
**BROOME COUNTY LEGISLATURE
ORGANIZATIONAL SESSION
THURSDAY, JANUARY 4, 2001**

The Broome County Legislature, Broome County, New York convened to organize on Thursday, January 4, 2001 at 5:05 p.m. in the Legislative Chambers, Sixth Floor, Edwin L. Crawford County Office Building, Government Plaza, Binghamton, New York.

The Chair pro tem, the Honorable Barbara Fiala, Broome County Clerk, read the fire exit announcement, called the Attendance Roll, Present-19 and then led the members of the Legislature in the Pledge of Allegiance to the Flag. A prayer was offered by Legislator Hudak.

Ms. Fiala proceeded to open the floor for nominations for Chair of the Legislature. Mr. Howard made a motion to nominate Daniel A. Schofield. Mr. Pasquale seconded the motion. As there were no other nominations made, Mr. Mather made a motion to close the nominations, seconded by Mr. Wike. **Carried.** Ms. Fiala declared the floor closed for nominations. Mr. Schofield was voted in as Chair of the Legislature by voice vote, **carried.**

Majority Leader Wayne L. Howard and Minority Leader Vincent A. Pasquale escorted Mr. Schofield to the podium.

The Chair presented RESOLUTION NO. 1 relating to the election of the Legislative Clerk, Louis P. Augostini (appearing in its entirety in these minutes). The resolution **carried.** Ms. Fiala proceeded to the podium to administer the oath of office to Messrs. Augostini and Schofield. The Chair then addressed the Legislative body.

Ladies and Gentlemen, Friends and Fellow Legislators:

Thank you for returning me as your Legislative Chairman. As you know, I have a passion for what I do, and I take my legislative work seriously. My commitment to you, and to my work, further adds to the honor of serving as your chairman.

I have had the privilege of receiving your support the last four years. During that time, our legislative team has played a pivotal role in assuring progress within County government. We have worked with one another, with Executive Kraham, and with our State Legislators, to responsibly generate solutions to County issues.

Because of you, a new Central Library is now open for business, and it was built at a \$10 million cost-saving to taxpayers. Across the street, a modern Family and County Courts Building has been constructed. On nearby Front Street, Health Department operations have been centralized at one site, and provide updated technology and better working conditions for County employees.

A little farther away on Airport Road, the Binghamton Regional Airport has been renovated, and the Airport Corridor will be further developed by installing water and sewer lines. And on Upper Front Street, County commercial development efforts have resulted in a thriving Cracker Barrel Restaurant, Hoyt Movie Theater and Fairfield Inn. Those are just some of our achievements.

Other legislative accomplishments relate more directly to the daily lives of people in our community. For example, Broome County residents now enjoy a better quality of life, due to the Executive's and Legislature's recent elimination of the sales tax on clothing and footwear, our ongoing work to consistently reduce property taxes, the elimination of entrance fees at County Parks, and the reduction of many County nuisance fees. That has helped make Broome County a better place to live.

In effect, our hard work and team work have achieved their intended purposes; that of responsibly serving our neighbors, and helping to make their lives easier. In doing so, I believe that we have justified the trust which those Individuals have placed in us.

At Monday's inauguration ceremony, you heard Mr. Pasquale speak about the Legislature's need to serve Individuals in our community who are less fortunate than us. You also heard Mr. Howard speak about the need for teamwork by both political parties. And you heard me speak about the need for compromise as an element of government. All three of

those principles are interwoven within the fabric of effective policy-making, each reinforced by the others, and they have been essential to the Legislature's achievement of a higher performance level.

As we now begin our new term in office, let us not forget those three important principles. Let us always keep foremost in mind the best interests of our constituents. Let us set goals, and move forward together with a sense of purpose. And let us never forget that, through sound reasoning and cooperation, we can achieve anything.

Thank you.

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 1

By Hon. Daniel A. Schofield

Seconded by Mr. Shafer

RESOLUTION APPOINTING LOUIS P. AUGOSTINI 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 Louis P. Augostini, 476 Riverside Drive, Johnson City, New York 13790 as Legislative Clerk for a term of January 1, 2001 through December 31, 2002.

Carried.

RESOLUTION NO. 2

By Hon. Daniel A. Schofield

Seconded by Mr. Mather

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE COUNTY LEGISLATURE FOR THE PRESENT LEGISLATIVE TERM (2001-2002)

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, take the roll call, 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.

After the close of the meeting and before adjournment, a Benediction shall be offered.

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 meeting 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 some other hour of the day or evening 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 or by mail 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 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. In the event that no clergy can attend a regular meeting, the meeting shall open with a moment of silent meditation.

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 shall draft resolutions for the consideration of the appropriate committees. The Legislative Clerk will further propose assignments of committees, in the order that they will review legislation. 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.

The Clerk shall assist the Law Department to assure that resolutions are presented in a clerically satisfactory format.

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. **COMMUNITY AND SOCIAL SERVICES**

Five members who shall consider and report upon all matters pertaining to the Department of Social Services including **Family Violence Prevention**, Office for the Aging, Youth Bureau, and Veterans Services.

2. **COUNTY ADMINISTRATION**

Five members who shall consider and report upon all matters relating to the Rules of Order, local legislation, the Legislature, County Executive, County Clerk, Department of Law, **Information Technology and 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 XIX to be considered by the Legislature.

3. **ECONOMIC DEVELOPMENT AND PLANNING**

Five members who shall consider and report upon all matters relating to the Department of Planning and Economic Development, Environmental Management Council, rural affairs including agriculture and agricultural reviews, the Broome County Industrial Development Agency, Office of Employment and Training, Southern Tier East Regional Planning Development Board, the Broome County Public Utility Service, and upon all other matters of County interest relating to economic development, including the Chamber of Commerce, Visitors Bureau and County Promotions.

A member of this committee, designated by the Chair of the County Legislature and confirmed by the Legislature shall serve as a member of the Board of Directors of the Broome County Industrial Development Agency.

4. EDUCATION, CULTURE AND RECREATION

Five members who shall consider and report upon all matters pertaining to Broome Community College, Cornell Cooperative Extension of Broome County, County Historian and the Broome County Historical Society, the Broome County Arts Council, the Broome County Public Library, and all other matters of County interest relating to education, the arts and culture.

This committee shall also consider and report upon all matters pertaining to the Department of Parks and Recreation, including the Veterans Memorial Arena and the Forum, and those contract agencies pertaining to education, the arts and culture.

A member of this committee, designated by the Chair of the County Legislature and confirmed by the Legislature, shall serve as a member of the Board of Directors of the Veterans Memorial Arena and Forum.

5. 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 Finance Department. 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.

6. HEALTH 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.

This committee shall also consider and report on all matters pertaining to the Department of Mental Health, Mental Health Clinic, and all other agencies and matters pertaining to mental health. This committee shall also consider and report upon all matters pertaining to long term care, including the Nursing Home, and Community Alternative Systems Agency (CASA).

7. INTER-GOVERNMENTAL RELATIONS

Five members who shall consider and report on matters relating to county relationships with all Broome County Municipalities.

8. 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 and the 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.

9. PUBLIC SAFETY AND EMERGENCY SERVICES

Five members who shall consider and report upon all matters pertaining to the District Attorney, the 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**, and all matters pertaining to public safety and emergency services.

10. PUBLIC WORKS

Five members who shall consider and report upon all matters pertaining to the Department of Public Works, and property 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 and report upon all matters relating to watershed flood protection projects
- review any study, development, construction, operation and maintenance of any solid waste disposal system, including resource recovery, recycling and landfill operations
- report on all matters relating to the Soil Conservation Service and the Broome County Soil Conservation District. Two members of the Legislature shall be directors of the Soil Conservation District of Broome County. The Chair of the Legislature shall designate said appointments.

11. TRANSPORTATION

Five members who shall consider and report upon all matters pertaining to the Department of Aviation, the Department of Public Transportation, and the Binghamton Metropolitan Transportation Study, and all other matters of County interest pertaining to public transportation.

RULE 6 - 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 Committee of the Whole, it were 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 7 - 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 8 - 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. Roll call by Clerk and Fire Exit Announcement
2. Pledge of Allegiance to the Flag
3. Invocation
4. Review and approval of Minutes
5. Session Minutes
6. Committee Minutes by Committee
7. Public Hearings
8. Announcements from the Chair
9. Report of Standing Committees
10. Report of Special Committees
11. Written or oral presentations of the County Executive
12. Presentation of petitions, communications, notices and reports
13. Other matters pending or referred from previous meetings
14. Written or Oral Presentations of the County Legislature
15. All resolutions, including those resolutions held over from previous meetings, which held over resolutions shall be presented and considered before the presentation and consideration of new resolutions
16. 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 on with a single vote. The Clerk shall assign appropriate introductory and permanent numbers to each resolution within the Preferred Agenda.
17. Legislators' comments
18. Adjournment

The Clerk or any member of the Legislature may present petitions, communications and notices.

RULE 9 - 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 ~~sustained~~ **overridden**.

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

RULE 10 - 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, ruling of the Chair shall be deemed sustained.

A minimum of ten (10) votes is necessary to override the ruling of the Chair.

RULE 11 - 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 select a leader, which appointment shall be filed with the Clerk of the Legislature.

RULE 12 - MAJORITY VOTE

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

RULE 13 - 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 14 - 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 alphabetical order. 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 26)

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 15 - 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 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.

The Chair of the Legislature may recognize any County, State, Federal or municipal official.

The granting of the privilege of the floor may be conditioned upon such terms as the Legislature may impose.

RULE 16 - 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 17 - 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 18 - 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 19 - RESOLUTIONS

- Every Resolution offered shall be in writing and shall have a number. 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 before it is presented to the Legislature.
- 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.
- All requests for Resolutions shall be presented in final form to the Clerk of the County Legislature by 9:00 a.m., sixteen (16) 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).
- The County Legislature shall consider no other request for Resolution(s) after the above date unless first approved by the Prime Sponsoring Committee and 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.** 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.
- 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. Similarly, resolutions referred to committees following approval by the County Administration Committee as late resolutions can be added to the committee agenda and be considered by the prime and other involved committees only by majority vote of the respective committees.
- 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.~~

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- Each Resolution shall be presented by number consecutively. 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 meeting.
 - 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.
 - A Standing Committee may introduce no Resolution unless it has received a majority approval of the sponsoring Committee at the time of the meeting.
 - 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 20 - 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 21 - 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 22 - 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.

When the Legislature shall order the question before the Legislature, the question shall be taken on the immediately pending question, without further debate.

RULE 23 - 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 24 - 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 25 - 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 26 - 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 27 - 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 28 - 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 29 - 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.

NOTE: Materials that are bolded and shaded are added.
Ex: **Information Services**

Materials that are double struck are deleted.
Ex: ~~Information Services~~

Mr. Brunza made a prefiled amendment to Rule 22, seconded by Mr. Pasquale, as follows:

Rule 22 – 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.

Except when the Legislature shall order the question before the Legislature, the question shall be taken after allowing any legislator three (3) minutes to speak on the pending question.

Amendment failed, Ayes-5 (Brunza, Hull, Lupardo, Pasquale, Whalen), Nays-14 (Burger, Holley, Howard, Hudak, Kavulich, Kolba, Mather, Miller, Nannery, O'Day, Shafer, Sweet, Wike, Schofield)

Mr. Pasquale made a motion, seconded by Mr. Shafer, to amend Rule 19, paragraph 4 to read "The Chair of the County Administration Committee shall determine if a late resolution(s) will be accepted for presentation to the County Administration Committee." **Amendment carried.**

Mr. Pasquale made a motion, seconded by Mr. Burger, to amend Rule 9 to read "...unless an appeal is taken to the Legislature and sustained." **Amendment carried.**

Resolution as amended carried.

RESOLUTION NO. 3

By County Administration

Seconded by Mr. Wike

RESOLUTION ADOPTING THE SCHEDULE OF LEGISLATIVE SESSIONS FOR 2001

RESOLVED, that, in accordance with Rule III of the Rules of Order, this County Legislature hereby adopts the following schedule of Legislative Sessions for 2001:

SESSION SCHEDULE FOR 2001

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Meeting Time</u>
Thursday	January 25	Regular	4:00 pm
Thursday	February 22	Regular	4:00 pm
Thursday	March 1 (Executive's State of County Address)	Special	4:00 pm
Thursday	March 22	Regular	4:00 pm
Thursday	April 19	Regular	4:00 pm
Thursday	May 17	Regular	4:00 pm
Thursday	June 21	Regular	4:00 pm
Thursday	July 19	Regular	4:00 pm
Thursday	August 23	Regular	4:00 pm
Thursday	September 20	Regular	4:00 pm
Monday	October 1 (Executive Presents 2002 Budget)	Special	4:00 pm
Thursday	October 18	Regular	4:00 pm
Tuesday	November 20	Regular	4:00 pm
Thursday	December 20	Regular	4:00 pm
Thursday	December 27	Regular	4:00 pm

Mr. Shafer made a motion, seconded by Mr. Wike, to change the meeting times to 5:00 p.m. **Amendment carried**, Ayes-13 (Brunza, Holley, Hull, Kavulich, Kolba, Lupardo, Miller, O'Day, Pasquale, Shafer, Whalen, Wike, Schofield), Nays-6 (Burger, Howard, Hudak, Mather, Nannery, Sweet). **Resolution as amended carried.**

RESOLUTION NO. 4

By Hon. Daniel A. Schofield

Seconded by Mr. Miller

RESOLUTION APPOINTING ROBIN E. SHIMER 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 Robin E. Shimer, who has served in this post for the past ten years, is able and qualified and will continue to satisfactorily fulfill the duties of the position and it is appropriate to re-appoint him to the position of Legislative Assistant effective January 1, 2001, now, therefore, be it

RESOLVED, that Robin E. Shimer, 414 Clubhouse Road, Vestal, New York 13850, be and he hereby is appointed to the position of Legislative Assistant to the Broome County Legislature effective January 1, 2001 to serve at the pleasure of the Chair.

Carried, Ayes-18, Nays-0, Absent-1 (Whalen).

RESOLUTION NO. 5

By Hon. Daniel A. Schofield

Seconded by Mr. Howard

RESOLUTION APPOINTING THE HONORABLE THOMAS A. HULL TO MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE BROOME COUNTY VETERANS MEMORIAL ARENA

WHEREAS, by Resolution 364 of 1972, this County Legislature approved the by-laws of the Broome County Veterans Memorial Arena and authorized the Chair of the Community Affairs Committee of this County Legislature or a member of said committee designated by the Chair of the County Legislature, to be a member of the Arena Board of Directors, and

WHEREAS, pursuant to the Rules of Order approved by this County Legislature on January 8, 1997, the successor committee with respect to the affairs at the Broome County Veterans Memorial Arena is the Education, Culture and Recreation Committee, and

WHEREAS, it is necessary and appropriate to appoint a member of the Education, Culture and Recreation Committee of this County Legislature to a term on the Broome County Veterans Memorial Arena Board of Directors, now, therefore, be it

RESOLVED, that this County Legislature hereby appoints the Hon. Thomas A. Hull, by reason of his membership on the Education, Culture and Recreation Committee of the Broome County Legislature, to serve as a member of the Board of Directors of the Broome County Veterans Memorial Arena for a term expiring December 31, 2002 or upon the termination of his membership on the Education, Culture and Recreation Committee, whichever occurs first.

Carried, Ayes-18, Nays-0, Absent-1 (Whalen).

RESOLUTION NO. 6

By Hon. Daniel A. Schofield

Seconded by Mr. Miller

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 publications 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 from a group of Broome County Weekly Papers consisting of THE WINDSOR STANDARD, THE DEPOSIT COURIER, THE COUNTRY COURIER, THE VESTAL TOWN CRIER, and THE VALLEY NEWS an official newspaper, when required by law, 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 from a group of Broome County Weekly Papers consisting of THE WINDSOR STANDARD, THE DEPOSIT COURIER, THE COUNTRY COURIER, THE VESTAL TOWN CRIER, and THE VALLEY NEWS an official newspaper, when required by law, for the placement of all Broome County Legal Notices requiring publication in a second paper.

Carried, Ayes-16, Nays-2 (Hudak, Wike), Absent-1 (Whalen).

RESOLUTION NO. 7

By Hon. Daniel A. Schofield

Seconded by Mr. Pasquale

RESOLUTION CONFIRMING THE APPOINTMENT OF THE HONORABLE WAYNE L. HOWARD 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 No. 78, adopted March 4, 1970, Resolution No. 46, adopted February 6, 1979, Resolution No. 223, adopted April 21, 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 individual to membership on the Broome County Industrial Development Agency Board of Directors for the term indicated:

NAME
Wayne L. Howard
Old Route 7 - P.O.Box 9
Port Crane, NY 13833

TERM EXPIRING
December 31, 2002

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 78, adopted March 24, 1970, Resolution No. 46, adopted February 6, 1979, Resolution No. 223, adopted April 21, 1987 and Article 18-A of the New York State General Municipal Law, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 78, adopted March 24, 1970, Resolution No. 46, adopted February 6, 1979, Resolution No. 223, adopted April 21, 1987 and Article 18-A of the New York State General Municipal Law, does hereby confirm the appointment of the above-mentioned individual to membership on the Broome County Industrial Development Agency Board of Directors in accordance with his appointment by the Legislative Chair.

Carried, Ayes-18, Nays-0, Absent-1 (Whalen).

RESOLUTION NO. 8

By Hon. Daniel A. Schofield

Seconded by Mr. Shafer

RESOLUTION APPOINTING THE HONORABLE BRIAN K. MATHER 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. Brian K. Mather to said Board for a term to expire on December 31, 2002, now, therefore, be it

RESOLVED, that this County Legislature hereby appoints the Hon. Brian K. Mather, Legislator-District 18, 301 Vandervort Avenue, Vestal, New York 13850, to the Broome County Jury Board for a term expiring on December 31, 2002.

Carried, Ayes-18, Nays-0, Absent-1 (Whalen).

RESOLUTION NO. 9

By Hon. Daniel A. Schofield

Seconded by Mr. Holley

RESOLUTION CONFIRMING THE APPOINTMENT OF CHRIS W. BURGER TO MEMBERSHIP ON SOUTHERN TIER EAST REGIONAL PLANNING DEVELOPMENT BOARD

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution No. 230, adopted June 27, 1967, Resolution No. 416, adopted December 30, 1974, Resolution No. 48, adopted February 7, 1984, and Resolution No. 108, adopted March 31, 1987, has duly designated and appointed, pending confirmation by this Legislature, the following named individual to membership on the Southern Tier East Regional Planning Development Board for the term indicated:

NAME & CATEGORY

Chris W. Burger
110 Walters Road
Whitney Point, NY 13862

TERM EXPIRING

December 31, 2002

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution No. 230, adopted June 27, 1967, Resolution No. 416, adopted December 30, 1974, Resolution No. 48, adopted February 7, 1984, and Resolution No. 108, adopted March 31, 1987, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution No. 230, adopted June 27, 1967, Resolution No. 416, adopted December 30, 1974, Resolution No. 48, adopted February 7, 1984, and Resolution No. 108, adopted March 31, 1987, does hereby confirm the appointment of Chris W. Burger to membership on the Southern Tier East Regional Planning Development Board in accordance with his appointment by the Legislative Chair.

Mr. Wike made a motion, seconded by Mr. Howard, to amend the resolution title to read "...appointment of The Honorable Chris W. Burger...". **Amendment carried**, Ayes-17, Nays-1 (Shafer), Absent-1 (Whalen). **Resolution as amended carried**, Ayes-17, Nays-0, Absent-2 (Mather, Whalen).

RESOLUTION NO. 10

By Hon. Daniel A. Schofield

Seconded by Mr. Wike

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 adopted February 1, 1972, 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:

NAME

Chris W. Burger
110 Walters Road
Whitney Point, NY 13862

EXPIRATION OF TERM & CATEGORY

December 31, 2002
(Legislative Representative)

Thomas A. Hull
13 Alpine Road
Binghamton, NY 13903

December 31, 2002
(Legislative Representative)

and

WHEREAS, it is desired at this time, in accordance with the provisions of Resolution 27 adopted February 1, 1972 to confirm said appointments, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 27 adopted February 1, 1972, 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-17, Nays-0, Absent-2 (Mather, Wike).

Mr. Howard made a motion to adjourn, seconded by Mr. Kolba. **Motion to adjourn carried**, Ayes-17, Nays-0, Absent-2 (Mather, Whalen). The meeting was adjourned at 6:09 p.m.

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