

POLICY 29

RULES OF PROCEDURE OF THE TIOGA COUNTY LEGISLATURE

SECTION 1 – ORGANIZATION & PROCEDURE

SECTION 2 – COMMITTEES

SECTION 3 – LEGISLATIVE WORKSESSIONS

SECTION 4 – APPOINTMENTS

SECTION 5 – MISCELLANEOUS

SECTION 6 – ROBERT’S RULES OF ORDER

SECTION 7 – OPEN MEETINGS LAW, RECORDS

SECTION 8 – REFERRAL TO ETHICS BOARD

SECTION 1 – ORGANIZATION & PROCEDURE

I. MEETINGS

(1) ORGANIZATIONAL MEETING

The organizational meeting shall be held on or before the eighth day of January each year. The date, time and place thereof shall be fixed by the Legislature by resolution adopted during the prior month of December, but if the Legislature fails to adopt such a resolution the meeting shall be held at the County Office Building in Owego, New York on the first Monday of January (unless a holiday, in which case on the following day) at 10:00 o’clock in the morning. The Clerk shall serve notice of such meeting by mail upon each member of the Legislature at least forty-eight hours in advance of the date thereof.

The first order of business at such meeting shall be the election of a Chair for the ensuing year. The Legislative Clerk shall call the meeting to order and shall preside until a Chair is elected. Election shall be by the affirmative vote of a majority of the whole number of the Legislature. If, after three votes have been taken, no candidate has received the required majority, the Legislative Clerk shall call a ten-minute recess, after which a fourth vote shall be taken. If no candidate then has a majority, a temporary Chair shall be elected to preside until a permanent Chair shall be properly elected or appointed according to the County Law (Sec. 151, County Law).

After election of a Chair, if the Legislature shall so choose, a Deputy Chair shall be elected. Election shall be by the affirmative vote of a majority of the whole number of the Legislature. The selection of a majority and minority leader by the political parties shall be reported to the Chair by the designating majority or minority leader.

The next order of business, in such years as the previous term shall have expired, shall be the appointment of a Legislative Clerk, County Attorney and Budget Officer for the same term of those Legislators in Group One of Local Law 2 of the Year 2011, together with such other officers and employees as may be authorized.

Other business may then be conducted, as at a regular meeting.

(2) OTHER MEETINGS

Meetings of the Legislature shall be held in the Legislative Chambers of the County Office Building in Owego, New York, unless otherwise provided by the Legislature or, in emergency, by the Chair or Deputy Chair; however, no meeting shall be held outside the Village of Owego except by the affirmative vote of three quarters of the whole number of the Legislature unless otherwise required by law (Sec. 152, County Law).

- (a) Regular Meetings-Regular meetings of the Legislature shall be determined by the Legislature at the organizational meeting, but the date and time of any particular monthly meeting may be changed by majority vote of the Legislature, or in emergency by the Chair or Deputy Chair when serving as acting chair in the absence, incapacity or removal of the Chair.
- (b) Special meetings shall be held at the call of the Legislative Clerk upon direction of the Chair, the Deputy Chair when serving as acting chair in the absence, incapacity or removal of the Chair, or upon written request signed by a majority of the members of the board. Notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail upon each member by the Legislative Clerk at least forty-eight hours before the date fixed for holding the meeting or a member may waive the service of the notice for such meeting by a writing signed by the member. Only business specified in the notice thereof may be transacted at a special meeting.

(3) AGENDA

The Legislative Clerk shall prepare an agenda for each regular meeting following the established order of business and listing the titles of all timely filed resolutions, which are to be considered. Copies of such agenda shall be furnished each Legislator and the County Attorney at least forty-eight hours before the date fixed for holding the meeting. The Legislative Clerk shall also prepare and mail or give to each legislator and the County Attorney on Thursday preceding the regular meeting a copy of each resolution timely filed in the Legislative Clerks' office together with such other information, as the Legislative Clerk may deem pertinent or the Chair may direct.

II. QUORUM

A majority of the whole number of members of the Legislature shall constitute a quorum and not less than a majority of the whole number may perform and exercise any power or authority of the Legislature, but a less number may adjourn. For the purpose of this provision the words "whole number" shall be construed to mean the total number of members, which the Legislature would have were there no vacancies and were none of the members disqualified from acting.

III. CALL TO ORDER

Upon the appearance of a quorum the Chair shall call the Legislature to order. In case of the non-appearance of the Chair within fifteen minutes of the appointed hour, the Deputy Chair, if one has been appointed, shall call the meeting to order. In the event a Deputy Chair has not been chosen, the Legislative Clerk shall call the Legislature to order and an Acting Chair shall be elected from the members present to preside, for such day only, during the absence of the Chair. The Acting Chair shall have and exercise all the powers and duties of the Chair at the meeting over which he is called to preside.

IV. ORDER OF BUSINESS

(1) The order of business at each regular meeting of the Legislature shall be as follows:

1. Roll call of members
2. Prayer
3. Pledge of Allegiance
4. Approve minutes of previous meeting
5. Privilege of floor
6. Presentation of petitions, communications and notices
7. Unfinished business
8. Appointments
9. Reports of standing committees
10. Reports of special committees
11. Presentation of motions and resolutions
12. Adjournment

(2) The following regulations shall be applicable to the foregoing order of business:

(a) Roll Call

The Legislative Clerk shall call the roll of the members and record by name all members absent, and shall further record the arrival of any members listed as present during the course of each meeting. In all cases of absence during

any regular or special meeting, a majority of the Legislature may impose a penalty of fifty dollars for each non-attendance without sufficient excuse.

(b) Prayer

The Chair may direct a Legislator at each meeting to have prayer.

(c) Pledge of Allegiance

The Chair shall designate one of the members of the Legislature at each meeting to lead the assemblage in the Pledge of Allegiance to the United States of America.

(d) Minutes of previous meeting

The formal reading of the minutes of the previous meeting shall not be required. Opportunity for corrections, alterations and additions shall be afforded to members of the body, after which the minutes, as corrected, shall be approved by a vote of the legislature. The bills that have been approved and paid by the County Auditor shall be submitted to the Legislature for their review. A summary of the bills so approved and paid shall be incorporated in the minutes of the meeting.

(e) Privilege of the Floor

Persons not members of the Legislature may be accorded the privilege of the floor and be permitted to speak on any matter relevant to the business of the Legislature. Such privilege shall be granted to those who fill out a sign-up sheet prior to the beginning of the meeting. Such privilege shall be limited to five (5) minutes. The privilege may also be granted on motion of any member, if approved by majority vote. Those persons granted the privilege of the floor shall address the Legislature with proper civility and shall refrain from any personal attacks or accusations directed at any member of the public, including members of the Legislature and officers and employees of the County of Tioga. The Chair, or the Legislature by majority vote, may extend the time afforded any speaker, or may limit the number of speakers on any subject.

(f) Petitions, Communications and Notices

Petitions, communications and notices may be presented by the Chair, Legislative Clerk, any member, or individual, and shall be read by the Legislative Clerk. The Chair may direct the Clerk to dispense with the reading of petitions and communications, provided that any member may offer a point of order and call for the reading of the same. Disposition thereof shall be directed by the Chair unless objections be made, in which case dispositions shall be directed by majority vote.

(g) Unfinished Business

Under this item all business not previously completed may be considered and all reports, resolutions and other matters previously postponed may be called therefrom, but if laid on the table indefinitely, only by a two-thirds vote of the whole number of the Legislature.

(h) Appointments

Appointments to any agency, committee, organization or group that are the sole prerogative of the Chair shall be made at this point.

(i) Reports of Standing and Special Committees

Reports of standing and special committees may be oral if written minutes have been filed with the Clerk of the Legislature.

(j) Resolutions

All resolutions to be presented at any regular meeting shall be submitted for consideration by the appropriate committee by filing with the Clerk of the Legislature at least two (2) business days before any regularly scheduled committee meetings. The title of any resolution shall be sufficiently clear as to describe the resolution's general purpose and intent to the casual reader. (See Resolution Procedures) Any resolutions not filed in a timely fashion will be deferred to the next scheduled regular meeting and shall not be considered at the current meeting; or such special meeting as may be called for the purpose of considering any such resolution, except by the consent of the majority of the Legislature. If the Legislature accepts the resolution to

be heard, it must be submitted to the Clerk of the Legislature.

(k) Late-filed resolutions

Any resolution not filed in a timely manner as defined above in Section IV, subparagraph 2 , section j shall be considered a late-filed. Any department head, individual, or designee seeking Legislative consideration of a late-filed shall first obtain the consent of a majority of the members of the Legislature prior to submitting a late-filed to the Legislative Clerk. The Legislature requires that any department head, individual, or designee seeking a late-filed shall personally appear before the Legislature as directed by the Chair.

(l) Variance from Order

The Chair may, for any meeting, vary the foregoing order of business unless any member objects, in which event the variance may be made only upon majority vote. The Chair may not, however, omit any item except upon unanimous consent of the legislature.

V. VOTING

- (1) Any member requesting to be excused from voting may make, when his/her name is called or immediately after the roll is called and before the result is announced by the Legislative Clerk, a brief statement of their reasons for making such request. Such statement shall be limited to five (5) minutes and the Legislature without debate shall decide in the affirmative or negative upon said request. As a general rule, the only acceptable justification for excusing any member from a vote is one based upon a conflict of interest in the pending matter. If a member is not excused from voting and if the said member refuses to vote on a question, their vote shall be recorded in the negative . The individual vote of each member on a roll call vote shall be so noted in the minutes of the meeting and the record of the resolution.

If a member is excused from voting, the required affirmative votes for resolution passage shall be unchanged.

- (2) A roll call vote shall be required on all resolutions or motions involving appropriation of funds, approval and payment of bills and claims, the adoption of a budget, the levy of taxes and any other matter encompassed by Article 7 of the County Law, and also on any other matters upon the request of any member. The Legislative Clerk shall record the ayes and nays on the record of

the proceedings. In any other case, the vote shall be by voice vote.

- (3) Any member may request a roll call on any issue.

SECTION 2 - COMMITTEES

- (1) The Chair of the Legislature shall be an ex-officio member (i.e. non voting) of all standing and special committees with the exception of labor negotiations.
- (2) The Chair of the Legislature shall appoint the members and designate the Chair of all standing committees within the (10) days following his/her election. He/she shall also appoint the members and designate the Chair of all subsequently created standing committees within ten (10) days following creation thereof.
- (3) Any vacancy, including that of Committee Chair, occurring on any standing or special committee, shall be filled by the Legislative Chair within thirty (30) days after such vacancy occurs.
- (4) Neither the Chair nor any other member of a standing or special committee shall be removed during the term for which the Chair or committee was appointed except for due cause. The issue of due cause shall be determined by the members of the legislature and recorded by a roll call vote.

With the approval of the members of the legislature, legislative committee members may seek or exchange other committee assignments for any reason.

- (5) The members of all standing committees shall be appointed for the calendar year and shall continue in office until their successors have been appointed, but nothing herein contained shall be construed to allow any person to continue to serve on any committee after he or she has ceased to be a member of the Legislature.
- (6) The Legislature, by majority vote, or the Chair may, from time to time, create and appoint members of special committees. Any resolution creating a special committee shall specify the powers and duties of the committee and the number of members. Each member of any special committee shall serve for the period specified in such resolution but in any event no longer than the term for which he or she shall have been elected as a legislator. Such special committees may be completely legislative in composition or may include county officers, employees or members of the public, provided however, that any such

committee consisting of non-members of this body shall possess none of the duties, powers or authority vested in the Legislature.

- (7) Standing committees shall consist of at least three (3) Legislators, but not more than four (4) Legislators with the exception of the Finance/Legal Committee, which shall be a committee of the whole.
- (8) Each standing and special committee shall perform the duties so designated by the rules of this Legislature, as required by law or as assigned by the Chair of the Legislature.
- (9) Upon a two-thirds vote of the whole number of the members of the Legislature, any matter assigned by the rules, or otherwise, to any committee may be withdrawn from the consideration of such committee and referred to a special committee appointed in such manner as the resolution withdrawing such matter shall direct.
- (10) The Chair of each standing and special committee shall be the presiding officer and shall cause the members thereof to be notified in advance of each meeting. The committee Chair shall call all necessary meetings. Upon their refusal or neglect to call any meetings the Legislative Clerk of the Legislature upon written request signed by the Chair of the Legislature or by a majority of the committee shall call such meeting.
- (11) There shall be the following standing committees and their duties shall be as required by law, as directed by the Chair of the Legislature, or as so, designated herein.

Administrative Services - Includes County Clerk, County Historian, Real Property, Veteran's, and Elections. -

Within the jurisdiction of this committee shall fall all matters pertaining to the following:

- (1) All matters pertaining to the operation of the County Clerk's Office.
- (2) All matters pertaining to the operation of the County Historian and county history.
- (3) All matters pertaining to the operation of the Real Property Office and with regard to the correction of assessments and corrections of any manifest errors on the assessment rolls
- (4) All matters pertaining to the operation of the Veterans' Office.

- (5) All matters pertaining to the operation of the Elections Office.

Economic Development/Planning/Tourism/Agriculture - (AKA Economic Development) Within the jurisdiction of this committee shall fall all matters pertaining to the following:

- (1) All matters pertaining to the operation of the Economic Development Office. This specifically includes the interfaces to the Tioga County Industrial Development Agency, the Tioga County Local Development Corporation, and any subsequent entities created by the legislature in support of economic development within Tioga County.
- (2) All matters pertaining to County Planning.
- (3) All matters pertaining to the operation of the Tourism Office.
- (4) Agriculture - All matters pertaining to societies and/or organizations for the prevention of cruelty to animals, County extension service associations, Soil & Water Conservation District, Agricultural Districts, District Forest Practice Board, Environmental Management Council (EMC), and all matters of reforestation including management of County forests and parks.

Finance/Legal & Safety - Within the jurisdiction of this committee shall fall all matters pertaining to the following:

- (1) Finance-All matters pertaining to the fiscal affairs of the County, including all matters relating to the methods and operation of the County Treasurer's Office, the appropriation of County funds, the borrowing of money for County purposes, the reports of the Budget Officer and the various steps in the preparation of the County budget, and the apportionment of license, mortgage and other taxes among the Towns and Villages of the County. This committee is also designated as the committee for the purpose of receiving tentative budgets filed with the Legislative Clerk, pursuant to Section 357 for the County Law.
- (2) Legal-All matters pertaining to the County Attorney's Office, District Attorney's Office, Public Defender's Office, assigned counsel, justices, and the New York State Court Systems Tioga County operations. All matters and litigation in which the County is concerned which may require legal action by the County.

(3) All matters pertaining to Safety regulations.

Information Technology & Communications– Within the jurisdiction of this committee shall fall all matters pertaining to the following:

(1) Information Technology & Communications – All matters pertaining to data processing and telecommunications, including but not limited to budgetary reports and processes, information systems and development of new programs and software.

(2) All matters pertaining to the operation of the Purchasing Office.

(3) All matters pertaining to Records Management, including both current and archive records and physical asset inventory of County personal property.

Health & Human Services – Within the jurisdiction of this committee shall fall all matters pertaining to the following:

(1) Social Services - Within the jurisdiction of this committee shall fall all matters pertaining to areas affecting the Department of Social Services. Said committee shall also examine the bills and accounts of the Department of Social Services, including its administration of all programs related thereto. Shall also include all matters pertaining to the Youth Bureau and the development of youth services.

(2) Public Health - Within the jurisdiction of this committee shall fall all matters pertaining to Public Health Nursing, Physically Handicapped Children's Programs, general supervision of the Public Health Services, the Environmental Health Division, the Board of Health, and the functions of the Sealer of Weights and Measures.

(3) Mental Hygiene – Within the jurisdiction of this committee shall fall the following matters:

(a) All Mental Health functions and related sub-agencies and services.

(b) All Developmental Disabilities functions and related sub-agencies and services.

(c) All Drug and Alcohol functions and related sub-agencies and services.

(4) Transportation – All matters related to public transportation.

(5) All matters pertaining to the operation of the Tioga Employment Center Office

Public Safety/Probation, DWI & Coroner – Within the jurisdiction of this committee shall fall the following:

- (1) Public Safety - All matters pertaining to all areas affecting the Sheriff's Department, including the County Jail, road patrol, and emergency communication center (911).
- (2) All matters pertaining to the Emergency Management Office.
- (3) All matters pertaining to County Fire Safety, including the office of County Fire Coordinator and Civil Defense.
- (4) Probation -All matters pertaining to the Probation Department and related services.
- (5) Stop DWI Program – All matters pertaining to the Stop DWI Office and related services.
- (6) All matters pertaining to the Coroners and related services.

Public Works - Within the jurisdiction of this committee shall fall the following:

- (1) All matters pertaining to the maintenance of all County-owned or leased real property, and the capital construction and improvements thereon;
- (2) All matters pertaining to the maintenance and construction of highways and bridges in which the County has responsibility, together with general overall supervision of the Commissioner of Public Works;
- (3) All matters relating to the County's fleet of vehicles.
- (4) All matters pertaining to curbside recycling issues.

Personnel Services/Americans with Disabilities Act (ADA), & Right to Know (AKA Personnel) - Within the jurisdiction of this committee shall fall the following matters:

- (1) Personnel Administration & Services - All matters pertaining to the administration of County officers and employees' compensation, both union and non-union, including salaries, health insurance and retirement benefits, and any matters properly referable to the Personnel Department. All requests for creation or abolition of position(s) shall be referred to this committee.

- (2) All matters pertaining to civil service involving the County and all reports of the NYS Civil Service Commission required by law or by direction of the Legislature shall be referred to this committee.
- (3) Worker's Compensation - All matters pertaining to Workers' Compensation. The Law Department shall assist in the consideration of litigation of any and all claims and the requests of this committee.
- (4) ADA and Right to Know- All matters pertaining to ADA, Safety & Right to Know regulations..

SECTION 3 – LEGISLATIVE WORKSESSIONS/LEGISLATIVE SUPPORT

There shall be two standing Legislative Worksessions held each month on the Thursday before the scheduled legislative meeting and the second Thursday after the scheduled legislative meeting of each month. The purpose of these sessions is to informally discuss matters relating to the property and affairs of Tioga County government.

A Draft agenda for each working session, including special working sessions, shall be prepared and made available to the members of the legislature at least forty-eight hours prior to the meeting. Any member may include a subject on the agenda with forty-eight hours notice to the Clerk of the Legislature.

Legislative Support - All matters pertaining to the Rules of Procedure and procedure for the Legislature of Tioga County, and all resolutions and other legislation dealing with subject matters outside of the preliminary jurisdiction of any other standing committee. This committee shall also make recommendations to the Legislature as it deems advisable in all matters considered by it, and shall handle reapportionment issues as required by law, County Auditor and Freedom of Information duties of the Legislative Clerk.

SECTION 4 – APPOINTMENTS

The Chair of the Legislature shall appoint the members of all standing and special committees of the Legislature in accordance with Section 2, Rule 2.

- (1) At the organization meeting the Legislature shall appoint:
 - (a) Clerk to the Legislature who shall serve during the pleasure of the membership of the Legislature and shall be appointed for a term as set forth in Group One of Local Law 2 of 2011. He or she shall serve until a successor is appointed and qualified. (County Law No. 475).

- (b) County Attorney who shall serve for the term for which the membership in Group One of Local Law 2 of 2011 of such Legislature appointing him or her was elected (County Law No. 500).
 - (c) Budget Officer who shall serve during the pleasure of the membership of such Legislature appointing him or her, shall be appointed for a term as set forth in Group One of Local Law 2 of 2011 (County Law No. 351, sub. 3).
- (2) The following County positions are to be appointed by the Legislature whenever called for:
- (a) Commissioner of Social Services who shall serve a five (5) year term.
 - (b) Commissioner of Public Works who shall serve a five (5) year term.
 - (c) Director of Real Property Tax Services I who shall serve a six (6) year term.
 - (d) Director of Weights and Measures I who shall serve according to Civil Service Law.
 - (e) County Fire Coordinator who shall serve at the pleasure of the Legislature.
 - (f) Historian who shall serve at the pleasure of the Legislature.
 - (g) County Auditor who shall serve a term consistent with that of the Clerk to the Legislature.
 - (h) Personnel Officer who shall serve for a term of six years (Civil Service Law, Section 16(b)).
 - (i) Director of Community Services who shall serve for a term of five (5) years.
 - (j) Public Health Director who shall serve for a term of six (6) years.
 - (k) Economic Development & Planning Director who shall serve at the pleasure of the Legislature.
 - (l) Director of Information Technology and Communication Systems who shall serve at the pleasure of the Legislature.

- (m) Director of Veterans Service Agency who shall serve at the pleasure of the Legislature.
 - (n) Probation Director II who shall serve according to Civil Service Law.
 - (o) Manager of Employment & Training who shall serve according to Civil Service Law.
 - (p) Two Board of Election Commissioners, one Republican, one Democratic, who shall serve for a two (2) year term according to Legislative resolution.
 - (q) Director of Emergency Preparedness who shall serve according to Civil Service Law.
- (3) The following committees, boards or positions shall be filled by the Legislature by resolution. The appropriate standing committee shall be consulted, by the Chair, and reported to the members of the legislature, for recommendations. Geographic and demographic representation throughout the County shall be considered.

ADA Coordinator
 Ag & Farmland Protection Board
 Alternatives to Incarceration Board
 Assigned Counsel
 Board of Ethics
 Board of Health
 Broome-Tioga Workforce Development Board
 Committee on Preschool Education
 Community Services Board
 Environmental Management Council
 Fire Advisory Board
 Fire Investigation Team
 Fish & Wildlife Management Board
 GIS Advisory Board
 Hazardous Materials Team
 Industrial Development Agency
 Local Development Corporation
 Medical Advisory Committee
 Professional Advisory/Utilization Review Certified Home Health
 Agency
 Professional Advisory/Utilization Review Long Term Home Health
 Care Program
 Rabies Donation Committee
 REAP Board
 Records Advisory Board
 Region 7 Forest Practice Board

Soil & Water Conservation District Directors
Southern Tier East Regional Planning Development Board
Tioga County Planning Board
Traffic Safety Board
Transit Advisory Board
Youth Board

- (4) The Chair of the Legislature shall fill any vacancies in the following boards, commissions or position:

Cornell Cooperative Extension Board
Finger Lakes Association Representative
Tioga Opportunities Program

SECTION 5 – MISCELLANEOUS

- (1) The Clerk of the Legislature or his/her representative shall perform the duties directed by the Chair and shall perform all other duties pertaining to his/her office as provided by law.
- (2) In accordance with Policy 9, all County departments are required to file an annual report with the Clerk of the Legislature as directed, but not later than March 1st of each year.
- (3) No rule shall be amended except upon a two-thirds vote of the whole number of the members of the Legislature after at least seven (7) days notice accompanied by a written copy of the proposed amendment.
- (4) All communications presenting a position of the Tioga County Legislature shall have prior concurrence of a majority of the legislature. All other communications must specifically identify its content as unique to a specific legislative member.
- (5) No Legislator shall use official legislative letterhead to promote, advocate, or address any issues which are personal to that legislator and not reflective of the positions, concurrences, or resolutions of the legislature or legislative committee. This provision shall not apply to actions taken by the Legislative Chair in the normal course and scope of his/her duties.

SECTION 6 – Robert’s Rules of Order

Except as herein otherwise provided, Robert’s Rules of Order shall be applicable to all committee meetings, legislative workshops, and other meetings of the county government.

SECTION 7 – Open Meetings Law, Records.

These Rules of Procedure shall be read together with the New York State Open Meetings Law and Robert's Rules of Order where applicable.

- A. Executive Sessions. Executive Sessions may only be called for purposes outlined in Section 105 of the Public Officers Law.
- B. Any and all written and verbal communications and information received by a Legislator in an Executive Session shall be treated as confidential and will not be disclosed with any unauthorized persons without the consensus of the Legislature.
- C. Any and all records regardless of whether subject to Public Officers Law Section 86, et seq. [Freedom of Information Law] shall not be disclosed by any Legislator to any unauthorized persons without the consensus of the Legislature.

SECTION 8 – Referral to Ethics Board.

Any violation of these Rules of Procedure may be referred by a consensus of the Legislature to the Ethics Board for an opinion, as if such opinion was requested under General Municipal Law Section 808. For all referrals made under this Policy, the Ethics Board shall have all powers of investigation and hearings as set forth in Policy 26, Section VI [D].