

**ORGANIZATIONAL SESSION
TUESDAY, JANUARY 8, 1991
AT 5:00 P.M., EST.**

The BROOME COUNTY LEGISLATURE, Broome County, New York, met to organize on Tuesday, January 8, 1991, at 5:00 P.M., EST., in the Legislative Chambers, Sixth Floor, County Office Building, Government Plaza, Binghamton, New York.

The Chairman pro tem, Richard Hogan, called the roll of members of the County Legislature by Legislative District. Present-18, Absent-1 (Brown). Mr. Pasquale arrived shortly after roll was called.

<u>District</u>	<u>Legislator</u>
1	Larry Seeley
2	Margaret Coffey
3	David Lindsey
4	Vincent Pasquale
5	Peter Yeager
6	Kelly Wagstaff
7	Arthur Shafer
8	Wayne Howard
9	James Malley
10	Robert Moppert
11	Kathleen Greenmun
12	Andrew Kavulich
13	Daniel Schofield
14	Michael Pazzaglini
15	Wanda Hudak
16	Roger Brown
17	Louis Augostini
18	Robert Warner
19	Emil Bielecki

The Chairman pro tem led the members of the Legislature in the Pledge of Allegiance to the flag.

Invocation was given by Reverend Robert H. Darling. Mr. Bielecki moved, seconded by Mr. Moppert, that Mr. Arthur Shafer be nominated to serve as Chairman of the Broome County Legislature. Motion carried by the following: Ayes-18, Nays-0, Absent-1 (Howard). Mr. Pasquale requested at the end of the session that he be recorded as voting affirmative.

The Chairman pro tem asked Mr. Bielecki and Mrs. Coffey to escort Arthur J. Shafer, the newly elected Chairman of the County Legislature.

RESOLUTION NO. 1

By Hon. Arthur J. Shafer

Seconded by Mr. Malley

RESOLUTION APPOINTING RICHARD R. BLYTHE 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 at an annual salary of \$39,685, which is above the minimum, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Broome County Administrative Code does hereby appoint Richard R. Blythe, RD #3, Windsor, New York 13865 as Legislative Clerk at an annual salary of \$39,685, which is above the minimum.

Carried by voice vote. Mr. Pasquale asked at the end of the session that he be recorded as voting affirmative.

Thomas J. McAvoy administered the oath of office to Arthur J. Shafer as Chairman and Richard R. Blythe as Clerk of the Broome County Legislature.

The Chairman, Mr. Shafer, made the following remarks: Ladies and Gentlemen, Colleagues, Fellow Legislators, Clergy, Judge McAvoy and Friends,

Thank you for your expression of confidence in me. This day will be one that I will always cherish. My appreciation will be continual, and will be expressed daily by my hands-on involvement in working with you and the administration.

The day to day business of County Government is an efficient one. I would be remiss if I didn't introduce my wife Nita and my family. They have supported my community service efforts from the time I first ran for Councilman in Kirkwood to my work with the Elks.

We are a Legislature of new faces, of new ideas and enthusiasm. We are faced with traditional concerns. The job you have given me is to make certain that your ideas are heard, and to assist in focusing your energy and talents as we address such concerns as the construction of a new public safety facility, recycling, solid waste disposal and the loss of manufacturing jobs in our community. I am convinced that all of us, working together, can address the issues facing Broome County in an effective and responsive manner.

To that end, I would first pledge support for the continuation of the

Partnership Council proposed by former Chairman Lacatena. Their mission is an important one and their proposals will be welcome in this body.

Broome County Government cannot stand alone in our community of governments. We have had a minimum of communication from County Government to local governments. This has caused problems in the areas of election costs, workers' compensation and ice and snow removal contracts. As a founding member of the Broome County Association of Towns and Villages, I know the importance of communication between municipalities. We must have open communication. To assist in this, I am proposing a new committee of this Legislature, the Inter-Governmental Relations Committee as but one of several efforts to work together for the common good.

County Government has grown since I first started in elective politics over 20 years ago. This County Legislature of ours is now in its third decade of existence. I believe that it is important to re-examine our mission and our structure, so that we operate as efficiently as possible. Later this year, I will propose an Ad Hoc Charter Review Committee to review our Charter and Administrative Code. We must assure that the taxpayers of our community are served, and not the bureaucracy.

The budget, with Capital Projects for 1991, was approved at over \$191 million dollars. Property taxes have also grown. I will formally propose that this Legislative body aggressively pursue the following:

1. Property tax bills may be paid in full in January or in two installments as in the City of Binghamton. All Broome County residents, including the senior citizens and unemployed, deserve an easier way to meet their tax obligations.

2. Property tax bills will show what portion of the tax levy is devoted to some state mandates. This is now being done in Monroe and Rensselaer Counties and it is my understanding that the State Comptroller has been encouraging all Counties to define the mandated portion of the county's property taxes.

Finally, a word to our County Executive, the Majority and Minority leaders. I am extending a hand across the aisle to work with you so that the important services of County Government will continue to be delivered in a fair, responsive and cost effective manner. I have never been shy about taking that first step, and I expect to meet regularly with the County Executive and the political leadership. The gut wrenching politics of the past few years will not be repeated. My pledge to the community, and to this body, is that I will derail sniping partisan politics that adversely affect our mission of service.

To Margaret, Vince, Bob, Kay, Wanda, Lou, Bob and Emil, I say "Hello again, it's good to see you". To Larry, Dave, Peter, Kelly, Wayne, Jamie, Andy, Dan, Mike and Roger, I welcome you to what may be the most challenging and

rewarding experience of your life.

The Clerk, Mr. Blythe, made the following remarks: I want to thank this body for your faith in electing me as your Clerk for the next two years. Our goal is to serve and assist you in maintaining the integrity of this body as an equal partner in Broome County Government. I would like to acknowledge the presence of my family and also my Broome County Election family. During my eleven years as a member of this body I was proud to be a part of the Legislative team that helped to chart the course of County Government for the late 1970 and 1980's. The politics of the 90s will be the politics of ideas. We stand ready to assist all of you in putting forth your ideas so that this community may benefit. Thank you.

RESOLUTION NO. 2

By Hon. Emil Bielecki

Seconded by Ms. Hudak

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE COUNTY LEGISLATURE FOR THE PRESENT LEGISLATIVE TERM

RESOLVED, that the Rules of Order of this County Legislature, attached hereto, 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, 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 Chairman 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 Chairman pro tem. The Chairman pro tem shall call the Legislators to order and call the roll. The Pledge of Allegiance to the Flag shall be followed by an Invocation of Prayer.

Whereupon the Chairman pro tem shall declare: "The first order of business is the election of a Chairman." Nominations for the office of Chairman shall then be taken from the floor and such nominations must be seconded. Before proceeding to an election, the Chairman pro tem shall inquire if there are any further nominations. If there is no response, the Chairman 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 Chairman pro tem shall declare the duly elected Chairman. Upon election, the Chairman 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 Chairman 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 of that year, adopt a schedule of regular meetings for the following year. When the Chairman 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 Chairman 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 Chairman 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 Chairman of the County Legislature, or his/her designee, shall make suitable arrangements to invite clergymen of various faiths and denominations, insofar as is possible, to offer such Prayer. In the event that no clergyman 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 Chairman 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 Chairman shall appoint all committees and chairmen 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 Chairman is authorized to appoint ad hoc committees. The Chairman shall be a member ex-officio of every committee, with no right to vote.

The Chairman may make temporary appointments to fill vacancies on any committee caused by the absence of members thereof. The chairman of a standing committee may designate one of the members as temporary chairman of a specific committee meeting or portion of a specific committee meeting. In the

case of the absence of the chairman of a standing committee at any meeting, and no designation of a temporary chairman, the members present shall choose one of their members as temporary chairman. 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 Chairman 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. **COUNTY ADMINISTRATION, ECONOMIC DEVELOPMENT, AND PLANNING** 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, Department of Planning and Economic Development, Department of General Services, Division of Computer Services, Elections, the Broome County Industrial Development Agency, Southern Tier East Regional Planning Board, the Broome County Public Utility Service, the Employment and Training Administration, and upon all other matters of County interest relating to economic development including the Chamber of Commerce, Visitors Bureau and County Promotions.

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 the 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.

A member of this committee, designated by the Chairman 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.

2. 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.

3. 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 Employees and the other relevant committees with the chairman of the Employees Committee presiding. Said appointment, with the recommendation of the Employee's Committee, shall then be referred to the full Legislative Body.

4. EDUCATION, CULTURE AND RECREATION

Five members who shall consider and report upon all matters pertaining to Broome Community College, Cooperative Extension Association, County Historian and the Broome County Historical Society, the Broome County Arts Council, the Broome County 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 Chairman 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. PUBLIC SAFETY AND EMERGENCY SERVICES

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

6. 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:

- (a) review and make recommendations concerning the proposed annual budget and capital program;
 - (b) review and make recommendations for any change or modification in the current annual budget or capital program;
 - (c) review and make recommendations on the purchase of, and all matters pertaining to, County insurance and the bonds of County officers and employees;
 - (d) 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;
 - (e) consider and report upon Off Track Betting, sales tax and other tax revenues;
 - (f) 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;
- and
- (g) 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.

7. 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(s), and Community Alternative Systems Agency (CASA).

8. COMMUNITY AND SOCIAL SERVICES

Five members who shall consider and report upon all matters pertaining to the Department of Social Services including Child Abuse Coordinator, Office for the Aging, Youth Bureau, and Veterans 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:

- (a) consider and report upon all matters relating to the condition and maintenance of County highways and bridges;
- (b) review and make recommendations on construction, renovation, maintenance

and security of all County-owned or leased buildings, including the dog shelter;

(c)review and report upon all matters relating to and County water study and/or district and County sewer study and/or district; and

(d)review and report upon all matters relating to watershed flood protection projects.

10. **ENVIRONMENT COMMITTEE**

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

(a)the study, development, construction, operation and maintenance of any solid waste disposal system, including resource recovery, recycling and landfill operations;

- (b)Environmental Management Council;
- (c)rural affairs including agriculture and agricultural reviews;
- (d)The Soil Conservation Service and the Broome County Soil Conservation District. Two members of the committee shall be directors of the Soil Conservation District of Broome County. The Chairman of the Legislature shall designate said appointments.

11. INTER-GOVERNMENTAL RELATIONS

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

**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 Chairman of the Legislature may preside or name some member to preside. The Chairman of the Legislature may call a Committee of the Whole when deemed appropriate.

If at any time when in Committee of the Whole, it be ascertained that there is no quorum, the Chairman shall immediately so state and adjournment of the Committee of the Whole shall be in order.

**RULE 7
ROLL CALL; MINUTES**

At every meeting of the Legislature, upon the members being called to order by the Chairman, the roll of members shall be called by the Clerk, 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 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
2. Pledge of Allegiance to the Flag
3. Invocation
4. Review and approval of Minutes
5. Public Hearings
6. Report of Standing Committees
7. Report of Special Committees
8. Written or oral presentations of the County Executive
9. Presentation of petitions, communications, notices and reports
10. Other matters pending or referred from previous meetings.
11. Announcements from the Chair

12. 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

13. 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 Chairman 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 a single vote. The Clerk shall assign appropriate introductory and permanent numbers to each resolution within the Preferred Agenda.

14. Legislators' comments

15. Adjournment

Petitions, communications and notices may be presented by the Clerk or any member of the Legislature.

RULE 9 DUTIES OF THE CHAIRMAN

The Chairman 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.

The Chairman shall, in all cases except appeals from his/her rules, 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 reasons for the challenge. The Chair, on every appeal, shall have the right to assign its 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.

RULE 11
ACTING CHAIRMAN, MAJORITY AND MINORITY LEADER

The Chairman 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 to two consecutive meetings, an Acting Chairman shall be selected by the Legislature, with a majority vote, to serve until such time as the Chairman resumes his 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

No member having answered roll call at any meeting of the Legislature shall be permitted to absent himself from the duration of that meeting unless permission to absent himself has been received by the Chairman.

A member who has a prohibited conflict of interest, under the General Municipal Law, shall not vote after stating his 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 shall state his 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 name is called, make a brief statement of his 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 Chairman 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 Chairman 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 Chairman'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 initial name called will be rotated among the members of this Legislature so that during the course of the term all members shall have an opportunity to be called first.

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.

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.

Any County, State, Federal or municipal official may be recognized by the Chairman of the Legislature.

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 three-fourths (3/4) 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 Chairman 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 1:30 p.m., fourteen (14) days prior to Regular Meeting of the County Legislature, at which it is proposed that said Resolution will be presented. The County Attorney shall prepare same for presentation at such meeting.

No other request for Resolution shall be considered by the County Legislature after the above date unless first approved by the Prime Sponsoring Committee and then approved by the County Administration Committee for presentation. Request for Resolution received after the above date shall be kept by the Clerk of the County Legislature until the following Regular Meeting.

The chairman 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.

A list of titles of all Resolutions to be acted upon by the County Legislature at a Regular Meeting 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 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 fourteen (14) 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.

No Resolution may be introduced by a Standing Committee unless it has received a majority approval of the sponsoring Committee at the time of the meeting.

The Chairman of the Legislature shall sign a Resolution on behalf of an absent member of the sponsoring Committee after verifying the approval of that member to the Resolution in question.

Every Resolution appearing on the agenda for the first time shall lay 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.

RULE 20
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 21
MOTIONS NOT AMENDABLE OR DEBATABLE

All motions for an adjournment, for a recess, for immediate consideration of the question before the Legislature, or to lay 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 22
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 23
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 24
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 proper 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 25
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 26
APPLICATION FOR SALARY INCREASES**

No Resolution for a salary or wage increase shall be considered by the Legislature unless such application shall have been considered by the County Employees Committee 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 27
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 28
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.

RULES DELETIONS

RULE 14 - The second to the last paragraph was deleted; it read as follows:

Any member shall have the right to have his/her voice recorded and entered upon the Minutes at his/her request, without explanation, without requiring the Ayes and Nays to be called.

RULE 19 - The second sentence in the second paragraph was partially deleted; it formerly read as follows:

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 and must not be a member of the sponsoring committee.

ALL OTHER DELETIONS WERE REPLACED WITH COMPLETE OR PARTIAL SENTENCES, AND AS SUCH ARE NOTED BY THE

UNDERLINED MATERIAL.

Mr. Pazzaglini moved, seconded by Mr. Schofield to amend the resolution by adding Rule 28 - Robert's Rules of Order Newly Revised will be used as the parliamentary authority for those rules not specifically identified in this document.

Vote of amendment carried by the following: Ayes-18, Nays-0, Absent-1 (Brown).

Mr. Pasquale asked that Rules 5,13,18,19,22 be voted on separately. The remaining rules carried by voice vote.

Mr. Pasquale moved, seconded by Mrs. Coffey to amend Rule 5 by deleting Resolutions must be approved by the prime sponsoring committee prior to presentation to the full Legislature.

Motion failed by the following: Ayes-5, Nays-13 (Warner, Augostini, Moppert, Bielecki, Lindsey, Howard, Seeley, Schofield, Pazzaglini, Shafer, Hudak, Wagstaff, Greenmun), Absent-1 (Brown).

Mr. Pasquale moved, seconded by Mr. Bielecki to amend Rule 13 by adding in the last paragraph: 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.

Amendment carried by voice vote.

Mr. Pasquale moved, seconded by Mrs. Coffey to amend Rule 19 changing the second to the last paragraph to read the same as the old rules. After much discussion Mr. Pasquale withdrew his motion and Mrs. Coffey withdrew her second.

Rules 5,13,18,19,22 carried by the following:

Ayes-18, Nays-0, Absent-1 (Brown).

RESOLUTION NO. 3

By Honorable Arthur J. Shafer and Honorable Robert J. Warner

Seconded by Mr. Lindsey

RESOLUTION ADOPTING THE SCHEDULE OF LEGISLATIVE SESSIONS FOR 1991

RESOLVED, that, in accordance with Rule III of the Rules of Order, this County Legislature hereby adopts the following schedule of Legislative Sessions for calendar year 1991:

Regular Legislative Sessions

Thursday, January 31

Thursday, February 21

Thursday, March 14
Thursday, April 4
Thursday, April 25
Thursday, May 16
Thursday, June 6
Thursday, June 27
Thursday, July 18
Thursday, August 15
Thursday, September 12
Thursday, October 3
Tuesday, October 15
Wednesday, October 30
Thursday, November 7
Thursday, December 5
Thursday, December 26

and be it

FURTHER RESOLVED, that the regular meetings of the County Legislature as hereinabove specified shall commence at 4:00 o'clock in the afternoon thereof.

Carried by the following:

Ayes-18, Nays-0, Absent-1 (Brown)

RESOLUTION NO. 4

By Honorable Emil Bielecki and Honorable Robert J. Moppert

Seconded by Mrs. Greenmun

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 said position is currently vacant, and

WHEREAS, it is the opinion of this County Legislature that Robin E. Shimer is able and qualified and will satisfactorily fulfill the duties of the position and it is appropriate to appoint him to the position of Legislative Assistant effective January 2, 1991, 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 2, 1991 to serve at the pleasure of the Chairman.

Carried by the following:

Ayes-18, Nays-0, Absent-1 (Brown).

RESOLUTION NO. 5

By Honorable Arthur J. Shafer and the Honorable Daniel A. Schofield
Seconded by Mr. Pasquale

RESOLUTION APPOINTING EMIL J. BIELECKI TO THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY

WHEREAS, there has been created a Broome County Industrial Development Agency, whose members are appointed by the Broome County Legislature, in accordance with the provisions of Article XVIII-A of the General Municipal Law, and

WHEREAS, your sponsor recommends that Emil J. Bielecki, 19th District Legislator, 309 Old Vestal Road, Vestal, New York 13850, be appointed to serve for a term to expire December 31, 1991, now, therefore, be it

RESOLVED, that this County Legislature hereby approves and appoints Emil J. Bielecki to membership on the Broome County Industrial Development Agency for a term expiring on December 31, 1991.

At the request of Mr. Pasquale, Resolution No. 5 was heldover under the rules.

RESOLUTION NO. 6

By Honorable Arthur J. Shafer
Seconded by Mr. Warner

RESOLUTION APPOINTING ROBERT J. MOPPERT TO MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE 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 Chairman of the Community Affairs Committee of this County Legislature or a members of said committee designated by the Chairman, 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, 1991, the successor committee with respect to the affairs at the Arena is the Education, Culture and Recreation Committee, and

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

RESOLVED, that this County Legislature hereby appoints Robert J. Moppert, by reason of his Chairmanship of 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, 1992 or upon the termination of his chairmanship of

the Education, Culture and Recreation Committee, whichever occurs first.
Carried by voice vote.

RESOLUTION NO. 7

By Honorable Arthur J. Shafer

Seconded by Mrs. Coffey

RESOLUTION CONFIRMING THE APPOINTMENT OF ROGER V. BROWN TO THE RESOURCE RECOVERY AGENCY

WHEREAS, the Chairman of this Legislature, pursuant to the authority vested in him by Section 2047-C of the Public Authorities Law has appointed Roger V. Brown to the Resource Recovery Agency for a term expiring December 31, 1992, subject to confirmation by this County Legislature, and

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

RESOLVED, that this County Legislature hereby confirms the appointment of Roger V. Brown to membership on the Resource Recovery Agency for the term indicated in accordance with his appointment by the Chairman of this County Legislature.

At the request of Mrs. Coffey Resolution No. 7 was heldover under the rules.

She stated that she would like to see a resume.

RESOLUTION NO. 8

By Honorable Arthur J. Shafer

Seconded by Mr. Pasquale

RESOLUTION APPOINTING DANIEL A. SCHOFIELD TO 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 Daniel A. Schofield to said Board for a term to expire on December 31, 1992, now, therefore, be it

RESOLVED, that this County Legislature hereby appoints Daniel A. Schofield to the Broome County Jury Board for a term expiring on December 31, 1992.

Carried by voice vote.

RESOLUTION NO. 9

By Honorable Arthur J. Shafer

Seconded by Mr. Seeley

RESOLUTION CONFIRMING APPOINTMENTS OF PATRICK LEBOUS TO MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE CATSKILL REGIONAL OFF-TRACK BETTING CORPORATION

WHEREAS, Arthur J. Shafer, Chairman of the Broome County Legislature,

pursuant to the powers vested in him by Local Law No. 6 of 1976 and Section 8113, Subdivision a, of the Unconsolidated Laws of the State of New York, has duly designated and appointed, pending confirmation by this Legislature, Patrick Lebous, 208 Robinson Street, Binghamton, New York 13901 to membership on the Board of Directors of the Catskill Regional Off-Track Betting Corporation for a term expiring December 31, 1992, and

WHEREAS, it is desired at this time, in accordance with the provisions of Local Law No. 6 of 1976 and Section 8113, Subdivision a, of the Unconsolidated Laws of the State of New York, to confirm said appointment, now, therefore, be it

RESOLVED, that this County Legislature, pursuant to the provisions of Local Law No. 6, 1976 and Section 8113, Subdivision a, of the Unconsolidated Laws of the State of New York, does hereby confirm the appointment of Patrick

Lebous to membership on the Board of Directors of the Catskill Regional Off-Track Betting Corporation in accordance with his appointment by the Legislative Chairman.

Carried by the following:

Ayes-17, Nays-1 (Coffey), Absent-1 (Brown).

Mr. Pasquale moved, seconded by Mr. Howard to adjourn to the call of the Clerk at 6:15 p.m.