

**BROOME COUNTY LEGISLATURE
ORGANIZATIONAL SESSION
JANUARY 5, 1995**

THE BROOME COUNTY LEGISLATURE, Broome County, New York, met to organize on Thursday, January 5, 1995, at 3:00 p.m in the Legislative Chambers, Sixth Floor, Edwin L. Crawford County Office Building, Government Plaza, Binghamton, New York.

The Chairman pro tem, the Honorable Richard Hogan, Broome County Clerk, was introduced. The Chairman pro tem, Mr. Hogan, read the fire exit announcement and then called the Attendance roll by Legislative District:

<u>Legislative District</u>	<u>Legislator</u>	<u>Legislative District</u>	<u>Legislator</u>
1	Mark Whalen	11	Chris W. Burger
2	Margaret M. Coffey	12	Andrew Kavulich
3	David L. Lindsey	13	Daniel A. Schofield
4	Vincent A. Pasquale	14	William T. Wike
5	Patrick F. O'Day	15	Wanda Hudak
6	Thomas A. Hull	16	John E. Cahill
7	Arthur J. Shafer	17	Louis P. Augostini
8	Wayne L. Howard	18	Brian K. Mather
9	William H. Miller	19	James L. Holley
10	Jane R. Sweet		

Present-17, Absent-2 (Mr. Whalen & Mr. Wike).

Mr. Hogan, led the members of the Legislature in the Pledge of Allegiance to the Flag and then introduced The Rev. Mark Marino, Pastor of Sarah Jane Johnson Memorial United Methodist Church of Johnson City, NY who gave the Invocation.

Mr. Hogan, then proceeded to request nominations for the post of Chairman. Mr. Mather moved, seconded by Mr. Schofield the nomination of Arthur J. Shafer, Legislator from District 7. There were no other nominations and Mr. Shafer was elected Chairman by roll call vote, which was unanimous. Mr. Shafer was escorted to the Chair by Legislators Augostini and Pasquale, at which point Mr. Hogan presented the gavel to Mr. Shafer and retired from the Chair.

The Chairman proceeded to bring forth 1995 Resolution No. 1 (published later in

the minutes), relating to the election of the Legislative Clerk, Richard R. Blythe. This was seconded by Mrs. Sweet and was **carried**.

The Chairman then invited Broome County Court Judge, the Honorable Patrick H. Mathews to the podium to administer the oath of office for both the Chair and the Clerk.

The oath was administered by Judge Mathews, with Ms. Dawn Shafer holding the Bible for her father and Chairman Shafer holding the Bible for Mr. Blythe.

The Bible used for the official oath was the Blythe family Bible.

REMARKS FROM THE CHAIRMAN

LADIES AND GENTLEMEN, COLLEAGUES, FELLOW LEGISLATORS, AND CLERGY:

IT IS A PLEASURE TO WELCOME ALL OF YOU TO TODAY'S ORGANIZATIONAL MEETING. THE NEW YEAR, AND THE NEXT LEGISLATIVE TERM, OFFERS TO US A GREAT DEAL OF HOPE AND OPPORTUNITY. HOPE FOR FULFILLING THE OBLIGATIONS AND RESPONSIBILITIES BEFORE US, AND OPPORTUNITY TO APPLY OUR ENERGIES AND TALENTS TOWARD A MUCH BRIGHTER FUTURE.

WE ARE NOW ENTERING THE MID-WAY POINT IN THIS, THE LAST DECADE OF THE 20TH CENTURY. AND WHAT IS IMPORTANT TO RECOGNIZE IS NOT THAT WE ARE CONCLUDING THIS CENTURY, BUT RATHER THE FACT THAT WE ARE PREPARING FOR THE 21ST CENTURY.

AND TO RESPONSIBLY PROVIDE A QUALITY LIFE FOR OUR CHILDREN AND GRANDCHILDREN, WE MUST "PROVIDE SOLUTIONS TO TODAY'S PROBLEMS, AND PLAN FOR TOMORROW'S CHALLENGES". IT IS MY HOPE THAT WE WILL EMPLOY THOSE THOUGHTS AS OUR GUIDING PRINCIPLES FOR THE NEXT TWO YEARS.

WE ARE BEGINNING A NEW TERM OF OFFICE WITH A DYNAMIC TEAM OF LEGISLATORS. SPRINKLED AMONG THIS LEGISLATIVE BODY ARE FACES BOTH FAMILIAR AND NEW, FACES WHICH REPRESENT A SENSE OF CONTINUITY AND A FRESH APPROACH, AND WE ARE STRONGER FOR THAT. THE COMBINATION OF EXPERIENCED LEADERSHIP, OF NEW IDEAS, AND ENTHUSIASM GIVES THIS LEGISLATURE A RENEWED SPIRIT OF DEDICATION AND COOPERATION.

BY DRAWING UPON THE TALENTS AND ABILITIES OF EACH AND EVERY LEGISLATOR, WE CAN ACCOMPLISH A GREAT DEAL IN THE NEXT TWO YEARS.

AND TO DO THE BEST POSSIBLE JOB, WE MUST RECOGNIZE THAT

THE NEED FOR COOPERATION GOES BEYOND THE LEGISLATURE. TO ACHIEVE THE SUCCESS WHICH GOVERNMENT IS CAPABLE OF, WE NEED A SINCERE WORKING RELATIONSHIP BETWEEN LEGISLATIVE AND EXECUTIVE BRANCHES OF COUNTY GOVERNMENT, AND ALSO BETWEEN MUNICIPAL AND COUNTY GOVERNMENTS.

BROOME COUNTY GOVERNMENT CANNOT STAND ALONE IN OUR COMMUNITY OF GOVERNMENTS. AS A FOUNDING MEMBER OF THE BROOME COUNTY ASSOCIATION OF TOWNS AND VILLAGES, I KNOW THE IMPORTANCE OF IMPROVING COMMUNICATION.

TO FURTHER ENHANCE THE WORKING RELATIONSHIP BETWEEN MUNICIPALITIES AND COUNTY GOVERNMENT, I AM PROPOSING A NEW LEGISLATIVE COMMITTEE, THE "AD HOC COMMITTEE ON SALES TAX AND OTHER MATTERS".

THE PURPOSE OF THIS BODY WILL BE, AMONG OTHER DUTIES, TO CONSIDER THE RECENT PROPOSAL FOR A 'SALES TAX REDISTRIBUTION FORMULA' BETWEEN COUNTY AND MUNICIPAL GOVERNMENTS. THE COMMITTEE WILL PRESENT ITS RECOMMENDATIONS BY JUNE, 1995. OTHER PROPOSALS INCLUDE CHARGING TOWNS AND VILLAGES FOR 'COUNTY ROAD PATROLS' AND FOR 'BCC STUDENTS RESIDING WITHIN MUNICIPALITIES'. THESE QUESTIONS MUST BE ANSWERED.

THROUGH OPEN COMMUNICATION, COUNTY AND MUNICIPAL GOVERNMENTS CAN TOGETHER TAKE STEPS TO ADDRESS PROBLEMS OF MUTUAL CONCERN, WITHOUT FINANCIALLY HINDERING THE OPERATION OF MUNICIPAL GOVERNMENT.

THE SUBJECT OF FINANCES IS CENTRAL TO THE WORK OF THE NEW BROOME COUNTY LEGISLATURE. THIS IS AN AREA WHERE WE NEED TO FOCUS OUR ATTENTION, SO THAT WE MAY DEVELOP BOTH A SHORT-TERM AND LONG-TERM BUDGETARY STRATEGY.

FIRST AND FOREMOST, WE MUST DIRECT OUR EFFORTS TOWARD MINIMIZING EXPENDITURES AND MAXIMIZING INCOME FOR THE 1996 COUNTY BUDGET. ESSENTIAL TO THOSE CONCERNS ARE THREE KEY PRINCIPLES:

- (1) IDENTIFYING POTENTIAL AREAS OF COST REDUCTION
- (2) MINIMIZING APPROPRIATIONS INCREASES
- (3) IDENTIFYING NEW SOURCES OF REVENUE

THOSE THREE BUDGETARY GOALS CAN BE ACHIEVED BY VARIOUS METHODS, INCLUDING THE IMPLEMENTING OF GOVERNMENTAL POLICY

AND STRUCTURAL CHANGES, CONSIDERATION OF RECOMMENDATIONS OFFERED BY THE CENTER FOR GOVERNMENTAL RESEARCH, AND AN ONGOING YEAR-LONG REVIEW OF COUNTY EXPENDITURES.

WITHOUT A DOUBT, ONE RECENT LEGISLATIVE PROPOSAL FOR GENERATING NEW REVENUE SHOULD BE FULLY EXPLORED. THAT PROPOSAL IS TO HAVE AN INDEPENDENT BODY, THE BUSINESS RECORDS CORPORATION, EXAMINE THE POSSIBILITY OF THE COUNTY'S COMPUTER SERVICES DIVISION CONTRACTING OUT ITS SERVICES. ONE GROUP THAT MAY BENEFIT FROM THIS OPTION IS OUR LOCAL MUNICIPALITIES. THE COMPUTER SERVICES WHICH THE COUNTY COULD PROVIDE OFFERS TECHNOLOGY THAT MANY MUNICIPALITIES WOULD OTHERWISE BE UNABLE TO AFFORD.

IN MANY CASES, THE SUCCESSES OF THE FUTURE ARE BUILT ON THE LESSONS AND THE ACCOMPLISHMENTS OF THE PAST. DURING THE NEXT YEAR WE WILL NOT TAKE CONSERVATIVE ACTIONS, BUT WE WILL EMPLOY A CONSERVATIVE APPROACH, AS WE COMPLETE THE WORK WHICH IS BEFORE US.

IN ADDITION TO OUR BUDGETARY RESPONSIBILITIES, OTHER DUTIES IMMEDIATELY FACING THE LEGISLATURE IN 1995 INCLUDE (1) THE APPOINTMENT OF A NEW BROOME COUNTY COMPTROLLER, (2) ADOPTING THE CONSOLIDATION RECOMMENDATIONS OF THE AD HOC COMMITTEE ON PUBLIC SAFETY, CHAIRED BY LEGISLATOR LINDSEY, AND (3) WORKING WITH STATE AGENCIES TO OBTAIN MANDATE RELIEF FROM MAJOR SOCIAL SERVICE PROGRAMS, ESPECIALLY MEDICAID, LONG-TERM HEALTH CARE, AND EARLY INTERVENTION OF HANDICAPPED CHILDREN.

I AM PROUD OF LAST YEAR'S ACCOMPLISHMENTS, ESPECIALLY THE ADOPTED LEGISLATION WHICH ALLOWED MUNICIPALITIES TO ACCEPT PARTIAL PAYMENT OF PROPERTY TAXES FROM COUNTY RESIDENTS. THAT WAS A PRIME EXAMPLE OF COUNTY AND MUNICIPAL REPRESENTATIVE TAKING LEADERSHIP ROLES, AND WORKING TOGETHER IN THE BEST INTEREST OF THEIR CONSTITUENTS. IF WE CAN REPLICATE THAT KIND OF SERVICE IN 1995, WE WILL HAVE DONE A GOOD JOB.

AS I LOOK AT THE MEMBERS OF THIS LEGISLATIVE BODY TODAY, I CANNOT HELP BUT BE FILLED WITH ENTHUSIASM AND ANTICIPATION OF SUCCESS FOR THE NEXT TWO YEARS. IT IS INDEED A PLEASURE FOR ME TO SERVE AS YOUR CHAIRMAN, AND IT'S AN ASSIGNMENT WHICH I

SINCERELY TREASURE.

IN CLOSING, I WOULD LIKE TO SAY TO MARK, MARGARET, DAVE, VINCE, WAYNE, CHRIS, ANDY, DAN, BILL WIKE, WANDA, LOU, AND BRIAN, "HELLO AGAIN, IT'S GOOD TO SEE YOU". AND TO TOM, PAT, BILL MILLER, JANE, JACK, AND JIM, I WELCOME YOU TO WHAT MAY BE THE MOST CHALLENGING AND REWARDING EXPERIENCE OF YOUR LIFE.

THANK YOU VERY MUCH.

RESOLUTIONS INTRODUCED THIS SESSION:

RESOLUTION NO. 1

By Hon. Arthur J. Shafer

Seconded by Mrs. Sweet

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, be it

RESOLVED, that this County Legislature, pursuant to the provisions of the Broome County Administrative Code does hereby appoint Richard R. Blythe, 1687 NYS Route 79, Windsor, New York 13865 as Legislative Clerk for a term of 1/1/93 thru 12/31/94.

Resolution No. 1 **carried.** Ayes-17, Absent-2 (Whalen & Wike)

RESOLUTION NO. 2

By Hon. Arthur J. Shafer

Seconded by Mrs. Hudak

RESOLUTION ADOPTING THE RULES OF ORDER FOR THE COUNTY LEGISLATURE

FOR THE PRESENT LEGISLATIVE TERM (1995-1996)

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.

LEGISLATIVE NOTE: Following are changes from the 1993-1994 Rules of Order:
The name of the County Office Building will be referred to as the Edwin L. Crawford

County Office Building.

Gender neutral language will continue to be refined: Clergy will be used in place of Clergymen or Clergyman.

The only major change from the 1993-1994 Rules is found in Rule 5 -Committees in which the Health & Human Services Committee is proposed to be split.

Extraneous language in Rule 7 will be eliminated:
~~In all cases the next Regular Meeting of the County Legislature.~~

EXHIBIT A TO RESOLUTION # 2 OF 1995

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 call the roll. The Pledge of Allegiance to the Flag shall be followed by an Invocation of Prayer.

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

office and shall continue to act in such capacity until the termination of his/her term of office which shall be for two full years.

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

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

RULE 3 - MEETINGS

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

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

An Invocation of Prayer may be offered immediately following the Pledge of Allegiance to the Flag. The Chair of the County Legislature, or his/her designee, shall make suitable arrangements to invite clergy of various faiths and denominations, insofar as is possible, to offer such Prayer. In the event that no clergy can attend a regular meeting, the meeting shall open with a moment of silent meditation.

RULE 4 - QUORUM

A "Quorum" shall mean a majority of the whole number of members of the County Legislature. There must be a quorum to transact business in either the County

Legislature or Committee thereof, but a lesser number may adjourn. In the absence of a quorum during the sessions of the Legislature, the Chair may take whatever measures are provided by law and as he/she may deem necessary to secure the presence of a quorum.

RULE 5 - COMMITTEES

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

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

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

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

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

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

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

1. 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 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.

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 chair of the Personnel 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 Chair of the County Legislature and confirmed by the Legislature shall serve as a member of the Board of Directors of the Veterans Memorial Arena and Forum.

5. 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 Legislature shall be directors of the Soil Conservation District of Broome County. The Chair 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 Chair of the Legislature may preside or name some member to preside. The Chair of the Legislature may call a Committee of the Whole when deemed appropriate.

If at any time when in Committee of the Whole, it be 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; MINUTES

At every meeting of the Legislature, upon the members being called to order by the Chair, 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 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 Chair of the Legislature, Majority Leader and Minority Leader. For consideration as a single piece of legislation. However, any Legislator may ask for separate consideration of any resolution within the preferred agenda as such agenda comes before the Legislature for consideration. The Preferred Agenda as such, may be acted upon on 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 CHAIR

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

The Chair 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/her 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.

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

RULE 11 - ACTING CHAIR, MAJORITY AND MINORITY LEADER

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

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

RULE 12 - MAJORITY VOTE

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

RULE 13 - WHEN A MEMBER MAY BE EXCUSED FROM VOTING

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

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

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

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

RULE 14 - RECORDING AYES AND NAYS

Short roll call shall be used by the Chair of the Legislature except when any member calls for a full roll call. At the beginning of each Legislative Session, and immediately following the calling of the roll of members, the Chair shall designate two members present to vote during short roll calls. Thereafter, on any question coming to a vote, the Clerk shall call the names of the two members designated and then the Chair's name, and the vote of each of the three shall be recorded. Each of the other members present shall be considered to have voted affirmatively upon a question unless he/she indicates otherwise to the Clerk of the County Legislature prior to the announcement by the Clerk of the final vote tally.

Full roll call whenever required by law or by any member shall consist of the recording of the Ayes and Nays of each Legislator present whose names shall be called in alphabetical order. The 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 Chair 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 two-thirds (2/3) vote of the members of the Legislature present; however, the member making application for such suspension must state the purpose for which the same is asked.

RULE 17 - VOTE ON DISTINCT PROPOSITION

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

RULE 18 - PRESENTATION OF MOTION

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

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

9. To amend

RULE 19 - RESOLUTIONS

Every Resolution offered shall be in writing and shall have a number. The number and name of the members or Committee offering a Resolution shall be entered in the Minutes. Each Resolution offered shall be reviewed by the County Attorney as to its form and legality before it is presented to the Legislature.

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

All requests for Resolutions shall be presented in final form to the Clerk of the County Legislature by 9:00 a.m., fourteen (14) days prior to Regular Meeting of the County Legislature, at which it is proposed that said Resolution will be presented. All resolutions shall be accompanied by back-up materials which have been submitted to the County Attorney's Office by the requesting department.

Resolutions will not be accepted by the Clerk of the Legislature without the above referenced back-up information, which shall remain on file with the Clerk of the Legislature, available for review by all Legislators. All resolutions presented within this deadline shall appear on the final printed agenda of the appropriate committee(s). The County Attorney shall prepare same for presentation at such meeting.

No other request for Resolution(s) 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. Such untimely 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 it will not be considered by the County Administration Committee.

Request(s) for Resolution(s) received after the above date shall be kept by the Clerk of the County Legislature until the following Regular Meeting.

The chair of each committee shall be responsible for determining his/her committee's agenda, however, a majority of the committee members may also determine the committee's agenda.

Once included as part of the formal written agenda of a committee, resolutions can only be removed or deferred by a majority vote of the committee. Similarly, resolutions referred to committees following approval by the County Administration Committee as late resolutions can be added to the committee agenda and be considered by the prime and other involved committees only by majority vote of the respective committees.

A list of titles of all Resolutions to be acted upon by the County Legislature at a Regular Meeting 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 Chair 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 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 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 Personnel 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.

Resolution No. 2 **carried.** Ayes-17, Absent-2 (Whalen & Wike)

RESOLUTION NO. 3

by Hon. Arthur J. Shafer

Seconded by Mr. Burger

RESOLUTION ADOPTING THE SCHEDULE OF LEGISLATIVE SESSIONS FOR 1995

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 1995:

REGULAR SESSION - Thursday, January 26
REGULAR SESSION - Thursday, February 16

SESSION -Wednesday, March 1 - Receive Annual Report from the Co. Executive to the Legislature. (No resolutions to be considered) (The Chair may call a Special Session for emergency business as may be required)

REGULAR SESSION - Thursday, March 16
REGULAR SESSION - Thursday, April 20
REGULAR SESSION - Thursday, May 18
REGULAR SESSION - Thursday, June 15
REGULAR SESSION - Thursday, July 20
REGULAR SESSION - Thursday, August 17
REGULAR SESSION - Thursday, September 21

SESSION -Monday, October 2 - Receive Budget Message only.
(No resolutions to be considered) (The Chair may call a Special Session for emergency business as may be required)

REGULAR SESSION - Thursday, October 19

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(SPECIAL SESSION) - Budget Deliberations: At the call of the Chair

REGULAR SESSION - Tuesday, November 21

REGULAR SESSION - Thursday, December 28

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.

Resolution No. 3 **carried.** Ayes-17, Absent-2 (Whalen & Wike)

RESOLUTION NO. 4

by Hon. Arthur J. Shafer

Seconded by Mr. Miller

RESOLUTION APPOINTING ROBIN E. SHIMER AS LEGISLATIVE ASSISTANT

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

WHEREAS, it is the opinion of this County Legislature that Robin E. Shimer, who has served in this post for the past two years, is able and qualified and will continue to satisfactorily fulfill the duties of the position and it is appropriate to re-appoint him to the position of Legislative Assistant effective January 1, 1995, now, therefore, be it

RESOLVED, that Robin E. Shimer, 414 Clubhouse Road, Vestal, New York 13850, be and he hereby is appointed to the position of legislative Assistant to the Broome County Legislature effective January 1, 1995 to serve at the pleasure of the Chairman.

Resolution No. 4 **carried.** Ayes-17, Absent-2 (Whalen & Wike)

RESOLUTION NO. 5

by Hon. Arthur J. Shafer

RESOLUTION CONFIRMING APPOINTMENT OF EMIL J. BIELECKI 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, Emil J. Bielecki, 309 Old Vestal Road, Vestal, New York 13850 to membership on the Board of Directors of the Catskill Regional Off-Track Betting Corporation for a term expiring

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December 31, 1996, 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 Emil J. Bielecki to membership on the Board of Directors of the Catskill Regional Off-Track Betting Corporation in accordance with his appointment by the Legislative Chairman.

Resolution No. 5 **carried.**

Ayes-14, Nays-3 (Coffey, Kavulich & Pasquale), Absent-2 (Whalen & Wike)

RESOLUTION NO. 6

by Hon. Arthur J. Shafer

Seconded by Mr. Mather

RESOLUTION DESIGNATING A NEWSPAPER PUBLISHED WITHIN BROOME COUNTY AS THE OFFICIAL NEWSPAPER FOR THE PUBLICATION OF ALL LOCAL LAWS, NOTICES, AND OTHER MATTERS REQUIRED BY LAW TO BE PUBLISHED

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

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

WHEREAS, the only newspaper have circulation in Broome County is the Press & Sun Bulletin, now, therefore, be it

RESOLVED, that the Press & Sun Bulletin is hereby designated pursuant to County Law Section 214, as the official newspaper for the publication of all local laws, notices, and other matters required by law to be published.

Resolution No. 6 **carried.** Ayes-17, Absent-2 (Whalen & Wike)

A benediction was offered by The Rev. Mark Marino, Pastor of Sarah Jane Johnson Memorial United Methodist Church of Johnson City, NY.

Mr. Pasquale moved. seconded by Mr. Augustini to adjourn at 3:25 PM.

Carried. Ayes-17, Absent-2 (Whalen & Wike)

The following Committee Assignments were released at the conclusion of the session:
(The asterisk [*] denotes the committee chair)

COMMUNITY AND SOCIAL SERVICES

Wanda Hudak*, Chris Burger, Margaret Coffey, William Miller, Patrick O'Day

**COUNTY ADMINISTRATION, ECONOMIC
DEVELOPMENT AND PLANNING**

Wayne Howard*, Chris Burger, Wanda Hudak, Mark Whalen, Bill Wike

EDUCATION, CULTURE AND RECREATION

Patrick O'Day*, Wayne Howard, Thomas Hull, David Lindsey, Vincent Pasquale

ENVIRONMENT

Chris Burger*, John E. Cahill, Margaret Coffey, William Miller, Patrick O'Day

FINANCE

Daniel Schofield*, Louis Augostini, Wayne Howard, Mark Whalen, Bill Wike

HEALTH SERVICES

Jane Sweet*, James Holley, Wanda Hudak, Thomas Hull, Mark Whalen

INTERGOVERNMENTAL RELATIONS

Bill Wike*, Chris Burger, Vincent Pasquale, Daniel Schofield, Jane Sweet

PERSONNEL

Brian Mather*, John E. Cahill, Thomas Hull, Andrew Kavulich, Jane Sweet

PUBLIC SAFETY AND EMERGENCY SERVICES

David Lindsey*, John E. Cahill, James Holley, Andrew Kavulich, Brian Mather

PUBLIC WORKS

Thomas Hull*, Louis Augostini, Margaret Coffey, James Holley, William Miller

TRANSPORTATION

John E. Cahill*, Andrew Kavulich, David Lindsey, Brian Mather, Daniel Schofield

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