

**BROOME COUNTY LEGISLATURE
ORGANIZATIONAL SESSION
THURSDAY, JANUARY 8, 2009**

The Broome County Legislature, Broome County, New York, met to organize on Thursday, January 8, 2009 at 5:00 p.m. 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, Joseph Sluzar and Executive Deputy County Clerk, Sharon Exley, and several members of the audience including County Executive Barbara J. Fiala, County Historian Gerald Smith, Election Commissioner John Perticone, NYS Supreme Court Justice Molly Fitzgerald, and Democratic Chairman Eugene Burns. Mr. Blythe also thanked the Legislative Clerk Eric Denk and his staff for all of their behind the scenes work.

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	Mark R. Whalen	11	Ronald J. Keibel
2	Timothy P. Cleary	12	Donald T. Moran
3	Jason T. Gamar	13	Matthew J. Pasquale
4	Joseph S. Sanfilippo	14	Richard A. Materese
5	John F. Hutchings	15	Gene E. LaBare
6	Suzanne Gorman Messina	16	Mario M. Nirchi
7	Marchie Diffendorf	17	Suzann W. Buchta
8	Wayne L. Howard	18	Barry L. Klipsch
9	Stephen D. Herz	19	Daniel D. Reynolds
10	Jerry F. Marinich		

Present-19, Absent-0.

Mr. Whalen led the members of the Legislature in the Pledge of Allegiance to the Flag and Ms. Buchta delivered the Invocation.

Mr. Blythe requested nominations for the post of Chairman. Mr. LaBare moved, seconded by Mr. Marinich the nomination of Daniel D. Reynolds 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 Daniel D. Reynolds as Chair of the 21st Broome County Legislature. Majority Leader Gene LaBare and Minority Leader Jerry Marinich escorted Mr. Reynolds to the podium where Mr. Blythe presented him the gavel and then retired as Chair.

Mr. Reynolds announced the next item of business as the appointment of Legislative Clerk. Mark Whalen moved, seconded by Suzanne Messina the nomination of Eric S. Denk as Clerk of the Legislature. There being no further nominations Mr. Blythe called the roll and confirmed the appointment of Eric S. Denk as Clerk of the Legislature. Ayes-19, Nays-0.

Mr. Blythe invited New York State Supreme Court Justice Molly Fitzgerald to the podium to administer of the Oath of Office to Chairman Daniel D. Reynolds and Legislative Clerk Eric S. Denk. The Chair then addressed the Legislative body.

REMARKS FROM THE LEGISLATIVE CHAIR

Ladies and gentlemen, friends and fellow legislators,

First I would like to thank everyone for their expression of confidence in me in electing me Chairman for this coming term.

I am looking forward to working with all of you, and I certainly will have an open door policy and be available with any questions or problems. Dan Schofield had a policy which I liked where he would invite in new legislators after a couple of months to get their input, and I think I will do this myself.

Mark mentioned last month that we have a history of collegiality, and I will try to continue to foster this atmosphere in our discussions and deliberations. We will have vigorous debate, but without rancor. In addressing the issues that face us, I hope we can all seek not the democratic answer or the republican answer, but the right answer.

We will have to "hit the ground running." Committees are now formed and assignments will be distributed at the end of our meeting. Our first regular business meeting is Jan 22nd, which is not far off.

There are matters that will require our immediate attention. Last month, I committed to forming an ad hoc committee addressing the county's retention of mineral rights following in rem foreclosure. This committee will be constituted right away, before our next meeting. Any legislator who has an interest in serving on this committee should contact me today or tomorrow.

I will also be calling a "committee of the whole" on Feb 12th to address the concept of countywide tax assessment and to hear from the experts who submitted recent reports for our consideration. Municipal leaders will be invited and we will work together to determine if assessment units in the county can be effectively merged.

The time has come to look closely at the prospect of merging some police units within the county. Last month we authorized the administration to pursue a study of this very issue, and I hope our Public Safety Committee will jump on reviewing the recommendations once they are received.

Our newly minted Public Health and Environmental Protection Committee will be asked to look into countywide wastewater treatment options. We have two excellent reports that we have received that should help us form an action plan, and I would like to "dust off" these reports.

As we work on these and other issues, I encourage all of you to seek out the expertise that is available to us in the administration, especially with the department heads, who are all very good at what they do. I also am looking forward to continuing an excellent working relationship with the County Executive. While we are an independent branch of government, it is my hope that we can all work together for the common good of the County.

PRESENTATION OF PETITIONS, COMMUNICATIONS, NOTICES & REPORTS:

- A. PETITIONS: NONE
- B. COMMUNICATIONS:
 - 1. Capital Improvement Programs 2009-2014
 - 2. BC Legislature Republican Caucus 2009-2010 Minority Leader-Hon. Jerry F. Marinich
 - 3. Department of Mental Health 2007 Annual Report
 - 4. BC Democratic Committee-Appointment of John Perticone as Elections Commissioner
- C. NOTICES:
 - 1. Legislature-Organizational Meeting, 1/8/09
- D. REPORTS: None

Mr. LaBare and Mr. Marinich were designated as participants with Chairman Reynolds in the 'Short Roll Call'.

RESOLUTIONS INTRODUCED AT THIS SESSION

RESOLUTION NO. 1

By All Members

Seconded by Ms. Messina

RESOLUTION APPOINTING ERIC S. DENK 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 Eric S. Denk as Legislative Clerk for a term of January 1, 2009 through December 31, 2010.

Carried, Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 2

By All Members

Seconded by Mr. Howard

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE COUNTY LEGISLATURE FOR THE 2009-2010 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, 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.

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 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 20 d. to be considered by the Legislature.

2. 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
- 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, and upon
- all other matters of County interest relating to economic development, including the Chamber of Commerce, Visitors Bureau, and County events and 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.

3. EDUCATION, CULTURE AND RECREATION

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

- Broome Community College

- County Historian
- Broome County Public Library and
- all other matters of County interest relating to education, the arts and culture.
- 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.

4. 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.

5. HUMAN SERVICES

Five members who shall consider and report upon

- All matters pertaining to long term care, including the Nursing Home and the Community Alternative Systems Agency (CASA), and
- matters pertaining to the Department of Social Services, including
- Family Violence Prevention,
- Office for the Aging,
- Youth Bureau and
- Veterans Services.

6. 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.

7. PUBLIC HEALTH and ENVIRONMENTAL PROTECTION

Five members who shall consider and report upon the following matters:

- 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, and
- Soil and groundwater contamination

This Committee shall have concurrent jurisdiction with the Transportation and Rural Development Committee on matters pertaining to oil and gas drilling.

8. 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, and
- all matters pertaining to public safety and emergency services.

9. 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 any study, development, construction, operation and maintenance of any solid waste disposal system, including resource recovery, recycling and landfill operations

10. TRANSPORTATION and RURAL DEVELOPMENT

Five members who shall consider and report upon all matters pertaining to the

- Department of Aviation,
- Department of Public Transportation
- Binghamton Metropolitan Transportation Study
- Cornell Cooperative Extension of Broome County, and
- all matters pertaining to rural affairs including agriculture, logging / timber harvesting, agricultural reviews, watershed flood protection projects, Soil & Water Conservation Service, and
- all other matters of County interest pertaining to public transportation and rural development.

This Committee shall have concurrent jurisdiction with the Public Health and Environmental Protection Committee on matters pertaining to oil and gas drilling.

Two members of the Legislature shall be directors of the Soil and Water Conservation District of Broome County. The Chair of the Legislature shall designate said appointments.

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 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 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 Session Minutes

5. Review and approval of Committee Minutes
6. Public Hearings
7. Announcements from the Chair
8. Report of Standing Committees
9. Report of Special Committees
10. Written or oral presentations of the County Executive
11. Written or Oral Presentations of the County Legislature
12. Presentation of petitions, communications, notices and reports
The Clerk or any member of the Legislature may present petitions, communications and notices.
13. Other matters pending or referred from previous meetings
14. 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.
15. Other New Business
16. Legislators' comments
17. Adjournment

RULE 9

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 10

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 11

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

RULE 12

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 13

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 14

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 15

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 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 16

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 17

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 18

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 19

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 20

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., 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).
- 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 21

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 22

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 23

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 24

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 25

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 26

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 27

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 28

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 29

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 30

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.

Carried. Ayes19, Nays-0, Absent-0

RESOLUTION NO. 3

By All Members

Seconded by Mr. Nirchi

RESOLUTION ADOPTING THE SCHEDULE OF LEGISLATIVE SESSIONS FOR 2009

RESOLVED, that, in accordance with Rule III of the Rules of Order, this County Legislature hereby adopts the following schedule of Legislative Sessions for 2009:

2009 JOURNAL OF PROCEEDINGS

SESSION SCHEDULE FOR 2009

<u>Day</u>	<u>Date</u>	<u>Meeting Type</u>	<u>Meeting Time</u>
Thursday	January 22	Regular	5:00 pm
Tuesday	February 24	Regular & Executive's State of the County Address	5:00 pm
Thursday	March 19	Regular	5:00 pm
Thursday	April 23	Regular	5:00 pm
Thursday	May 21	Regular	5:00 pm
Thursday	June 18	Regular	5:00 pm
Thursday	July 16	Regular	5:00 pm
Thursday	August 20	Regular	5:00 pm
Thursday	September 24	Regular & Executive Presents 2010 County Budget	5:00 pm
Thursday	October 22	Regular	5:00 pm
Thursday	November 19	Regular	5:00 pm
Thursday	December 17	Regular	5:00 pm
Tuesday	December 29	Regular	5:00 pm

Mr. Marinich presented a pre filed amendment, seconded by Mr. Keibel to change the Thursday, August 20th date to Wednesday, August 19th. **Amendment carried.** Ayes-19, Nays-0, Absent-0. **Resolution as amended carried.** Ayes 19, Nasy-0, Absent-0.

RESOLUTION NO. 4

By All Members Seconded by Mr. Nirchi
RESOLUTION APPOINTING CHRISTOPHER H. MARION 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 H. Marion, will satisfactorily fulfill the duties of the position and it is appropriate to appoint Christopher H. Marion to the position of Legislative Assistant effective January 1, 2009, now, therefore, be it

RESOLVED, that Christopher H. Marion, be and he hereby is appointed to the position of Legislative Assistant to the Broome County Legislature effective January 1, 2009 to serve at the pleasure of the Chair.

Carried. Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 5

By All Members Seconded by Mr. Herz
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-19, Nays-0, Absent-0.

RESOLUTION NO. 6

By All Members

Seconded by Mr. Klipsch

RESOLUTION REAPPOINTING ALEX J. MCLAUGHLIN AS BROOME COUNTY COMPTROLLER IN ACCORDANCE WITH THE PROVISIONS OF THE BROOME COUNTY CHARTER AND ADMINISTRATIVE CODE

WHEREAS, Article IV, Section 401 of the Broome County Charter and Code, provides that "There shall be a Department of Audit and Control, headed by a Comptroller who shall be appointed by the County Legislature" and that person "shall serve for a term of four (4) years," and

WHEREAS, this County Legislature recommends that Alex J. McLaughlin be reappointed as Comptroller, effective January 1, 2009 for a term expiring December 31, 2012, said expiration date reflecting the end of the term in accordance with the intent of the Charter and Code, and

WHEREAS, it is desired at this time, in accordance with provisions of Article IV of the Broome County Charter and Code, to make said reappointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Broome County Charter and Code, does hereby reappoint Alex J. McLaughlin, 75 Mills Road, Harpursville, NY 13787 as Comptroller of Broome County, commencing January 1, 2009 and expiring December 31, 2012

Carried. Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 7

By All Members

Seconded by Ms. Messina

RESOLUTION APPOINTING THE HONORABLE SUZANN W. BUCHTA 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 2, 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 Honorable Suzann W. Buchta, by reason of her 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, 2010 or upon the termination of her membership on the Education, Culture and Recreation Committee, whichever occurs first.

Carried. Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 8

By All Members

Seconded by Mr. Herz

RESOLUTION APPOINTING THE HONORABLE GENE E. LABARE 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. Gene E. LaBare to said Board for a term to expire on December 31, 2010, now, therefore, be it

RESOLVED, that this County Legislature hereby appoints the Hon. Gene E. LaBare, to the Broome County Jury Board for a term expiring on December 31, 2010.

Carried. Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 9

By All Members

Seconded by Mr. Pasquale

RESOLUTION CONFIRMING THE APPOINTMENT OF THE HONORABLE MARIO M. NIRCHI 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, adopted June 27, 1967, Resolution 416, adopted December 30, 1974, Resolution 48, adopted February 7, 1984, and Resolution 108, adopted March 31, 1987, has duly designated and appointed, pending confirmation by this Legislature, the Honorable Mario M. Nirchi to membership on the Southern Tier East Regional Planning Development Board for the term expiring December 31, 2010, and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution 230, adopted June 27, 1967, Resolution 416, adopted December 30, 1974, Resolution 48, adopted February 7, 1984, and Resolution 108, adopted March 31, 1987, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 230, adopted June 27, 1967, Resolution 416, adopted December 30, 1974, Resolution 48, adopted February 7, 1984, and Resolution 108, adopted March 31, 1987, does hereby confirm the appointment of Mario M. Nirchi to membership on the Southern Tier East Regional Planning Development Board in accordance with his appointment by the Legislative Chair.

Carried. Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 10

By All Members

Seconded by Mr. Klipsch

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

WHEREAS, Daniel D. Reynolds, 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:

<u>Name</u>	<u>Term</u>
Ronald J. Keibel PO Box 395 Whitney Point, New York 13862	December 31, 2010 (Legislative Representative)
Mario M. Nirchi 2924 Northwood Drive Endwell, New York 13760	December 31, 2010 (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 Broome County Soil and Water Conservation District in accordance with their appointment by the Legislative Chair.

Carried. Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 11

By All Members

Seconded by Ms. Messina

RESOLUTION AUTHORIZING THE APPOINTMENT OF JOHN PERTICONE AS BROOME COUNTY COMMISSIONER OF ELECTIONS FOR THE TERM JANUARY 1, 2009 THROUGH DECEMBER 31, 2012

WHEREAS, According to Section 3-202 of the Election Law of the State of New York, County Legislative Boards may appoint Board of Election Commissioners to either two year or four year terms, and

WHEREAS, it has been the practice of the Broome County Legislature to appoint Board of Election Commissioners to four year terms, and

WHEREAS, the Chair of the Broome County Democratic Committee has filed with the Clerk of this Legislature, on behalf of the Broome County Democratic Committee, and in compliance with the appropriate provisions of law, the required certificate recommending the appointment of John Perticone to serve as a Commissioner of Elections for Broome County, now, therefore, be it

RESOLVED, that in accordance with the appropriate provisions of law, and the Broome County Charter and Administrative Code, John Perticone, residing at 12 Cornell Avenue, Binghamton, New York 13903 be and hereby is appointed Democratic Election Commissioner of Broome County, New York for a four year term commencing January 1, 2009 through December 31, 2012.

Carried. Ayes-19, Nays-0, Absent-0.

RESOLUTION NO. 12

By All Members

Seconded by Mr. Diffendorf

RESOLUTION AUTHORIZING THE APPOINTMENT OF EUGENE D. FAUGHNAN AS BROOME COUNTY COMMISSIONER OF ELECTIONS FOR THE TERM JANUARY 1, 2009 THROUGH DECEMBER 31, 2012

WHEREAS, According to Section 3-202 of the Election Law of the State of New York, County Legislative Boards may appoint Board of Election Commissioners to either two year or four year terms, and

WHEREAS, it has been the practice of the Broome County Legislature to appoint Board of Election Commissioners to four year terms, and

WHEREAS, the Secretary of the Broome County Republican Committee has filed with the Clerk of this Legislature, on behalf of the Broome County Republican Committee and in compliance with the appropriate provisions of law, the required certificate recommending the appointment of Eugene D. Faughnan to serve as a Commissioner of Elections for Broome County, now, therefore, be it

RESOLVED, that in accordance with the appropriate provisions of law, and the Broome County Charter and Administrative Code, Eugene D. Faughnan, residing at 25 Rugby Road, Binghamton, NY 13905 be and hereby is appointed Republican Election Commissioner of Broome County, New York for a four year term commencing January 1, 2009 through December 31, 2012.

Carried. Ayes-19, Nays-0, Absent-0.

LEGISLATORS' COMMENTS

Mr. Materese suggested to provide more information from the Clerks Office to the Legislators electronically instead of hard copy.

Mr. Cleary made a motion to adjourn, seconded by Mr. Whalen. **Motion to adjourn carried,** Ayes-19, Nays-0, Absent-0. The meeting was adjourned at 5:30 p.m.

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