers for the publication of all local laws, notices, and other matters required by law to be published, and

WHEREAS, County Law Section 214, Subsection 2, further states that "if there be but one newspaper having circulation in the County, that newspaper shall be designated", and

WHEREAS, this County Legislature desires to designate the Press & Sun-Bulletin as the official newspaper for the publication of all local laws, notices, and other matters required by law to be published, and to further designate a consortium of Broome County weekly newspapers consisting of The Deposit Courier, The Windsor Standard, The Country Courier, and The Vestal Town Crier as official newspapers for the placement of all Broome County Legal Notices requiring publication in a second paper, now, therefore, be it

RESOLVED, that, pursuant to County Law Section 214, the Press & Sun-Bulletin is hereby designated as the official newspaper for the publication of all local laws, notices, and other matters required by law to be published, and to further designate a consortium of Broome County weekly newspapers consisting of The Deposit Courier, The Windsor Standard, The Country Courier, and The Vestal Town Crier as official newspapers for the placement of all Broome County Legal Notices requiring publication in a second paper.

Carried. Ayes-15, Nays-0.

RESOLUTION NO. 6

By All Members Seconded by Mr. Black
RESOLUTION AMENDING MEMBERSHIP ON THE BROOME COUNTY VETERANS MEMORIAL ARENA BOARD OF DIRECTORS AND APPOINTING THE HONORABLE DANIEL J. REYNOLDS AS THE LEGISLATIVE REPRESENTATIVE TO SAID BOARD

WHEREAS, this County Legislature, by Resolution 364 of 1972, 446 of 1974 and 321 of 1987 approved the by-laws of the Broome County Veterans Memorial Arena and authorized the

Chairman of the Community Affairs Committee of the County Legislature or member of said committee designated by the Chair of the County Legislature to be a member of said Board, and

WHEREAS, Legislative committees change from time to time and in order to give the Chairman of the Legislature flexibility in appointing a Legislative Member to the Board, it is necessary at this time to remove the Chair of the Community Affairs Committee of the County Legislature or member of said committee designated by the Chair as a member of said Board and authorize the Chairman of the Legislature to make the Legislative representative appointment, which shall be confirmed by the Legislature, now, therefore, be it

RESOLVED, that this County Legislature, authorizes removing the Chairman of the Community Affairs Committee of the County Legislature or member of said committee designated by the Chair of the County Legislature to be a member of said Board and authorizes the Chairman of the Legislature to make the Legislative representative appointment which shall be confirmed by the County Legislature, and be it

FURTHER RESOLVED, that this County Legislature hereby appoints Daniel J. Reynolds, 309 Clayton Avenue, Vestal, New York 13850 to membership on the Broome County Veterans Memorial Arena for a term expiring December 31, 2014.

Carried. Ayes-14, Nays-0, Abstain-1 (D. J. Reynolds).

RESOLUTION NO. 7

By All Members

Seconded by Mr. D. J. Reynolds

RESOLUTION CONFIRMING THE APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution 78 of 1970, Resolution 46 of 1979, Resolution 223 of 1987 and Article 18-A of the New York State General Municipal Law, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Industrial Development Agency Board of Directors for the term indicated:

<u>Name</u>	<u>Term Expiring</u>
Ronald J. Keibel PO Box 395 Whitney Point, New York 13862	December 31, 2014

Daniel D. Reynolds 2404 Charleston Avenue Vestal, New York 13850	December 31, 2014
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and

WHEREAS, it is desired at this time, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 78 of 1970, Resolution 46 of 1979, Resolution 223 of 1987 and Article 18-A of the New York State General Municipal Law, does hereby confirm the appointment of the above-mentioned individuals to membership on the Broome County Industrial Development Agency Board of Directors in accordance with their appointment by the Legislative Chair.

Carried. Ayes-14, Nays-0, Abstain-1 (D. D. Reynolds).

RESOLUTION NO. 8

By All Members

Seconded by Mr. D. J. Reynolds

RESOLUTION APPOINTING THE HONORABLE STEPHEN J. FLAGG TO MEMBERSHIP ON THE BROOME COUNTY JURY BOARD

WHEREAS, pursuant to Section 503 of the Judiciary Law, a member of the County Legislature must be appointed to the Broome County Jury Board, and

WHEREAS, it is the desire of this Legislative body to appoint the Hon. Stephen J. Flagg to said Board for a term to expire on December 31, 2014, now, therefore, be it

RESOLVED, that this County Legislature hereby appoints the Hon. Stephen J. Flagg, 51 Flagg Road, Binghamton, New York 13904 to membership on the Broome County Jury Board for a term expiring on December 31, 2014.

Carried. Ayes-15, Nays-0.

RESOLUTION NO. 9

By All Members

Seconded by Mr. Keibel

RESOLUTION CONFIRMING THE APPOINTMENT OF THE HONORABLE KELLY F. WILDONER TO MEMBERSHIP ON THE SOUTHERN TIER EAST REGIONAL PLANNING DEVELOPMENT BOARD

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution 230 of 1967, Resolution 416 of 1974, Resolution 48 of 1984, and Resolution 108 of 1987, has duly designated and appointed, pending confirmation by this Legislature the Hon. Kelly F. Wildoner to membership on the Southern Tier East Regional Planning Development Board and

WHEREAS, it is desired at this time to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions Resolution 230 of 1967, Resolution 416 of 1974, Resolution 48 of 1984, and Resolution 108 of 1987, does hereby confirm the appointment of the Honorable Kelly F. Wildoner, 4288 Brady Hill Road, Binghamton, New York 13903 to membership on the Southern Tier East Regional Planning Development Board in accordance with his appointment by the Legislative Chair.

Mr. Keibel made a motion to amend, seconded by Mr. Pasquale to replace Kelly F. Wildoner's name and address with John A. Black's name and address.

Amendment carried. Ayes-15, Nays-0.

Resolution as amended carried. Ayes-15, Nays-0.

RESOLUTION NO. 10

By All Members

Seconded by Mr. Baker

RESOLUTION CONFIRMING APPOINTMENTS TO MEMBERSHIP ON THE BROOME COUNTY SOIL AND WATER CONSERVATION DISTRICT

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution 27 of 1972, Chapter 64 of the Broome County Charter and Code, and Section 6 of the Soil and Water Conservation Districts Law, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Soil and Water Conservation District for the terms indicated:

<u>Name</u>	<u>Expiration of Term and Category</u>
Daniel J. Reynolds 309 Clayton Avenue Vestal, New York 13850	December 31, 2013 (Legislative Representative)
Kelly Wildoner 4288 Brady Hill Road Binghamton, New York 13903	December 31, 2013 (Legislative Representative)

and

WHEREAS, it is desired at this time to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 27 of 1972, Chapter 64 of the Broome County Charter and Code and Section 6 of the Soil and Water Conservation Districts law, does hereby confirm the appointments of the above-named individuals to membership on the Soil and Water Conservation District in accordance with their appointment by the Legislative Chair.

Carried. Ayes-13, Nays-0, Abstain-2 (D. J. Reynolds, Wildoner).

RESOLUTION NO. 11

By All Members

Seconded by Mr. D. J. Reynolds

RESOLUTION APPOINTING THE HONORABLE ANTHONY F. FIALA AND THE HONORABLE DAVID M. JENSEN TO MEMBERSHIP ON THE BROOME COUNTY HEALTH ADVISORY BOARD

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Section C703 and A703 of the Broome County Charter and Administrative Code, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Health Advisory Board for the term indicated:

<u>Name</u>	<u>Term Expiring</u>
David M. Jensen 1312 Irma Avenue Endicott, New York 13760	December 31, 2014

Anthony R. Fiala 8 Stanley Street Binghamton, New York 13905	December 31, 2014
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and

WHEREAS, it is desired at this time, to confirm said appointments, now, therefore, be it RESOLVED, that this County Legislature, pursuant to the provisions of Section C703 and A704 of the Broome County Charter and Administrative Code, does hereby confirm the appointment of the above-mentioned individuals to membership on the Broome County Health Advisory Board in accordance with their appointment by the Legislative Chair.

Carried. Ayes-15, Nays-0.

Mr. Marinich welcomed the new and returning Legislators. He stated that committee and board assignments were made and distributed in the Legislator's mailboxes. He further stated that the seating assignment would be forthcoming.

Mr. D. J. Reynolds made a motion to adjourn, seconded by Mr. Pasquale. **Motion to adjourn carried.** Ayes-15, Nays-0. The meeting was adjourned at 5:37 p.m.

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