



## CORTLAND COUNTY LEGISLATURE RULES OF ORDER

# Adopted 7/27/17 – Res. 293-17

### ARTICLE I DEFINITIONS

1. **Agenda** - is a summary of the order of business expected to come before a particular meeting of the Legislature. All bid openings, communications, petitions, notices, committee reports, annual reports, audits, resolutions, proclamations, recognitions, as well as any other business to appropriately come before the Legislature shall be listed.
2. **Amendment** – is a proposal to change the wording of a motion or a resolution. Upon request of any legislator in attendance, an amendment must be submitted in writing and distributed to all members.
3. **Amend Something Previously Adopted** – is a motion to change the Legislature’s action on a portion of a resolution that has been adopted. This motion is in order as long as the portion to be amended is not something that has already been done that cannot be undone. A motion to amend something previously adopted requires a two-thirds vote without notice, or a majority vote of the entire membership with notice.
4. **Article** - is any resolution, petition, communication, notice, or report.
5. **Article postponed indefinitely** - is any article which is terminated for the particular Legislative session at which it is postponed indefinitely.
6. **Article postponed to time certain** - is any article postponed to a specific time (time certain) to be taken up on a specific day.
7. **Authorized Agency** - is a corporation, association, institution, or agency authorized to receive and expend County money (see County Law, § 351).
8. **Chair** - is the Chair of the Cortland County Legislature, elected in accordance with Article II, Section 2-A of these Rules, Local Law No. 2 of 1972, and County Law §151.
9. **Citizen’s Advisory Committee** – the County Legislature, by resolution, may appoint a committee of citizens of the County to act in an advisory capacity to any committee, department or office on any subject relating to the County government, pursuant to provisions in County Law §253. Term of said Committee shall not exceed the term of the appointing Legislature.
10. **Claim** - is any claim, bill, or account submitted to the Legislature pursuant to County Law (see County Law, § 369).
11. **Clerk** - is the Clerk of the Cortland County Legislature appointed in accordance with Article II of these Rules, Local Law No. 2 of 1972, and County Law §400-4(a) and County Law §475 or any amendments.
12. **Committee of the Whole** – is a committee composed of the members of the Legislature for the purpose of considering a subject which the members do not wish to refer to a Standing or Special



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Committee, but which is not in proper form for their final action. Committee of the Whole is NOT an executive session.

13. **Conflict of Interest** – No municipal officer or employee shall have an interest, direct or indirect, in any contract with the County of Cortland, or engage in any other activity prohibited by the Cortland County Code of Ethics (Local Law No. 2 of 2008), when such officer or employee, individually or as a member of a board, has the power or duty to:
  - A. Negotiate, prepare, authorize or approve a contract or authorize or approve payment thereunder;
  - B. Audit bills or claims under the contract; or
  - C. Appoint an officer or employee who has any of the powers or duties set forth above.
14. **Communication** - is any written instrument advising the Legislature of facts, situations, or problems (past, present, or future) having to do with the operation of Cortland County Government or the Legislature's powers under County Law. For informational purposes, official communications may be distributed to or received and filed by the Legislature.
15. **Day** - A period from a certain day within which, or after, or before which, an act is authorized or required to be done, meaning the number of calendar days exclusive of the calendar day from which the reckoning is made. If such period is a period of two days, Saturday, Sunday, or a public holiday must be excluded from the reckoning if it is an intervening day between the day from which the reckoning is made and the last day of the period. In computing any specified period of time from a specified event, the day upon which the event happens is deemed the day from which the reckoning is made. The day from which any specified period of time is reckoned shall be excluded in making the reckoning (see General Construction Law §20).
16. **Department Head** - is the County employee or employees elected, or appointed by the Legislature, chiefly responsible for the operation of any County Department.
17. **Ex-officio** – A member of the committee or board by virtue of an office held. Ex-officio members of committees have the same rights and privileges as all other members of the committee or board, including the right to vote. If an ex-officio member is NOT under the authority of the organization (Legislature), he/she has all rights and privileges, but not the obligations of a regular member, and does not count toward a quorum. An ex-officio member who IS under the authority of the Legislature (Chair) IS counted in the quorum.
18. **Excused Absence** – Prior notification of an absence to a Committee Chair, Clerk or Chair of the Legislature.
19. **Executive Session** – that portion of a meeting not open to the public. **Proceedings in Executive Session shall be confidential** unless the Legislature votes otherwise, or is required to be made public in accordance with NYS Public Officer's Law. The Legislature may conduct an executive session upon a majority vote of the Legislature taken in an open meeting, after a motion to enter



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into executive session, for one of the purposes enumerated in Public Officer's Law §105 (1) (a) through (h) as follows:

- A. matters which will imperil the public safety if disclosed;
- B. any matter which may disclose the identity of a law enforcement agent or informer;
- C. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- D. discussions regarding proposed, pending or current litigation;
- E. collective negotiations pursuant to article fourteen of the civil service law;
- F. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
- G. the preparation, grading or administration of examinations; and
- H. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

However, no action by formal vote shall be taken to appropriate public moneys during executive session.

Minutes of executive session shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. The summary need not include any matter which is not required to be made public by the Freedom of Information Law. Minutes taken in executive session shall be available to the public within one week from the date of the executive session.

Attendance at executive session shall be permitted to any members of the legislature and any other persons authorized by the Legislature.

- 20. Interest** – a direct or indirect pecuniary or material benefit accruing to a County officer, employee or appointed official, spouse or child, whether the result of a contract with the County or otherwise. For the purpose of this chapter, a County officer, employee or appointed official shall be deemed to have an interest in the contract if (i) a spouse and/or children, except a contract of employment with the County; (ii) a firm, partnership or association of which such officer, employee or appointed official or spouse or child is a member or employee; (iii) a corporation of which such officer, employee or appointed official, or child is an officer or director; and (iv) the outstanding capital stock of a corporation which is owned by, or controlled directly or indirectly by an officer, employee or appointed official, or his/her spouse or child.
- 21. Journal** - is the copy of the record of proceedings of the Cortland County Legislature for a calendar year in printed bound volume, or recorded by electronic means, or both, certified by the Clerk of the



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Legislature as a true copy. The Clerk of the Legislature shall ensure that a printed copy is published annually pursuant to County Law (see County Law, § 211).

22. **Legislature** - is the Cortland County Legislature, the elected county governing body, by whatsoever name designated. Whenever the term "County Board," "Board of Supervisors," "County Governing Board," "Elective governing body of the county" is referred to in any law, contract, or document pertaining to any of the functions, powers, obligations, and duties of such governing body, it shall be deemed to mean and refer to the County Legislature (see County Law§150-a).
23. **Majority Leader** - is the Cortland County Legislature's Majority Leader selected in accordance with Resolution No. 170-06.
24. **Majority Vote of County Legislature** - the majority number of weighted votes of the total membership of the Legislature.
25. **Meeting** - the official convening of a public body for the purpose of conducting public business. This includes any meeting of a committee and any special, organizational, or other meeting.
26. **Member** - is either a duly elected member of the Cortland County Legislature or a member appointed by authority of Local Law No. 2, Article II, § 204, VACANCIES, for year 1972.
27. **Minority Leader** - is the Cortland County Legislature's Minority Leader selected in accordance with Resolution No. 170-06.
28. **Minority Report** - is the written report of the minority party or a minority of any standing or special or committee.
29. **Motion** - is a formal proposal for action by a member in a meeting.
30. **Motion to Discharge** - is a motion relieving a Standing or Special committee of its responsibility to consider a matter referred to it and placing the matter on the agenda of the following meeting of the Legislature.
31. **Motion to Reconsider** - is a motion, subject to time limits, to bring again before the Legislature a motion which has been adopted, defeated, or postponed indefinitely, as long as something has not already been done which cannot be undone. This motion may only be made by a member who voted on the prevailing side. Requires a majority vote of the Legislature.
32. **Motion to Rescind** - is a motion to revoke the Legislature's action on a motion which has been adopted, as long as something has not already been done which cannot be undone. Requires a two-thirds vote of the Legislature.
33. **Motion to Suspend the Rules** - is a motion suspending the Rules of Order which requires a two-thirds vote and may be made by any member of the Legislature.
34. **Notice to Incoming Members** - The notice referenced in Article II, Section B. 1 of these Rules



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shall be in writing and shall be served by United States mail addressed to each incoming member at his/her last known postal address at least 48 hours before the date and time of the meeting (see County Law, §151(1).)

35. **Petition** - is a written request for action by the Legislature on a matter having to do with the operation of Cortland County Government or the Legislature's power under County Law.
36. **Previous Question** - is a motion to immediately end debate and amendment and take a vote on the question(s) before the Legislature. It requires a second, and a two-thirds vote, which is taken separately from and before the vote on the motion(s) to which it is applied.
37. **Privilege of the Floor** - is an opportunity granted to a person who is not a member of the Legislature to address an issue that is on the current Legislative agenda (see Article III Section 1.A.vi. for detail).
38. **Quorum** - is a majority of the total number of members of the Legislature, should no vacancy exist (see County Law §153(2) and General Construction Law §41).
39. **Recessed Meeting** - is a meeting called to complete unfinished business, or a meeting called because of failure to obtain a quorum at a meeting.
40. **Receive and File** - is a motion to receive a communication and have it placed on file with the Clerk of the Legislature.
41. **Refer (motion to)** - is a motion to refer a matter to a Standing or Special Committee as the Legislature deems appropriate.
42. **Regular Meeting** - is a meeting called for the purpose of transacting any and all business which the Legislature is authorized or permitted by law to transact.
43. **Resolution** - is a written instrument for consideration by the Legislature as recommended by a committee or the Chair in carrying out its power and duties pursuant to Statute or expressing the sense of the Legislature on a matter having to do with the operation of Cortland County Government.
44. **Resolutions of a Permanent Nature Requiring a Two-Thirds of Total Weighted Vote**  
- require a two-thirds vote of the total weighted vote and shall include those:
  - A. authorizing the purchase of property (See County Law, § 215);
  - B. authorizing the issuance of bonds (See General Municipal Law, § 99-g);
  - C. conveying property previously owned by the County, except property acquired by tax sale deed or for purposes of establishing a highway right of way (see County Law, § 215);
  - D. giving an easement or other substantial interest in property owned by the County (see County Law, § 215);



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- E. regarding membership of County employees in a State Retirement System;
  - F. authorizing a class of property tax exemptions;
  - G. creating departments, boards, or councils;
  - H. amendment of the Rules of Order of the Cortland County Legislature;
  - I. motions suspending the adopted parliamentary authority;
  - J. any other action requiring a two-thirds vote as mandated by Federal, State or County law.
45. **Resolutions Not of a Permanent Nature** - require a majority vote of the total weighted vote and shall include those:
- A. transferring any funds within account numbers in excess of \$10,000;
  - B. authorizing contracts;
  - C. authorizing awarding of bids;
  - D. authorizing correction of an assessment roll if approved by the Director of Real Property Tax Services; or
  - E. other business which may appropriately come before the Legislature, which does not require a vote other than a majority vote.
46. **Roll Call Vote**— shall be taken as required by Statute or may be ordered on any pending motion at the request of a single member. The total number of weighted votes shall be entered in the record, along with the names of members voting for or against a matter considered by the County Legislature.
47. **Special Committee** - is a special committee established by resolution of the Legislature. Any resolution creating a special committee shall specify the powers and duties of the committee and the number of its members. Members are to be appointed by the Chair from the membership of the Legislature. Each member shall serve for the period specified in the resolution, but in no event longer than his or her term on the Legislature (County Law, § 154[2]).
48. **Special Meeting** - is a meeting called by the Clerk of the Legislature upon direction of the Chair or upon a written request signed by a majority of the members of the Legislature. Notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail or by electronic means upon each member (as he/she directs) by the Clerk of the Legislature at least forty-eight (48) 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 him/her. Only business specified in the notice thereof may be transacted at a special meeting. (see County Law, §152).
49. **Special Order** - A motion made to consider an item not included on the agenda. Requires a two-thirds vote.



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50. **Sponsor** - is the member or members whose motion or resolution is appropriately brought before the Legislature.
51. **Standing Committee** - is a committee established in accordance with Article XII of these Rules by the Legislature for the purpose of aiding and assisting the Legislature in the transaction of its business. A resolution or local law establishing such committee shall specify the powers, duties and number of its members. Members are to be appointed by the Chair from the membership of the Legislature. (see Article XII of these rules, County Law §154(1), and Local Law No. 2 of 1972).
52. **Table** – is a motion to allow the Legislature to lay the pending question(s) aside temporarily when something of an urgent nature arises. Is subject to time limits and requires a majority vote of the Legislature.
53. **Take from the Table** – is to make pending again before the Legislature a motion or resolution that had been previously tabled. It requires a second, is not debatable and requires a majority vote for adoption.
54. **Total Vote** - is the total number of weighted votes of all members of the Legislature.
55. **Weighted Vote** - the number of votes each Legislator casts at a Legislative meeting in a roll call vote pursuant to the current duly adopted plan of apportionment. (Local Law No. 2 of 2002).
56. **Whole Number of Members** - is the total number of members that the Legislature would have were there no vacancies and were none of the members disqualified from acting (see County Law, § 153(9) and General Construction Law §41).

## ARTICLE II **ORGANIZATION**

### 1. **Biennial Organizational Meeting**

#### A. **Scheduling**

In accordance with County Law §151 and Local Law No. 2 for year 1972, Article II, Section 202, the County Legislature shall meet on the first Wednesday of January at 10:00 a.m., except when the first Wednesday shall be January 1<sup>st</sup>, in which event it shall be the following day, and every even year thereafter for the purpose of organization and for the transaction of such other business as may come before it.

#### B. **Notification**

- i. The Clerk of the outgoing Legislature shall serve upon each member of the incoming Legislature a notice stating:
  - a. the date, time, and location of the organizational meeting;





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- b. that a Chair shall be elected; and
  - c. any other matter to come before the Board.
- ii. In the event of the inability or failure of the Clerk of the outgoing Legislature to serve notice as provided in Article II, Section B. 1 of these Rules, the County Clerk of Cortland County shall call the biennial organizational meeting on or before January 15<sup>th</sup> in even- numbered years.

**C. Business**

The business to come before the biennial organizational meeting shall be as follows:

- i. election of a Chair (County Law §151, Local Law No. 2 of 1972);
- ii. appointment of a Clerk (County Law §400(4)(a), County Law §475, and Local Law No. 2 of 1972);
- iii. receive and file the designation of the Majority Leader and Minority Leader (if available);
- iv. appointment of a County Attorney (County Law §400(4)(a), §500);
- v. appointment of a County Auditor (County Law §600);
- vi. appointment of a Public Defender (County Law §716);
- vii. appointment of a Veterans' Services Officer (County Law §800); and
- viii. any other business necessary and appropriate to come before the meeting.

**2. Elections and Appointments**

**A. Election of a Chair**

- i. In accordance with Article II, Section 202, ORGANIZATION, of Local Law No. 2 for year 1972, at each biennial organizational meeting, the Clerk of the outgoing Legislature shall call the meeting to order and preside over the election of the Chair.
- ii. The Chair shall be elected by a majority vote of the whole number of weighted votes of the total membership of the Legislature.
- iii. The Chair's term will be through December 31 in the next odd-numbered year.
- iv. In the event a Chair is not elected at the biennial organizational meeting, a Chair shall be elected at a recessed meeting held no later than February 1 in the even-numbered year.





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- v. In the event of the failure of the Legislature to elect a Chair on or before February 1 in the even-numbered year, the County Clerk of Cortland County shall appoint a member of the Legislature as Chair, who shall serve through December 31 of the next odd-numbered year.

### **B. Appointment of a Clerk**

- i. At each biennial organizational meeting, the Legislature shall appoint a Clerk of the Legislature, in accordance with County Law §400 (4)(a) and County Law §475. The Clerk of the Legislature shall also serve as County Historian.
- ii. The Clerk of the Legislature shall be appointed by a majority vote of the weighted votes of the total of the Legislature.
- iii. The Clerk of the Legislature shall serve at the pleasure of the Legislature until replaced or removed by the Legislature (see County Law, § 475[1]).

### **C. Appointment of the County Attorney**

- i. At each biennial organizational meeting, the Legislature shall appoint a resident attorney as County Attorney, in accordance with § 500 of County Law.
- ii. The term of office of the County Attorney shall run concurrent with the elected members of the Legislature.
- iii. The County Attorney shall be appointed by a majority vote of the weighted votes of the total of the Legislature.

### **D. Appointment of the County Auditor**

- i. At each biennial organizational meeting, the Legislature may appoint a County Auditor, in accordance with County Law, § 600.
- ii. The term of office of the County Auditor shall be for the term for which the membership of the Legislature appointing him/her was elected or for a term as may be determined by local law not to exceed four years.
- iii. The County Auditor shall be appointed by a majority vote of the weighted votes of the total of the Legislature.

### **E. Appointment of a Public Defender**

- i. At each biennial organizational meeting, the Legislature shall appoint a Public Defender, in accordance with Local Law No. 2 for year 1966. (See County Law, § 716).



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- ii. The term of the office of Public Defender shall be for the term for which the membership of the Legislature appointing him/her was elected or for a term as may be determined by local law not to exceed four years.
- iii. The Public Defender shall be appointed by a majority vote of the weighted votes of the total of the Legislature.

**F. Appointment of a Veterans' Services Officer**

- i. At each biennial organizational meeting, the Legislature shall appoint a County Veterans' Services officer, in accordance with County Law § 800.
- ii. The term of office of the Veterans' Services shall be for the term for which the membership of the Legislature appointing him/her was elected or for a term as may be determined by local law not to exceed four years.
- iii. The Veteran's Services Officer shall be appointed by a majority vote of the weighted votes of the total of the Legislature.

**ARTICLE III  
AUTHORITY OF THE CHAIR**

**1. Legislative Meetings**

**A. At any meeting of the Legislature, the Chair shall:**

- i. call the meeting to order at the set time;
- ii. proceed to the business in the manner prescribed by these Rules, unless there is no quorum;
- iii. preserve order and decorum in debate, preventing personal reflections and confining members' remarks to the question under debate;
- iv. recognize members entitled to speak in debate, ruling which member is first entitled to speak when two or more members seek recognition simultaneously; this ruling shall be subject to appeal from the ruling of the Chair;
- v. rule on the priority of business and all points of order, subject to appeal from the ruling of the Chair. On each appeal, the Chair shall have the right to speak first and last in debate, if the question is debatable, to explain the reason(s) for the ruling; all other members may speak once in debate if the question is debatable;
- vi. grant the privilege of the floor to individuals who have signed in before the beginning of the session and set the time limit, up to but not more than five (5) minutes per speaker:

**Public Comment:** Privilege of the floor shall be granted to any individual in the manner



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prescribed as follows: Any person or group may request permission to appear before the Legislature by signing on the provided sign-in sheet. The Legislature will provide a thirty (30) minute public comment period, at the discretion of the Chair, or upon majority vote of the Legislature, the public comment period may be extended, before resolutions are acted upon. Said thirty minutes will be divided evenly among the number of persons or groups that wish to appear before the Legislature, with no one person or group appearing for more than five (5) minutes. The five-minute time limit per speaker may be extended and/or limited at the discretion of the Chair or upon majority vote of the Legislature to accommodate the group. This rule shall not apply to the County Administrator, Department heads, or others invited to appear before the legislature. The Chair shall preserve order and decorum. He or she shall prevent any persons speaking, including members of the Legislature, from making personal or derogatory comments regarding individuals and he or she shall confine the speakers to subject matters pertaining to the agenda. The Chair shall have the authority to have disruptive individuals removed from the meeting.

These actions shall be subject to appeal from the ruling of the Chair:

- vii. in the absence of a quorum, take actions necessary to obtain a quorum;
- viii. on the request of any member, or at his/her own discretion, divide a resolution that contains two or more distinct propositions; and which can be considered separately;
- ix. vote on all questions, unless excused from voting on a particular question;
- x. appoint a Chair pro-tem to preside over the Committee of the Whole;
- xi. excuse a member from any meeting in accordance with the definition of an excused absence;
- xii. declare any meeting recessed at which a quorum cannot be obtained.

### **B. At any meeting of the Legislature, the Chair may:**

- i. vary the order of business from the defined order of business, subject to appeal from the ruling of the Chair by the legislative body;
- ii. call any qualified individual temporarily to the position of Clerk of the Legislature;
- iii. allow a minority report to be presented and heard; and
- iv. introduce a resolution to the Legislature when content or subject matter does not fall within the jurisdiction of a statutory committee.

### **C. The Chair may direct the Clerk of the Legislature to call a Special Meeting of the Legislature subject to limitation of these rules, and County law.**

## **2. Committee Responsibilities**

### **The Chair shall:**

- A. within 15 days of his/her election to the position of Chair, appoint all Committee Chairs and



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members of Standing Committees, filing a list of same with the Clerk of the Legislature. When feasible, each political party shall be represented on each committee in its proportion to representation on the Legislature;

- B. within 15 days of creation of a Special Committee, appoint its Chair and members, filing a list of same with the Clerk of the Legislature. When feasible, each political party shall be represented on each committee in its proportion to representation on the Legislature;
- C. fill any vacancies in any Standing or Special Committee, in compliance with County Law § 154;
- D. reassign or remove committee Chairs or members as necessary;
- E. when deemed necessary, call a meeting of a Standing or Special Committee subject to the limitations of these rules;
- F. subject to the approval by resolution of the Legislature, assign additional duties to Standing or Special Committees;
- G. sit on Standing or Special Committees as an ex-officio member in compliance with County Law § 450.

**3. Communications**

**A. Resolutions**

Upon receipt of any resolution, forward it to:

- i. the Clerk of the Legislature;
- ii. the Chair of the appropriate committee(s);
- iii. the Majority Leader;
- iv. the Minority Leader; and
- v. other appropriate individuals.

**B. Communications from the Clerk of the Legislature**

Upon receipt of any petition, communication, or notice from the Clerk of the Legislature, forward it, if applicable, to:

- i. the Chair of the appropriate committee(s);
- ii. the Majority Leader;



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- iii. the Minority Leader; and
- iv. other appropriate individuals.

**C. Communications from Others**

Upon receipt of any petition, communication, or notice from any individual other than the Clerk of the Legislature, forward it, if applicable, to:

- i. the Clerk of the Legislature;
- ii. the Chair of the appropriate committee(s);
- iii. the Majority Leader;
- iv. the Minority Leader; and
- v. other appropriate individuals.

**4. Oath of Office**

Within 20 days of being elected Chair, execute and file in the office of the County Clerk of Cortland County an official oath by being sworn in and signing the official oath book as Chair, in compliance with County Law, § 450. The Chair will also execute and file an official undertaking in such amount as required by the Legislature.

**5. Administrative Responsibilities – The Chair**

- A. shall supervise the Clerk of the Legislature;
- B. shall oversee the use of the Legislative Chambers and offices or shall designate an individual to oversee the use of the Legislative Chambers and offices;
- C. shall, no later than the last session in June of each year, give a State of the County address, at which time member reports may also be given;
- D. may represent the County in all proceedings before the Public Service Commission and at all other public hearings and conferences deemed necessary to attend;
- E. shall, in case of attack or public disaster, direct the performance by agencies and public offices of the County of specific duties and implement the provisions of Article Three of the New York State Emergency Defense Act and the County Emergency Plan;
- F. shall become familiar with the property, function, and fiscal affairs of the County;
- G. shall ensure that the statutory and local laws and resolutions of the Legislature and



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directions of County officials empowered to make the same are faithfully executed. Any neglect of duty shall be reported to the Legislature;

- H. shall determine which official shall perform a particular power or duty not clearly defined by law;
- I. may attend meetings of all boards, commissions, or other bodies appointed by the Legislature; those exercising County functions; or those expending County funds, in compliance with County Law, § 450;
- J. may inspect all books, accounts, records, or documents pertaining to the property, money, or assets of the County over which the County has control, in compliance with County Law, § 450;
- K. may make recommendations to the Legislature on legislation, rules, and regulations, and such other matters deemed material and advisable;
- L. may transfer employees temporarily from one department or office to another, with the approval of the appropriate department head(s) or the Legislature, in compliance with County Law, § 450;
- M. shall recommend to the Legislature persons for appointment to the Industrial Development Agency, which shall be politically balanced;
- N. shall approve the agenda for Legislative sessions prior to distribution;
- O. shall, after his/her election as Chair, assign seating for the members of the Legislature;
- P. shall appoint the members of all management teams for the negotiating of labor contracts;
- Q. shall perform an annual performance evaluation with the appropriate Committee Chairs and other appropriate personnel for the Clerk of the Legislature, County Attorney, County Auditor, Public Defender, and Veterans' Services Officer;
- R. shall perform an annual performance evaluation for the County Administrator in compliance with the Administrator's current contract.

**6. Temporary Chair**

In the absence of the Chair for a meeting, the Majority Leader shall serve as temporary chair. In the absence of the Chair and the Majority Leader, the Minority Leader shall serve as the temporary chair. In the absence of the Chair, the Majority Leader, and the Minority Leader, a temporary chair shall be elected by a majority vote of those members present and voting. Said vote shall be overseen by the Clerk of the Legislature.



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### 7. Permanent Vacancy

In the event of a vacancy in the office of Chair as defined by Public Officers' Law, § 30, the Clerk of the Legislature shall, within ten calendar days of such vacancy, call a meeting of the Legislature with notice provided in accordance with these Rules. At such meeting, a member shall be elected Chair, who shall serve as Chair for the unexpired term.

In the event of the failure of the Legislature to elect a new Chair within 30 days after the vacancy, the County Clerk shall appoint a member of the Legislature to serve as Chair for the unexpired term.

### ARTICLE IV AUTHORITY OF COMMITTEE CHAIRMEN

#### 1. Each committee Chair shall:

- A. appoint a Vice Chair to preside in his/her absence;
- B. schedule committee meetings and cause committee members and the Clerk to have notice of all meetings. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least 72 hours before such meeting. Public notice of the time and place of every other meeting shall be given, to the extent practicable, a reasonable time prior thereto (Public Officers Law §104.);
- C. schedule a committee meeting on receipt of a request signed by at least a majority of the committee members. Said request shall state a date, time, place, and subject for said meeting;
- D. prepare, or cause to be prepared by the Clerk of the Legislature an agenda for each committee meeting;
- E. add additional items not included on the agenda upon a majority vote of those present and voting, a quorum being present;
- F. upon receipt of any resolution, petition, communication, or notice, consult with each member of the committee in the manner he/she deems appropriate. Action can only be taken in an appropriately called and conducted meeting;
- G. invite appropriate individuals to a committee meeting when their resolutions are being considered;
- H. when reporting any resolution to the Legislature, provide all appropriate relative material to the Clerk of the Legislature;





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- I. delegate two members of the committee, who shall participate in the selection of a Department Head in a department assigned to it in these Rules, for appointment by the Legislature.
- 2. Each committee Chair may:**
- A. appoint a person(s) from the standing committee membership to study any issue deemed appropriate, accountable to the full committee;
  - B. schedule meetings with Department Heads or heads of authorized agencies to discuss mutual objectives and problems;
  - C. explain the purpose and provisions of resolutions reported from the committee before the debate begins in a Legislative session; and
  - D. present a resolution not already on the agenda to the Legislature by a motion suspending the rules.

**ARTICLE V**

**RESPONSIBILITIES AND DUTIES OF THE CLERK OF THE LEGISLATURE**

**The Clerk shall:**

1. keep a record of all acts and proceedings of the Legislature and be the custodian of records and papers having to do with the Legislature's actions (See County Law, § 475);
2. record in the minutes whenever the Privilege of the Floor is granted, specifying the speaker and including a brief summary of what was said;
3. record in the minutes the sponsor and the seconder of all resolutions and motions;
4. call the roll in alphabetical order by the members' surnames, with the Chair being called last, and enter it in the minutes, specifying which members were present, absent, excused, and how each member voted;
5. certify local laws and resolutions in the order in which they are adopted and consecutively number local laws and resolutions in separate series as they are certified, each series continuing through one calendar year;
6. forward copies of local laws and resolutions adopted by the Legislature to the appropriate parties;
7. publish all roll call votes in the Journal and maintain a record of roll calls, which shall be available for public inspection prior to publication in the Journal;



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8. maintain a general index of all local laws and resolutions of a permanent nature;
9. file all adopted Local Laws with the Secretary of State and the Cortland County Clerk and republish in the Newspaper of record as required;
10. file with the Cortland County Clerk all documents as directed by a majority vote of the Cortland County Legislature;
11. distribute to each member and others as deemed appropriate, or as directed by the Legislature or Chair, copies of the minutes of a Legislative session prior to or with the agenda of the next Legislative meeting;
12. upon direction of the Chair, or upon written request signed by a majority of the whole number of members of the Legislature, call a Special Legislative Meeting and serve personally or by mail upon each member at least 48 hours before the date fixed for the meeting, a written notice stating the date, time, location, and purpose of the Special Meeting in the case of an emergency, the 48 hour requirement may be waived by a majority vote of the Legislators present and voting, a quorum being present and all members having been notified (see County Law, § 152);
13. in the absence of a quorum, notify all members that a recessed meeting will be held giving the date, time, and location of the recessed meeting;
14. in the absence of the Chair, the Majority Leader, and the Minority Leader for a meeting, call the Legislature to order and preside over the election of a Chair Pro-Tem from the membership of the Legislature, who shall exercise the powers and duties of the Chair for the duration of the Chair's absence;
15. upon receipt of any petition, communication, or notice from anyone other than the Chair, forward a copy to the Chair, the Majority Leader, the Minority Leader, and other appropriate individuals;
16. on the fourth calendar day prior to a regular meeting, prepare and distribute an agenda which shall include, among other things, a listing of articles received in his/her office;
17. make copies of the agenda available to the public in his/her office after distributing it to the members and be responsible for posting said agenda to the Legislature's website;
18. make copies of all roll call votes available to the public one day after the conclusion of the meeting at which they were taken;
19. by 10:00 a.m. on the business day prior to a meeting, place a copy of each resolution to be considered at the meeting on the desk of each member;
20. send notices of committee meetings to all Legislators, the County Attorney, and other appropriate individuals at least 72 hours in advance of a committee meeting;
21. record all notices of committee meetings;



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22. receive reports as requested by the Legislature;
23. receive annual reports from Department Heads and heads of authorized agencies, as directed by the Legislature or required by law;
24. upon receipt of a tentative budget from the Budget Officer, distribute a copy to each member;
25. prepare a list of committees and their members, and distribute to all Legislators and Department Heads and have available for the general public within 30 days of the committee appointments;
26. within 50 days after election or appointment of new members, distribute to them the last Legislative Journal, the current County budget, and if available, the tentative County budget for the next fiscal year;
27. ensure each member has a copy of the current edition of *Robert's Rules of Order Newly Revised* and the Rules of Order of the Cortland County Legislature;
28. prepare an annual budget for the Legislature;
29. report to the Legislature through the Chair;
30. within seven business days following a Committee meeting but in no event no later than the day two days prior to the next Legislative Session, have prepared and forward draft minutes of the meeting to all Legislators that shall specify, among other items, the time, date, and place of the meeting, the persons in attendance, the resolutions voted on and the vote on each;
31. shall serve as the County Historian (see County Law, § 400);
32. shall serve as the Public Information Officer;
33. shall serve as the (Freedom of Information Law) FOIL Officer for Cortland County;
34. ensure that minutes of all Legislative and committee meetings are posted to the County's website in accordance with the time frames identified in Public Officers' Law §106.
35. perform such additional duties as the Legislature or the Chair may direct (See County Law, § 475);

**ARTICLE VI**

**POWERS AND DUTIES OF THE COUNTY ATTORNEY, AND THE COUNTY  
ADMINISTRATOR**

**1. The County Attorney shall:**

- A. act as the legal advisor to the Legislature and other County officials in all matters involving an official act of a civil nature (See County Law, § 501);



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- B. be present at all Legislative meetings unless excused by the Chair, and committee meetings, if requested by the Committee Chair. In cases where the County Attorney cannot be present, ensure that an Assistant County Attorney shall be present; and
- C. by 10:00 a.m. on the business day prior to a meeting, approve all resolutions included on the agenda for form and legal content, indicating his/her approval on the original copy, consulting with the sponsor if necessary, before approving said resolution.

### 2. **The County Administrator shall:**

- A. be directly responsible to the County Legislature, and, on behalf of the County Legislature shall perform the functions of chief administrative officer, with the County Legislature retaining the final administrative authority (see Local Law No. 7 for the of 2002, Local Law No. 3 for the year 2003;
- B. be the Budget Officer of the County, responsible for preparing the tentative budget and presenting it to the Budget and Finance Committee for approval and then to the County Legislature for final adoption (see Local Law No. 3 of 2003 and County Law §353 and §354); and
- C. any other duties as assigned by the Legislature which do not curtail, diminish, transfer or divest the Cortland County Legislature (or any elected official) of any functions, powers or duties (see Local Law No. 7 of 2002, Local Law No. 3 of 2003 and Municipal Home Rule Law §23, County Law §154(6)).

## ARTICLE VII

### **PRESENTATION OF RESOLUTIONS**

- 1. All resolutions shall be in writing and shall include a brief title summarizing the purpose of the resolution (see County Law, § 153).
- 2. All resolutions shall be filed with the Clerk of the Legislature, and whenever possible shall be written in the affirmative.
- 3. Resolutions to be included on the agenda shall have the majority vote of those present (a quorum being present) of the appropriate Statutory Committee and shall be filed on or before the fourth calendar day before a regular meeting, and at least 48 hours before a Special Meeting. Resolutions voted down by the Budget and Finance Committee shall be so noted when presented to the Legislature.
- 4. Resolutions creating a Special Committee shall specify the powers and duties of the committee and the number of members. (See County Law, § 154)
- 5. Resolutions pertaining to bills pending before the Congress or the State Legislature shall specify the



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- bill number and the name of the sponsor(s).
6. An amended version of a resolution on the agenda may be filed by the sponsor for consideration at any time before the Legislature convenes.
  7. Upon the request of any member, an amendment to a resolution shall be in writing. Copies of the amendment shall be distributed to all members.
  8. A sponsor, upon approval of a majority of the committee, may request permission to withdraw a resolution any time before a final vote is taken. The same resolution with the same intent may not be withdrawn by the sponsor more than three (3) times per calendar year.
  9. A sponsor shall be given an opportunity to explain a resolution, its purpose, and his/her reason for introducing the resolution prior to the opening of debate in the Legislature.
  10. The same resolution with the same intent offered by the same sponsor may be introduced as a new agenda item only three (3) times per calendar year.
  11. Any resolution withdrawn from the Legislative agenda shall begin the committee approval process again and shall not be re-introduced unless the committee approval process is completed.

**ARTICLE VIII  
MEETINGS**

1. All meetings of the Legislature shall be held in the Legislative Chambers, Cortland County Office Building, 60 Central Avenue, Cortland, New York. The Legislature may, at any meeting, by resolution, change the time and place of the next regularly scheduled meeting, except that no meeting shall be held outside the City of Cortland without an affirmative vote of three-fourths of the total membership of the Legislature (see County Law, § 152).
2. All meetings of the Legislature shall be public (see County Law § 152 and Public Officers Law §103).
3. The Legislature shall, in addition to the organizational meeting, hold regular meetings at 6:00 p.m. on the fourth Thursday of each month January through October. November and December meeting dates will be scheduled by the Clerk.
4. Special meetings shall be held in accordance with County Law §152(2) and these Rules. Only articles included in the written notice may come before the Legislature at the special meeting.
5. When the day specified for any meeting falls on a County holiday, such meeting shall be held at the time specified on the next business day.
6. If the Legislature is inquorate (without a quorum) for any meeting, a recessed meeting shall be declared.



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### ARTICLE IX ORDER OF BUSINESS

1. The order of business at each meeting of the Legislature shall be as follows, unless modified by the Chair in accordance with Authority of the Chair:
  - A. Salute to the Flag
  - B. Roll call of members
  - C. Approval of minutes of the previous meeting
  - D. Proclamations and Recognitions
  - E. Privilege of the Floor, including Public Comment Period as authorized by these rules
  - F. Presentation of petitions, communications, and notices
  - G. Reports of Standing and Special Committees
  - H. Special Orders
  - I. Articles Postponed to Day Certain
  - J. Unfinished Business
  - K. Presentation of Resolutions
  - L. Announcements
  - M. Adjournment
2. When necessary, the minutes of the previous meeting may be read if the members have not received them, or upon the request of any member. In the absence of corrections, the minutes shall stand approved without formal motion.
3. Articles Laid on the Table, except Articles Postponed to Day Certain, shall be considered Unfinished Business and shall be taken from the table upon approval of a majority vote of the total vote of the members present via the motion to Take from the Table.
4. No more than one amendment to an amendment may be pending at any given time on any resolution.
5. The Legislature shall set aside any other business at the time stated for consideration of a Special Order.
6. The time for consideration of a Special Order shall be advanced, postponed, or rescinded only with the approval of a two-thirds vote of the total vote of the members present.



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**ARTICLE X  
MOTIONS AND THEIR PRECEDENCE**

1. When the Legislature is considering a question, motions shall have precedence over another in the order stated below:
  - A. To adjourn
  - B. To recess
  - C. To raise a question of privilege
  - D. To lay on the table
  - E. Previous question
  - F. To postpone to day certain
  - G. To commit (refer to a committee)
  - H. To go into Committee of the Whole
  - I. To go into Executive Session
  - J. To amend
  - K. To postpone indefinitely
  - L. Main motion
2. The privileged motion to adjourn, and the motion to lay on the table are not amendable. The privileged motion to recess may be amended only as to the length or time of the recess. A motion to postpone to day certain may be amended only as to the day to which the question is postponed.
3. The privileged motions to adjourn and to recess, and the motions for the previous question, and to lay on the table are not debatable.
4. A motion to adjourn shall not be made while the Chair is putting a question, while a member has the floor, while the Clerk is taking a roll call vote, or while the Legislature is in the Committee of the Whole.
5. A question of privilege may be raised while another member has the floor.
6. Any question shall be laid on the table or postponed to day certain only once.
7. The Legislature, while in Committee of the Whole, shall not exercise Legislative powers and shall be presided over by a temporary Chair. The only motions that are in order under Committee of the Whole are to amend and adopt the report to be given and to “rise and report.” Any formal action must be taken in the regular Legislative body. Committee of the Whole cannot refer the issue under consideration to another committee.





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8. When in Executive Session, the Legislature shall operate under these rules insofar as they are applicable. Proceedings in Executive Session shall be confidential unless the Legislature votes otherwise.
9. Any Committee may be discharged from further consideration of any matter entrusted to it by these Rules upon a majority vote of the whole number of members. The matter shall automatically be placed by the Clerk on the agenda for the next Legislative meeting.
10. A motion to reconsider any vote must be made on the day the vote proposed to be reconsidered was taken or at the next regular meeting of the Legislature. Such motion may be made only by a member voting on the prevailing side. Such motion may be made under any order.
11. A motion to rescind any resolution or motion shall be made only when no motion is on the floor. It shall require the affirmative vote of two-thirds of the Legislature, or a majority of the Legislature with previous notice.

### **ARTICLE XI** **RULES OF VOTING**

1. A majority of the total vote (weighted vote) of the whole number of members of the Legislature (17) shall be necessary to adopt any question, proposition, resolution, motion, or any other matter, except where it is otherwise provided herein or by statute that another form of approval is required.
2. Every member present when a vote is taken on any matter shall vote unless he/she has a direct interest in the matter or is excused by a majority weighted vote of the members present.
3. Members must be in their assigned seat when voting.
4. A roll call vote shall be called by the Clerk on any question where it is required by statute or these Rules, or on the request of any member (see County Law, § 153).
5. If a roll call vote is commenced on any question, it must be completed.
6. Members shall be called in alphabetical order according to their surnames, except that the Chair (permanent, temporary or Chair Pro-Tem) shall always be called last.
7. Any member shall have the right to have his/her vote on any question recorded and entered in the minutes upon his/her request, without explanation and without requesting a roll call vote.
8. An absent legislator cannot vote on a motion. However, mathematically, the Legislature cannot reduce the total number of weighted votes. A member recorded as absent or excused shall not have a vote. The total number of weighted votes cannot be reduced by an absence or excuse of a member,



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so the total vote required to adopt any motion shall be based on the total vote of the full Legislature.

**ARTICLE XII**  
**COMMITTEES**

1. Members of all Standing Committees shall be appointed for terms of two years, or until reassigned or removed by the Chair, commencing January 1 of the even-numbered year, but nothing herein contained shall be construed to allow any person to continue to serve on any Committee after ceasing to be a member of the Legislature.
2. In accordance with these Rules, the Chair shall have the authority to reassign or remove committee members.
3. Committees shall operate under these Rules as far as they are applicable, except that the previous question shall not be in order.
4. Each Standing Committee may examine the bills, accounts, and claims of the departments, boards, councils, and authorized agencies assigned to it in these Rules.
5. Each Standing Committee may review and receive recommendations from Legislators and make recommendations to the Budget Officer and/or Budget and Finance Committee regarding department proposed budgets under the jurisdiction of that committee.
6. Each Standing Committee shall have general supervision of and receive articles relating to the departments, boards, councils, and authorized agencies assigned to it in these Rules.
7. Each Standing Committee shall initiate, sponsor, and/or review all resolutions affecting the departments, boards, councils, and authorized agencies assigned to in it these Rules.
8. For any item to be moved from the Standing Committee to the Legislature requires a majority vote of the members present (a quorum being present).
9. Any item having an unbudgeted financial impact on Cortland County shall be presented to the Budget and Finance Committee before being presented to the full Legislature. Resolutions not approved by the Budget and Finance Committee shall be so noted when presented to the Legislature.
10. Each Standing Committee shall fulfill the responsibilities assigned to it.
11. Special Committees shall be created by resolution for a period not to exceed the term of the Legislature adopting the resolution.
12. The following are the Standing Committees, their responsibilities, and their composition:



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- A. **Budget and Finance** – A seven (7) member Committee shall review the tentative budget filed by the Budget Officer and shall consider and recommend appropriations required for all purposes and prepare and report the annual estimates for the tax levy.

The Committee shall oversee:

The County Treasurer, the Director of Budget and Finance, the County Administrator, the County Auditor, the Department of Real Property Tax Services, occupancy tax, contracts with accountants, Tompkins Cortland Community College (TC3), Industrial Development Agency and Business Development Corporation, tuition charge backs, and all agencies/organizations receiving occupancy tax funding. The Budget and Finance Committee shall serve as the Audit Committee.

- B. **Judiciary and Public Safety** – Not less than five (5) nor more than seven (7) members who shall oversee:

The District Attorney, Coroners, Assigned Counsel, Public Defender, Sheriff's Department including the Jail, Special Traffic Options Program for Driving While Intoxicated (STOP-DWI), Probation Department, Department of Emergency Response and Communications, Weights and Measures, and the County Clerk, including the Department of Motor Vehicles.

The committee shall also oversee the following organizations in their interactions with the County:

The Supreme Court, County Court, Family Court, Surrogate's Court, County Clerk's function as Clerk of the Court, County Commissioner of Jurors, Justices and Constables, Supreme Court Library, Grand Jury, and the Traffic Safety Board.

The committee shall also oversee maintenance operation of the Jail, Public Safety Building, and Towers. The cleaning and maintenance of the above complexes shall be under the direction of the Sheriff's Department, with the exception of utilities, outside maintenance, and existing contracts (e.g. elevators, furnaces, natural gas contracts).

- C. **Personnel** – Not less than five (5) nor more than seven (7) members who shall oversee: Personnel/Civil Service Office, County Attorney, Board of Elections and the Clerk of the Legislature/Historian.

The committee shall also oversee all insurance coverage carried with and by Cortland County and shall recommend such revisions in insurance policies or program coverage as may be necessary to provide for and protect the best interest of the County. The committee shall have general supervision of the management of the County Self Insurance Plan adopted by the County Legislature pursuant to Local Law No. 1 for year 1956. All matters concerning operation and revision of these Rules shall be referred to the Committee. The Committee shall examine and recommend to the full Legislature policies and actions necessary to oversee the County's overall personnel administration.



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- D. **Highway** – Not less than five (5) nor more than seven (7) members who shall oversee:

County Highway Department, including Highway Department garages, grounds, buildings and the maintenance thereof, used to carry out this function, and the County Airport, Dwyer Park and Little York Lake Dam, the County's contract with the State for snow removal, and bidding procedures and equipment purchases as they relate to the Highway Department.

- E. **Buildings and Grounds** – Not less than five (5) nor more than seven (7) members who shall oversee:

The buildings and grounds department, including the construction, maintenance, and repair of all county-owned or rented buildings and grounds. The committee shall have general supervision over Buildings and Grounds Department, Information Technology, the County Safety Office, and all safety issues that affect the County. The committee shall have general supervision of the allocation of space within said buildings, security, and scheduling and fees established for public use. All departmental relocations, with appropriate financial details, shall be considered and approved by motion of the Buildings and Grounds Committee prior to the beginning of any work.

- F. **Solid Waste Committee** - Shall consist of no less than five (5) and no more than seven (7) members who shall oversee operations in the Department of Solid Waste and Cortland County Recycling programs.

- G. **Health & Human Services** – Shall consist of no less than five (5) and no more than seven (7) members who shall oversee: The Health Department and all divisions, including the Youth Bureau, Mental Health Department, Community Services Board, and Board of Health. The committee shall also oversee Social Services, Child Advocacy Center, Employment and Training Office and Grant Administration, Office for the Aging and all its divisions, Veterans' Services, and contracted social services agencies.

- H. **Agriculture/Planning/Environmental** – Not less than five (5) nor more than seven (7) members who shall oversee:

County Planning Department, Central New York Regional Planning Board, County Planning Board, the Southern Tier East Regional Planning and Development Board, Soil and Water Conservation District, Cooperative Extension, Camp Owahta, Society for Prevention of Cruelty of Animals (SPCA), Linear Park, Lime Hollow Nature Center, Environmental Management Council, Agricultural and Farmland Protection Board, related Consumer Affairs, and Transit, and shall be responsible for considering all proposals to improve public transportation in the County, including improvements by the State, as opposed to County and Town Highway systems, and develop and oversee such public transportation systems as the Legislature directs.



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**ARTICLE XIII**

**SUSPENSION OR AMENDMENT OF RULES**

1. Any Rule may be amended or rescinded by a two-thirds vote of the full Legislature.
2. Any Rule may be suspended by a two-thirds vote of the members present and voting and any suspension shall be effective only while the matter before the Legislature at the time of the suspension remains under discussion.

**ARTICLE XIV**

**INTENT OF THESE RULES AND PARLIAMENTARY QUESTIONS**

1. It is the intent of this Legislature to determine the rules of its own proceedings pursuant to County Law §153 and Local Law No. 2 for year 1972 establishing the County Legislature with the power to enact local laws or rules governing the conduct of the members at such sessions and the manner of transaction business thereat.
2. Except as otherwise provided herein, the current edition of Robert's Rules of Order Newly Revised shall govern parliamentary procedure at all meetings.

**ARTICLE XV**

**EFFECTIVE DATE**

These Rules shall take effect immediately upon adoption and shall remain in effect until amended, revised, or rescinded.

Adopted January , 2010 – Revised 7-28-11

Adopted January 4, 2012 – Revised 4-26-12, 6-27-13

Adopted January 2, 2014 – Amended 6-26-14, 9-24-15