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**BROOME COUNTY LEGISLATURE  
ORGANIZATION SESSION  
MONDAY, JANUARY 3, 2005**

The Broome County Legislature, Broome County, New York convened to organize on Monday, January 3, 2005 at 5:02 p.m. in the Legislative Chambers, Sixth Floor, Edwin L. Crawford County Office Building, Government Plaza, Binghamton, New York.

The Chair pro tem, the Acting County Clerk Jacqueline Ford, read the fire exit announcement, called the Attendance Roll, Present-19 and then led the members of the Legislature in the Pledge of Allegiance to the Flag.

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

Majority Leader Arthur J. Shafer and Minority Leader Brian Brunza escorted Mr. Schofield to the podium.

The Chair presented RESOLUTION NO. 1 relating to the election of the Legislative Clerk, Louis P. Augustini (appearing in its entirety in these minutes). The resolution **carried**. Mr. Robert G. Behnke, Chief Assistant County Attorney, proceeded to the podium to administer the oath of office to Messrs. Augustini and Schofield. The Chair then addressed the Legislative body.

**ANNOUNCEMENTS FROM THE CHAIR**

Ladies and Gentlemen:

Thank you for your expression of confidence in electing me as your Chairman for the next term.

Today we are a Legislature of new faces, experience and enthusiasm. As Chairman, you have given me the responsibility of making certain that your ideas are heard.

To that end, I pledge to you my total commitment in carrying out the duties I have been entrusted with. And to County Executive Barb Fiala, you have my cooperation in working to improve the delivery and quality of County services.

County government cannot stand alone in our community of governments. It is imperative to have open dialogue and continual communication, not only within County government, but also between County and Local governments. We both face similar issues, and it is through teamwork that we will best resolve future issues.

By April of this year, we made a commitment to solution sales tax distribution to local municipalities. Today, I ask for your commitment as leaders, along with County Executive Fiala, to help resolve this very important issue facing our County.

Other areas in need of our immediate attention include: Relief from escalating Medicaid costs, the possibility of replacing an aging nursing home with a new facility, and taking action to assure pay equity for County employees.

I'd also like this Legislature to focus on the issues of County-wide police consolidation, expanded tax collection services, and focused commitment on economic development.

I know that the County Executive and the Majority and Minority Leaders all have a genuine desire to establish a working relationship. Doing so will assure that the important services of County government continue to be delivered in a fair, responsive and cost-effective manner.



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

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

### **RULE 3 - MEETINGS**

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

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

An Invocation of Prayer may be offered immediately following the Pledge of Allegiance to the Flag. The Chair of the County Legislature, or his/her designee, shall make suitable arrangements to invite clergy of various faiths and denominations, insofar as is possible, to offer such Prayer.

### **RULE 4 - QUORUM**

A "Quorum" shall mean a majority of the whole number of members of the County Legislature. There must be a quorum to transact business in either the County Legislature or Committee thereof, but a lesser number may adjourn. In the absence of a quorum during the sessions of the Legislature, the Chair may take whatever measures are provided by law and as he/she may deem necessary to secure the presence of a quorum.

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## RULE 5 - COMMITTEES

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

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

The Chair may make temporary appointments to fill vacancies on any committee caused by the absence of members thereof. The chair of a standing committee may designate one of the members as temporary chair of a specific committee meeting or portion of a specific committee meeting. In the case of the absence of the chair of a standing committee at any meeting, and no designation of a temporary chair, the members present shall choose one of their members as temporary chair. The County Law Department and/or the Legislative Clerk shall draft Resolutions for the consideration of the appropriate committees. The Legislative Clerk will further propose assignments of committees. ~~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.

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

### **CENTRALIZATION AND CONSOLIDATION**

~~Five members who shall take a proactive approach to identifying centralization and consolidation opportunities that are far reaching and beyond County operations.~~

~~This committee shall be responsible for identifying expenses, effectiveness and service delivery to achieve greater efficiency within the 25 governments in Broome County. The committee shall generate recommendations to the County and municipal governments in order to implement some forms of consolidation at large, be it through centralization or consolidation of services.~~

#### **1. COUNTY ADMINISTRATION**

Five members who shall consider and report upon all matters relating to the Rules of Order, local laws, advisory resolutions, the Legislature, County Executive, County Clerk, Department of Law, Information Technology and Elections.

This committee shall also consider and report upon all matters pertaining to County officers, County offices or departments not properly coming under the jurisdiction of any other standing or special committee. Any matters not properly within the jurisdiction of any standing committee shall be referred to this committee unless otherwise provided by the Legislature by Resolution. The committee shall also have jurisdiction to allow Resolutions, which are untimely under Rule 19 to be considered by the Legislature.

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## **2. ECONOMIC DEVELOPMENT AND PLANNING**

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

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

## **3. EDUCATION, CULTURE AND RECREATION**

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

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

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

## **4. FINANCE**

Five members who shall consider and report upon all matters pertaining to the Department of Audit and Control, Real Property Tax Service, Risk Management, and the Finance Department. The committee shall:

- review and make recommendations concerning the proposed annual budget and capital program
- review and make recommendations for any change or modification in the current annual budget or capital program
- review and make recommendations on the purchase of, and all matters pertaining to, County insurance and the bonds of County officers and employees
- consider and report upon all matters pertaining to reassessment, the equalization of both State and County assessments, the assessment rolls and footings, erroneous assessments, tax maps, and tax sales
- consider and report upon Off Track Betting, sales tax and other tax revenues
- report upon all property deeded or conveyed to the County and shall recommend the disposal or sale of all real and personal property when no longer required for public use
- survey, consider, study and report upon all capital projects as defined in Section 603 of the Broome County Charter and, to submit recommendations thereon with the order of priority based upon the County's financial condition and future needs.

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**5. HEALTH SERVICES**

Five members who shall consider and report upon all matters pertaining to the Department of Health, including Environmental Health, dog inoculation and quarantine and all other agencies or matters pertaining to public health.

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

**6. HUMAN SERVICES**

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

**7. PERSONNEL**

Five members who shall consider and report upon all matters pertaining to the Personnel Department, Civil Service, and County employees, including salaries, wages and all other employee benefits and terms and conditions of employment. This committee shall act on behalf of the Legislature on matters assigned by the Legislature.

This committee shall also be responsible for reporting to the Legislature the current status of all labor negotiations. This committee shall conduct legislative hearings under the Taylor Law.

All required confirmations of Executive appointments shall be referred to this committee. Confirmation hearings should be conducted jointly by the Personnel and the other relevant committees with the chair of the Personnel Committee presiding. Said appointment, with the recommendation of the Personnel Committee, shall then be referred to the full Legislative Body.

**8. PUBLIC SAFETY AND EMERGENCY SERVICES**

Five members who shall consider and report upon all matters pertaining to the District Attorney, the Public Defender, Coroners, Emergency Services, Probation Department, STOP-DWI, the Sheriff, Civil Defense, Fire Coordinator and Fire Advisory Board, the Traffic Safety Board, the Security Division of the Department of Public Works, the Dog Shelter, and all matters pertaining to public safety and emergency services.

**9. PUBLIC WORKS**

Five members who shall consider and report upon all matters pertaining to the Department of Public Works, and property management. This committee shall:

- Consider and report upon all matters relating to the condition and maintenance of County highways and bridges
- Review and make recommendations on construction, renovation, and maintenance and security of all County-owned or leased buildings, including the dog shelter
- Review and report upon all matters relating to County water studies and/or districts and County sewer studies and/or districts

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

#### **10. TRANSPORTATION**

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

#### **RULE 6 - COMMITTEE-OF-THE-WHOLE NO QUORUM; ADJOURNMENT**

The Legislature may, at any time when in session, move by a majority vote, to resolve itself into a Committee-of-the-Whole on any subject before it, and in such case, the Chair of the Legislature may preside or name some member to preside.

The Chair of the Legislature may call a Committee-of-the-Whole when deemed appropriate. If at any time, when in a Committee-of-the-Whole, it is ascertained that there is no quorum, the Chair shall immediately so state and adjournment of the Committee-of-the-Whole shall be in order.

#### **RULE 7 - ROLL CALL AND MINUTES**

At every meeting of the Legislature, upon the members being called to order by the Chair, the Clerk shall call the roll of members, and the names of those absent shall be inserted in the Minutes. The Minutes of the preceding meeting shall then be presented to the end that any corrections, alterations, or additions may be made, the Minutes shall be made available to the Legislators as soon as possible following the session but no later than 4:30 p.m., Friday immediately preceding the next Regular Meeting of the County Legislature. In all cases when an order, Resolution, or a motion shall be entered in the Minutes of the Legislature, the name of the member or committee presenting or moving the same shall be entered.

#### **RULE 8 - ORDER OF BUSINESS**

At all meetings, the following order of business shall be observed unless otherwise changed by a majority vote of the Legislature:

1. Roll call by Clerk and Fire Exit Announcement
2. Pledge of Allegiance to the Flag
3. Invocation
4. Review and approval of Minutes
5. Session Minutes
6. Committee Minutes by Committee
7. Public Hearings
8. Announcements from the Chair
9. Report of Standing Committees
10. Report of Special Committees
11. Written or oral presentations of the County Executive

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12. Presentation of petitions, communications, notices and reports
  13. Other matters pending or referred from previous meetings
  14. Written or Oral Presentations of the County Legislature
  15. All Resolutions held over from a previous meeting shall be presented and considered before the presentation and consideration of new Resolutions
  16. A Preferred Agenda may be presented at any regular session of the Legislature. That agenda shall be limited to Resolutions that have been carried unanimously in committee(s) and then designated for placement on the Preferred Agenda by the Chair of the Legislature, Majority Leader and Minority Leader for consideration as a single piece of legislation. However, any Legislator may ask for separate consideration of any Resolution within the preferred agenda as such agenda comes before the Legislature for consideration. The Preferred Agenda as such, may be acted upon on with a single vote. The Clerk shall assign appropriate introductory and permanent numbers to each Resolution within the Preferred Agenda.
  17. Legislators' comments
  18. Adjournment

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

#### **RULE 9 - DUTIES OF THE CHAIR**

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

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

#### **RULE 10 - APPEAL FROM THE CHAIR'S RULING**

Every Legislator shall have the right to appeal rulings of the Chair and assign his/her reasons for the challenge. The Chair, on every appeal, shall have the right to assign his/her reasons for the ruling. An appeal from the Chair's ruling shall be presented in the following manner: "Shall the ruling of the Chair be sustained and the ruling of the Chair stand as the judgment of this Legislature?" An appeal of the Chair's ruling shall be without debate. In the event of a tie vote, ruling of the Chair shall be deemed sustained.

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

#### **RULE 11 - ACTING CHAIR, MAJORITY AND MINORITY LEADER**

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

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



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**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 question, proposition, Resolution, motion or any other matter, except where it is otherwise provided herein, or by law.

**RULE 13 - WHEN A MEMBER  
MAY BE EXCUSED FROM VOTING**

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

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

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

**RULE 14 - RECORDING AYES AND NAYS**

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

Full roll call whenever required by law or by any member shall consist of the recording of the Ayes and Nays of each Legislator present whose names shall be called in alphabetical order. The Clerk shall record the names of the members and the way each shall have voted whether by short or full roll call and the same shall be entered into the proceedings of the Legislature.

Full roll calls are required for all Resolutions dealing with local laws, financial bonds, capital improvement programs, the annual budget and budget notes. (see Rule 26)

Any member, absent during a vote, may, prior to adjournment of the Legislature, request the Clerk to record his/her vote which shall be duly recorded upon the Minutes provided that said vote does not change or modify the Legislative action taken.

**RULE 15 - PRIVILEGE OF THE FLOOR**

Except as otherwise provided herein, no person shall be entitled to the privilege of the floor during a meeting of the Legislature unless, either a member of the Legislature requests said privilege on behalf of a person and the Legislature grants said privilege by a majority vote of the whole number of the members of the Legislature or, a special or standing committee requests said privilege on behalf of a person and the Legislature grants said privilege by a majority vote of the whole number of the members of the Legislature.

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

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

#### **RULE 16 - SUSPENSION OF RULES**

These Rules at any time during the meeting may be suspended by two-thirds (2/3) vote of the members of the Legislature present; however, the member making application for such suspension must state the purpose for which the same is asked.

#### **RULE 17 - VOTE ON DISTINCT PROPOSITION**

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

#### **RULE 18 - PRESENTATION OF MOTION**

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

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

#### **RULE 19 - RESOLUTIONS**

- Every Resolution offered shall be in writing and shall have a number. The number and name of the members or Committee offering a Resolution shall be entered in the Minutes. Each Resolution offered shall be reviewed by the County Attorney as to its form and legality before it is presented to the Legislature.
- The name of the member who seconds a Resolution shall be entered in the Minutes. In seconding a Resolution, the member must proceed in the usual manner by addressing the Chair first.
- All requests for Resolutions shall be presented in final form to the Clerk of the County Legislature by 9:00 a.m., sixteen (16) days prior to the Regular Meeting of the County Legislature, at which it is proposed that said Resolutions will be presented. All Resolutions presented within this deadline shall appear on the final printed agenda of the appropriate committee(s) unless determined otherwise by the Chair of the committee(s).

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- The County Legislature shall consider no other request for Resolution(s) after the above date unless first approved by the County Administration Committee for presentation. The Chair of the County Administration Committee shall determine if a late Resolution(s) will be accepted for presentation to the County Administration Committee.

The Prime Sponsoring Committee and other involved committees may first act on untimely (late) Resolution(s) pending acceptance and approval for presentation of the late Resolution(s) by the County Administration Committee.

Such untimely (late) Resolution(s) must be accompanied by complete documentation and shall include rationale explaining its untimeliness and the necessity for consideration as a late Resolution, or the County Administration Committee will not consider it. Request(s) for Resolution(s) received after the above date shall be kept by the Clerk of the County Legislature until the following Regular Meeting.

- 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.
- A list of titles of all Resolutions to be acted upon by the County Legislature at a Regular Meeting along with copies of amendments and/or corrections made to Resolutions in Committee shall be mailed to each Legislator by 4:30 p.m. on Friday immediately preceding the Regular Legislative Meeting. Copies of all Resolutions shall be presented to the Clerk of the Legislature by 4 p.m. on Friday prior to a Regular Meeting and placed in the Legislators' mailboxes, located in the Clerk's Office, on the same day. Each Resolution presented shall be numbered consecutively. No Resolution may be presented at a Special Meeting of the County Legislature unless the same has been presented in written and final form to the Clerk of the County Legislature and the County Attorney at least seventy-two (72) hours before the meeting.
- No Resolution may be presented by an individual Legislator at a Regular Meeting unless it has been presented to the appropriate Committee or Committees having jurisdiction of the subject matter at least sixteen (16) days prior to said Regular Meeting for the Committee's consideration. Failure of a Committee to act on or sponsor a Resolution presented to it shall not, however, prevent an individual member from offering said Resolution for consideration by the Legislature at the second regular session following the committee's consideration.
- A Standing Committee may introduce no Resolution unless it has received a majority approval of the sponsoring Committee at the time of the meeting.
- Every Resolution appearing on the agenda for the first time shall lie over until the next regular meeting if so requested by any Legislator or to a special meeting called to consider said Resolution. This shall not apply to the last regular meeting held by the Legislative Body or to Resolution(s) confirming appointments by the County Executive pursuant to Sections C311 and C312 of the Broome County Charter and Code.

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### **RULE 20 - AMENDING A RESOLUTION**

The Prime Committee shall be the only committee that can amend a Resolution or a local law during the committee-review cycle. Amendments may be presented to secondary committees for information only if they meet before the Prime Committee. The secondary committees may recommend passage or rejection of an amendment to the Prime Committee, or it may defer action on the Resolution itself to the Prime Committee.

Any member of the Legislature may offer an amendment to any Resolution or local law during a Legislative session, or by pre-filing an amendment with the Clerk of the Legislature.

**Note:** If a local law is amended during the committee cycle or during a Legislative session, the required local law cycle starts all over again except in a case of emergency declared by the County Executive.

### **RULE 21 - WITHDRAWAL OF RESOLUTION OR MOTION**

Any Resolution or motion offered by a member or Committee may be withdrawn by the member or Committee presenting it at any time before an announcement by the Chair of the vote thereon or before an amendment to such Resolution or motion has been adopted.

### **RULE 22 - MOTIONS NOT AMENDABLE OR DEBATABLE**

All motions for an adjournment, for a recess, for immediate consideration of the question before the Legislature, or to lie on the table, shall be neither amended nor debated.

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

### **RULE 23 - MOTIONS FOR RECONSIDERATION**

A motion for reconsideration shall not be in order unless made on the same day, or the meeting next succeeding that on which the action proposed to be reconsidered took place. A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered, except that a member who was absent, may at the first meeting thereafter, have a right to move a reconsideration of the same unless the Resolution or Local Law has been implemented. When a motion to reconsider has been defeated, it shall not again be submitted to the Legislature without consent of two-thirds (2/3) of the whole number of legislators.

### **RULE 24 - MOTION TO RESCIND**

A motion to rescind can only be entertained when moved by a member who voted with the prevailing side on the action proposed to be rescinded and requires the affirmative vote of two-thirds (2/3) of the whole number of members of the Legislature.

### **RULE 25 - COMMITTEE PROCEDURE**

No Resolution asking for the appropriation of money shall be acted upon at any meeting unless the same shall have been referred to the Prime Committee for consideration and recommendation.

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All Committees shall meet on or before the Thursday preceding the Regular Legislative Meeting for the purpose of taking necessary action on Resolutions to be presented at the next Regular Meeting.

#### **RULE 26 – APPROPRIATION OF COUNTY FUNDS**

Except as otherwise provided by law, all Resolutions or other proceedings involving an appropriation of County funds shall be taken by roll call vote.

#### **RULE 27 - APPLICATION FOR SALARY INCREASES**

No Resolution for a salary or wage increase shall be considered by the Legislature unless the Personnel Committee shall have considered such application and a recommendation shall have been made thereon. In the event such application requires a change in a budgetary provision, or budgetary appropriation, the same shall, in addition, be considered by the Finance Committee and a recommendation shall be made thereon.

#### **RULE 28 - AMENDMENT OF RULES**

These Rules of Order shall not be altered or amended except by a two-thirds (2/3) vote of the members of the County Legislature. Any Resolution presented to the Legislature proposing an amendment of these Rules shall lay over until the next regular meeting.

#### **RULE 29 - ROBERT'S RULES OF ORDER**

Robert's Rules of Order Newly Revised will be used, as the parliamentary authority for those rules not specifically identified in this document.

Mr. Materese had presented a prefiled amendment, which was then seconded by Mr. Hutchings, to amend the Rules of Order to add an Extended Privilege of the Floor, allowing each Legislator the right to sponsor one individual to speak to the entire Legislature, on a specific issue on that meeting's agenda, for a maximum of 4 minutes of time. (This time for comment only, not to be used to question the speaker or debate the issue.) This "Right" is extended without a majority consent vote necessary and only can be used a maximum 4 times per year per Legislator. This Extended Privilege, if utilized, would take place in the 13<sup>th</sup> numerical position – following presentation of Petitions, Communications, Notices and Reports – noted as Extended Privilege of the Floor, in the order of business. **Amendment failed**, Ayes-7 (Brunza, Buchta, Hutchings, Kuzel, Materese, Sanfilippo, Whalen), Nays-12 (Howard, Hull, Keibel, Lindsey, Marinich, Mather, Miller, Nannery, Reynolds, Schafer, Shafer, Schofield), Absent-0.

Mr. Materese had presented a prefiled amendment, which he **withdrew** following the failure of the previous amendment.

**Resolution as presented carried**, Ayes-16, Nays-3 (Hutchings, Materese, Whalen).

#### **RESOLUTION NO. 3**

By the Hon. Daniel A. Schofield

Seconded by Mr. Shafer

#### **RESOLUTION ADOPTING THE SCHEDULE OF LEGISLATIVE SESSIONS FOR 2005**

RESOLVED, that, in accordance with Rule III of the Rules of Order, this County Legislature hereby adopts the following schedule of Legislative Sessions for 2005:



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Committee of this County Legislature or a member of said committee designated by the Chair of the County Legislature, to be a member of the Arena Board of Directors, and

WHEREAS, pursuant to the Rules of Order approved by this County Legislature on January 2, 1997, the successor committee with respect to the affairs at the Broome County Veterans Memorial Arena is the Education, Culture and Recreation Committee, and

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

RESOLVED, that this County Legislature hereby appoints the Hon. Christopher J. Kuzel, by reason of his membership on the Education, Culture and Recreation Committee of the Broome County Legislature, to serve as a member of the Board of Directors of the Broome County Veterans Memorial Arena for a term expiring December 31, 2006 or upon the termination of his membership on the Education, Culture and Recreation Committee, whichever occurs first.

**Carried.**

### **RESOLUTION NO. 6**

By the Hon. Daniel A. Schofield

Seconded by Mr. Miller

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

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

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

WHEREAS, this County Legislature desires to designate the Press & Sun-Bulletin as the official newspaper for the publication of all local laws, notices, and other matters required by law to be published, and to further designate a consortium of Broome County weekly newspapers consisting of The Deposit Courier, The Windsor Standard, The Country Courier, and The Vestal Town Crier as official newspapers for the placement of all Broome County Legal Notices requiring publication in a second paper, now, therefore, be it

RESOLVED, that, pursuant to County Law Section 214, the Press & Sun-Bulletin is hereby designated as the official newspaper for the publication of all local laws, notices, and other matters required by law to be published, and to further designate a consortium of Broome County weekly newspapers consisting of The Deposit Courier, The Windsor Standard, The Country Courier, and The Vestal Town Crier as official newspapers for the placement of all Broome County Legal Notices requiring publication in a second paper.

**Carried.**

### **RESOLUTION NO. 7**

By the Hon. Daniel A. Schofield

Seconded by Mr. Shafer

**RESOLUTION CONFIRMING THE APPOINTMENT OF THE HONORABLE WAYNE L. HOWARD TO MEMBERSHIP ON THE BROOME COUNTY INDUSTRIAL DEVELOPMENT AGENCY BOARD OF DIRECTORS**

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution No. 78, adopted March 4, 1970, Resolution No. 46, adopted February 6, 1979, Resolution No. 223, adopted April 21, 1987 and Article 18-A of the New York State General Municipal Law, has duly designated and appointed, pending confirmation by this Legislature, the following named individual to membership on the Broome County Industrial Development Agency Board of Directors for the term indicated:

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<u>Name</u>	<u>Term Expiring</u>
Wayne L. Howard Old Route 7 - P.O. Box 9 Port Crane, NY 13833	December 31, 2006

and

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

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

**Carried.**

### **RESOLUTION NO. 8**

By the Hon. Daniel A. Schofield

Seconded by Mr. Marinich

#### **RESOLUTION APPOINTING THE HONORABLE DANIEL D. REYNOLDS TO MEMBERSHIP ON THE BROOME COUNTY JURY BOARD**

WHEREAS, pursuant to Section 503 of the Judiciary Law, a member of the County Legislature must be appointed to the Broome County Jury Board, and

WHEREAS, it is the desire of this Legislative body to appoint the Hon. Daniel D. Reynolds to said Board for a term to expire on December 31, 2006, now, therefore, be it

RESOLVED, that this County Legislature hereby appoints the Hon. Daniel D. Reynolds, Legislator-District 19, 2404 Charleston Avenue, Vestal, New York 13850, to the Broome County Jury Board for a term expiring on December 31, 2006.

**Carried.**

### **RESOLUTION NO. 9**

By the Hon. Daniel A. Schofield

Seconded by Mr. Kuzel

#### **RESOLUTION CONFIRMING THE APPOINTMENT OF THE HONORABLE MICHAEL W. SCHAFFER TO MEMBERSHIP ON SOUTHERN TIER EAST REGIONAL PLANNING DEVELOPMENT BOARD**

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution 230, adopted June 27, 1967, Resolution 416, adopted December 30, 1974, Resolution 48, adopted February 7, 1984, and Resolution 108, adopted March 31, 1987, has duly designated and appointed, pending confirmation by this Legislature, the following named individual to membership on the Southern Tier East Regional Planning Development Board for the term indicated:

<u>Name</u>	<u>Expiration of Term and Category</u>
Michael W. Schaffer 2707 Alexander Street Endicott, New York 13760	December 31, 2006 (Legislative Representative)

and

WHEREAS, it is desired at this point in time, in accordance with the provisions of Resolution 230, adopted June 27, 1967, Resolution 416, adopted December 30, 1974,



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Resolution 48, adopted February 7, 1984, and Resolution 108, adopted March 31, 1987, to confirm said appointment, now, therefore, be it

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

**Carried.**

### RESOLUTION NO. 10

By the Hon. Daniel A. Schofield

Seconded by Mr. Howard

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

WHEREAS, the Chair of the Broome County Legislature, pursuant to the powers vested in him by Resolution 27 adopted February 1, 1972, has duly designated and appointed, pending confirmation by this Legislature, the following named individuals to membership on the Broome County Soil and Water Conservation District for the terms indicated:

<u>Name</u>	<u>Expiration of Term and Category</u>
Thomas A. Hull 13 Alpine Road Binghamton, NY 13903	December 31, 2006 (Legislative Representative)
Ronald J. Keibel P.O. Box 395 Whitney Point, NY 13862	December 31, 2006 (Legislative Representative)

and

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

RESOLVED, that this County Legislature, pursuant to the provisions of Resolution 27 adopted February 1, 1972, does hereby confirm the appointments of the above-named individuals to membership on the Soil and Water Conservation District in accordance with their appointment by the Legislative Chair.

**Carried.**

Mr. Howard made a motion to adjourn, seconded by Mr. Shafer. **Motion to adjourn carried.** The meeting was adjourned at 5:42 p.m.

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