

# Warren County Board of Supervisors

## RESOLUTION NO. 1 OF 2015

**Resolution introduced by Chairman Geraghty**

### **ADOPTING THE RULES OF THE BOARD OF SUPERVISORS**

RESOLVED, that the Rules of the Board of Supervisors providing for the conduct of its meetings, committees of the Board of Supervisors and the exercise of its governmental functions are hereby adopted as set forth in Schedule "A", attached hereto, and be it further

RESOLVED, that the said Rules as adopted shall be effective immediately and all Rules adopted in preceding years are hereby repealed.

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**SCHEDULE "A"**

**RULES OF THE BOARD OF SUPERVISORS**

**A. Meetings of Board of Supervisors**

1. At the Regular Meeting of the Board of Supervisors held in December of each year the Board shall by resolution fix the date for the organizational meeting of the Board for the ensuing year, which date shall not be later than the 8th day of January, and the place and hour of such organization meeting. A total of 501 weighted votes, as allocated among the elected Supervisors pursuant to Local Law No. 12 of 2011, shall constitute a quorum for the transaction of business. A quorum being present, the Clerk of the last Board shall call the meeting to order and the members present shall by roll call vote, by a majority of the total weighted voting power of the members of the Board, select one of their number Chairman, who shall preside at such meeting and at all meetings during the year. In case of the absence of the Chairman at any meeting, the Finance Chairman shall serve as Vice Chairman, as provided by Local Law No. 1 of 1968. The Chairman may call any member temporarily to the Chair. The Board may transact such other and further business as may properly come before such meeting.
2. In addition to the foregoing, the Board at the annual organization meeting shall transact the following business: the appointment of any officers required by law or desired by the Board; adopt the Rules of Procedure for the ensuing year; and any other matter that the Chairman wishes to bring before the meeting.
3. The Board shall convene in regular meeting at 10:00 o'clock in the forenoon on the third Friday of each month for the public meeting of the Board, unless a different time shall have been determined at a previous meeting. The meetings for the year 2015 are scheduled as follows:
  - i) January 16, 2015
  - ii) February 20, 2015
  - iii) March 20, 2015
  - iv) April 17, 2015
  - v) May 15, 2015
  - vi) June 19, 2015
  - vii) July 17, 2015
  - viii) August 21, 2015
  - ix) September 18, 2015
  - x) October 16, 2015
  - xi) November 20, 2015
  - xii) December 15, 2015

Meetings shall be called to order as soon thereafter as a quorum is present. Any regular meeting of the Board may be adjourned by motion adopted by a majority vote of the membership present. The Board shall convene in special meeting upon call of the Chairman (or, if appropriate, the Vice Chairman) or upon written request for a special meeting signed by a majority of the total membership of the Board. At the direction of the Chairman (or Vice Chairman) or upon receiving such a written request, notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail upon each member by the Clerk of the

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Board at least forty-eight hours before the date fixed for holding the meeting or a member may waive the service of the notice for such meeting by a writing signed by him.

4. Business shall be transacted in the following order:

10:00 A.M.                      Call to Order  
   Salute to Flag  
   Roll Call  
   Motion to approve the Minutes of previous meeting  
   subject to correction by the Clerk  
   Introduction and welcome to guests  
   Report by Chairman of the Board  
   Committee reports  
   Report of County Administrator  
   Report of County Attorney  
   Call for reading of communications  
   Call for reading of resolutions  
   Discussion-on resolutions  
   Motion to vote on resolutions  
   Further discussion on resolutions  
   Privilege of the floor  
   Announcements  
   Adjournment

5. All resolutions shall be in writing and filed with the Clerk before noon on the Tuesday preceding the regular meeting on Friday of each month and at least three days prior to any adjourned or special meeting. The Clerk shall photocopy all resolutions and mail copies thereof to each Supervisor on each Tuesday prior to a regular meeting and on the third day prior to any adjourned or special meeting. All resolutions shall be considered by the Supervisors on each regular meeting date. No resolution shall be presented after noon on the Tuesday before the regular Friday meeting except with the approval of a majority of the total weighted voting power of the members of the Board. Any Supervisor may request a resolution to be tabled until the next meeting, either regular, special or adjourned, and, if approved by the majority of the total weighted voting power of the Board, such resolution shall not be voted upon at the meeting when presented except where a statute prescribes a date on or before which the Board of Supervisors must adopt a resolution. A majority of the total weighted voting power of the Board shall be necessary to take it off the table.

B. Conduct of Meetings of Board of Supervisors

1. All questions relating to the priority of business shall be decided without debate.
2. The Chairman shall preserve order and shall decide all questions of order, subject to the appeal of the Board.
3. The Chairman in all cases shall have the right to vote, and when his vote makes an equal division the question shall be lost.

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4. Any member desiring to speak or present any subject matter shall address the Chair and shall not further proceed until recognized by the Chair and granted the floor.
5. No debate shall be in order until the pending question shall be stated by the Chair or read by the Clerk.
6. No member shall speak more than once on any question until every member choosing to speak shall have spoken. If the Chairman wishes to enter into debate, he may do so only after he excuses himself from the Chair and a Temporary Chairman is appointed by the Chairman.
7. Any member, upon being called to order, shall take his seat and remain there until the point raised is determined. If the point be sustained, he shall not further proceed, except in order, unless by permission.
8. No business shall be transacted by the Board, as such, while a Committee or Committees are out at work, except to adjourn.
9. All motions and resolutions shall be presented in open regular meeting. The Chair will state to what Committee the motion or resolution shall be referred unless such reference is objected to in which case the Board shall decide.
10. All motions shall be reduced to writing, except those introduced at the Organization Meeting, if desired by the Chairman or any Supervisor, delivered to the Clerk and read before the same shall be debated. Any motion may be withdrawn at any time before amendment with the consent of the Second.
11. While a member is speaking no member shall entertain any private discourse or pass between him or the Chair.
12. A motion to adjourn shall always be in order, and shall be decided without debate.
13. When a question is under debate no motion shall be entertained, unless for adjournment of the Board, for the previous question, to place on the table indefinitely; to place on the table for a certain day; to hold; to amend it. These several motions shall have precedence in the order in which they are here stated and shall not be subject to debate.
14. The minutes of this Board shall be printed monthly and delivered by the Clerk of the Board on or before the regular meeting of the Board for the next succeeding month.

**C. Committees of the Board of Supervisors**

1. Standing Committees consisting of at least three (3) members shall be appointed by the Chairman at the Organization Meeting or not later than the first regular meeting following the Organization Meeting, upon the following subjects, to wit:

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| <b><u>Committee</u></b>   | <b><u>No. of Members</u></b> |
|---|------------------------------|
| <b>Budget</b>   | <b>9</b>                     |
| <b>Community College</b>  | <b>5</b>                     |
| <b>County Clerk - Motor Vehicles</b><br>(including Historian)   | <b>5</b>                     |
| <b>County Facilities</b> (including Airport<br>and Building & Grounds)  | <b>7</b>                     |
| <b>Criminal Justice</b> (including<br>Offices of Assigned Counsel,<br>District Attorney, Probation<br>Public Defender and Courts)   | <b>7</b>                     |
| <b>Economic Growth &amp; Development</b><br>(including Planning & Community<br>Development and Economic Development)  | <b>5</b>                     |
| <b>Extension Services</b>   | <b>5</b>                     |
| <b>Finance</b> (including County Treasurer)   | <b>9</b>                     |
| <b>Health Services</b> (including<br>Health Services, Westmount Health Facility<br>and Mental Health)   | <b>5</b>                     |
| <b>Human Services</b> (including Employment<br>& Training, Office for the Aging,<br>Veterans Services)  | <b>7</b>                     |
| <b>Legislative &amp; Rules</b>  | <b>7</b>                     |
| <b>Occupancy Tax Coordination</b>   | <b>7</b>                     |
| <b>Personnel</b> (including Civil Service and<br>Human Resources)   | <b>9</b>                     |
| <b>Public Safety</b> (including Fire Prevention<br>& Building Codes, Office of Emergency<br>Services, Sheriff & Communications)   | <b>7</b>                     |
| <b>Public Works</b> (including D.P.W.,<br>Parks, Recreation & Railroad, Warren<br>County Sewer, Solid Waste &<br>Recycling)   | <b>9</b>                     |
| <b>Real Property Tax Services</b>   | <b>5</b>                     |
| <b>Shared Services</b>  | <b>7</b>                     |
| <b>Social Services</b> (including Countryside<br>Adult Home, Youth Programs)  | <b>7</b>                     |
| <b>Support Services</b> (including<br>Office of County Administrator<br>[includes Mail Room], Auditor, Board<br>of Elections, Clerk of the Board, County<br>Attorney, Information Technology,<br>Self-Insurance, Purchasing, Weights &<br>Measures) | <b>7</b>                     |
| <b>Tourism</b>  | <b>7</b>                     |

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2. Special Committees may be authorized at any legal meeting of the Board. They shall, unless otherwise ordered and directed by a majority of the Board, be appointed by the Chairman. The period of time that a special committee shall serve shall be designated when it is created.
3. The first member appointed to each committee shall be and act as the Chairman of such committee. The meetings of each committee shall be held upon call by the Chairman thereof, except as hereinafter provided. The Chairman of each committee shall give or cause to be given by the Clerk of the Board of Supervisors notice in person, by telephone or by mail at least two days in advance of the day, hour and place of each meeting of the committee except that no advance or prior notice shall be required when the committee meeting is held on a day when the Board shall be in session. A meeting of any committee shall be held at any time whenever a majority of the members of a committee shall sign a written notice of such meeting, which notice shall clearly state the day, hour and place of such meeting, provided that such notice shall be served in person or mailed to the Chairman of such committee and the Chairman of the Board of Supervisors at least three days in advance of the day specified in such notice.
4. All reports of Committee shall be in writing and shall be read on presentation upon the request of any member.
5. Committees making reports shall return to the Clerk with such reports all papers relating thereto.
6. The Chairman of the Board of Supervisors shall be an ex-official member of a standing committee when a) a quorum is not present at any regularly or specially scheduled committee meeting; b) if such membership will provide a quorum as herein specified; and c) the Chairman is available to attend. The total membership of the committee as established by Board Rules shall not change or be increased by the presence and availability of the Chairman in determining whether a majority of members are present to allow the conduct of business, rather the Chairman shall be considered an alternate or substitute for a non-present committee member. Once the Chairman becomes a member by virtue of the criteria set forth above (whether at the start of or during a meeting), the Chairman shall be a voting member and shall continue as a member of the committee until a quorum is established or reestablished by appointed Committee members at the subject meeting or subsequent meetings.
7. When any Committee of the Board of Supervisors is acting on any matter affecting a single Municipality or is engaged in seeking or obtaining rights of way in a particular municipality, the Supervisor(s) of the affected municipality shall be provided with an opportunity to make a presentation or otherwise be heard by the Committee.

**D. Voting by Members of the Board of Supervisors**

1. All members present shall vote upon each question at the request of any member.
2. Each amount or claim of any item thereof shall be voted on by items, if requested by any member.
3. All questions shall be decided by a majority of the total weighted voting power of the Board unless otherwise required by law or as required herein. All questions shall be decided by weighted vote in accordance with the terms of Local Law No. 12 of 2011, as it may be amended from time to time. Whenever in these Rules of Order there is reference to a majority vote or a 2/3rds vote of the Board,

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it means a majority of the voting power of the members of the Board or 2/3rds of the voting power of the members of the Board as defined in Local Law No. 12 of 2011.

4. The following resolutions shall require a roll call vote: fixing or altering salaries, or establishing salary and wage classifications; adoption of the budget; any appropriation or expenditure of public funds; transfers to and from .1 salary codes within the authorized budget and transfers between funds, including Capital and Road Fund Projects; levying of taxes; bond resolutions; any authorizations to fund or refund indebtedness; legalizing informal acts of a town meeting, village election, town or village officer; legalizing municipal obligations incurred through error or mistake wherein a 2/3rds vote is required; alteration of the boundaries of a town; local laws; any sale or conveyance of county property, either real or personal.
5. A roll call vote upon any resolution or other proceeding shall be taken upon request of any member.
6. All resolutions adopted by the Board of Supervisors shall become effective upon their adoption or as otherwise provided by law or as specified in the resolution.
7. Every Resolution amending Occupancy Tax spending guidelines heretofore or hereafter adopted by resolution of the Board of Supervisors shall be effective only if adopted by at least a 2/3 vote of the voting strength of the Board of Supervisors.
8. Except for vacant positions occurring at the Westmount Health Facility, filling of existing vacant positions (not new positions, these can only be created by 2/3rd majority vote of the Board) will only be authorized with the following approvals: County Administrator, Budget Officer and, 2/3rd majority vote of appropriate oversight committee. In the event a Department has an urgent operational or financial related need to fill a vacant position and the oversight committee 1) has not voted to deny filling the position, and 2) will not convene again for one week or more, the Chair of the oversight committee, in his/her sole discretion, may call a special committee meeting or approve the filling of the position and report such approval to the Committee at its next meeting. In the case where the Chair may approve the filling of the position, a 2/3rds vote by the oversight committee will not be necessary. All vacant positions authorized to be filled in accordance with the procedures set forth in these rules shall be reported each month on the Personnel Committee agenda. Any level of denial except the 2/3rd vote of the County Board of Supervisors will nullify any request.

In order to fill vacant CNA, LPN, and RN positions at the Westmount Health Facility, the Administrator of the Facility must obtain the approval of the Chairman of the Health Services Committee and the County Administrator and comply with the following requirements:

- a) Provide to the Health Services Committee a monthly report listing which positions were filled and the reason the previous employee vacated the position; and
  - b) The County Budget Officer, County Administrator and Administrator for Westmount Health Facility shall review and evaluate the staffing levels for the Facility on a yearly basis during the budget process.
9. The Warren County Sheriff is authorized to fill positions that become vacant in the uniform correctional staff to maintain mandated staffing levels at the Warren County Correctional Facility providing those staffing levels not exceed the following:

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Correction Officers - 76  
Correction Sergeants - 9

Correction Lieutenants - 2  
Correction Captain - 1

10. All notices approved shall remain in effect for six (6) months from the date of committee approval only to allow department heads to properly evaluate probationary employees and take appropriate action when necessary.

E. General

1. Upon the request by any member of the Board of Supervisors, the Clerk of the Board shall draft a Proclamation of acknowledgment, congratulations, commendation or otherwise recognizing a particular person(s), achievement(s), cause(s) or event(s) on behalf of the Board and for execution by the Chairman without the need for a Board Resolution. This rule will serve as a standing authorization.
2. No standing rule of the Board shall be rescinded, suspended or changed, or any additional rule or order added thereto, unless it be by 2/3rds consent (as 2/3rds vote defined under Local Law No. 12 of 2011). In the event a rule is suspended, such suspension shall apply only to that matter which is before the Board at the time of such suspension. The rules may be amended at any time.
3. All questions not covered in the rules shall be decided according to Robert's Rules of Order-Revised.
4. The rules of the Board shall be published in the Proceedings in the year first adopted and whenever amended.
5. The rules of the Board shall continue in full force and effect unless and until a new set of rules is adopted by the Board.