



*RULES OF THE TOMPKINS  
COUNTY LEGISLATURE  
and Functions of Committees*

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54 of 2000  
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**RULES OF THE TOMPKINS COUNTY LEGISLATURE  
AND FUNCTIONS OF COMMITTEES**

**RULE I - MEETINGS**

(1) Organizational Meeting

The organizational meeting shall be held on or before the eighth day of January in each year on the date and at the time and place fixed by resolution of the Legislature duly adopted at least one month prior. The Clerk of the Tompkins County Legislature shall mail or e-mail or serve personally upon each member or notify personally by phone at least forty-eight (48) hours prior to stating the date, hour, and place of the organizational meeting and offices to be filled. Whenever possible, the Clerk shall give one week's notice of said meeting. At the organizational meeting following each quadrennial Legislature election, the County Clerk shall administer the oath of office to the legislators assuming office.

In the event of the death, inability, or failure of the Clerk of the Legislature or Deputy Clerk(s) to call such meeting or serve notices, the County Clerk shall call such meeting on or before the 15th day of January following and serve such notices as provided in Section 151 of the County Law.

At the organizational meeting the Clerk or Deputy Clerk(s) shall preside until a temporary Chair is chosen. The temporary Chair shall be elected by the majority vote of the members present. The temporary Chair shall preside and the next order of business shall be the election of a Chair of the Legislature. The temporary Chair may preside for up to thirty (30) days, after which time the position of Chair shall be considered vacant. The temporary Chair is not empowered to make appointments without the approval of the majority of the Legislature. After a permanent Chair is elected, a Vice Chair of the Legislature shall be elected. Nominations for Chair and Vice Chair shall be made from the floor and the members present shall elect said positions by majority vote of the whole Legislature. Unless a vacancy occurs (see details below), the Chair and Vice Chair shall serve until the subsequent organizational meeting.

In the case of a failure by the Legislature to elect the Chair of the Legislature at the organizational meeting, the temporary Chair shall continue to preside. A revote shall be taken, no less than twice at each Legislature meeting thereafter until a Chair is elected. If no Chair is elected within thirty (30) days after the organizational meeting, the County Clerk shall, by a process determined by the County Clerk, appoint a member of the Legislature as Chair, who shall serve until the Legislature itself elects a new Chair.

Until a new Vice Chair is elected, the previous Vice Chair shall continue in that role. In the event that the previous Vice Chair is unable to continue serving, the order of succession of Legislators as adopted by resolution shall be used to fill the role of Vice Chair, until a new Vice Chair is elected.

In the case of a vacancy (e.g., death, resignation, removal, incapacitation, or disqualification) in the office of the Chair of the Legislature, the Clerk of the Legislature shall notify the members of the Legislature of the vacancy upon like notice as provided above. The Clerk will set the meeting date of the election for the vacancy, which may be an additional meeting or the next regularly scheduled Legislature meeting, at which a successor shall be elected Chair who shall be a member of the Legislature. The person so elected shall serve as Chair of the Legislature for the unexpired term of the previous Chair. In the event of the failure of the Legislature to elect such Chair within thirty (30) days after the vacancy shall have occurred, the County Clerk shall appoint a member of the Legislature as Chair, who shall serve as Chair of the Legislature for the remainder of the unexpired term of the previous Chair.

In the event of a vacancy in the office of the Vice Chair, the Legislature shall elect a new Vice Chair.

In the absence of the Chair, the duties of the Vice Chair shall include all duties and functions of the Chair, excluding the appointment of the members to committees and boards, unless approved by the majority of the full Legislature. The Vice Chair shall receive no additional remuneration unless they shall act as Chair in excess of thirty (30) consecutive days after assuming the duties of Chair. Thereafter, the Vice Chair shall receive the salary of the Chair of the Legislature, it being understood the Chair's salary will be reduced to that of a County Legislator until the Chair resumes the duties of Chair.

(2) Regular Meetings

The Legislature shall convene in regular meetings each year in accordance with a schedule adopted by the Legislature at the organizational meeting specifying the date, hour, and place of meetings. The Legislature shall reserve the authority to change any meeting date by majority vote of the whole Legislature. Any regular meeting may be adjourned by motion adopted by majority vote of the whole Legislature. The organizational meeting shall be deemed a regular meeting. When a holiday as provided for in any of the employee unions' contracts falls on the day of the regular meeting, the Tompkins County Legislature will meet some day in the same week at 5:30 p.m. At each regular meeting the Legislature may transact such business as may properly come before such meeting.

(3) Special Meetings

The Legislature shall convene in a special meeting from time to time upon direction of the Chair, or upon written request therefore signed by a majority of the total membership of the Legislature. Upon receiving such direction or request, the Clerk shall mail or e-mail or serve personally upon each member or notify personally by phone at least forty-eight (48) hours prior to such special meeting a written notice of such special meeting which shall specify the date, hour, place, and purpose of such special meeting. Whenever possible, the Clerk shall survey Legislators as to their availability and the date shall be chosen to maximize attendance and shall give one (1) week's notice of said meeting. Legislators are encouraged to respond and acknowledge receipt. If sole notification is by e-mail, the Clerk shall follow-up with a phone call at least 24-hours before the meeting to those Legislators who have not acknowledged receipt of e-mail. Only business specified on the notice thereof may be transacted at the special meeting.

(4) Place and Time of Meetings

All meetings of the Legislature, unless otherwise ordered, shall be held in the Legislature's Chambers in Ithaca, New York, and shall begin at the hour specified unless a different time and place is provided by a motion for adjournment or by the call of the meeting. All meetings of the Legislature shall be public.

The time, date, and place of meetings of the Legislature and its committees shall be listed with the Clerk of the Legislature as soon as practical after the meeting is scheduled.

(5) Executive Sessions

If it is necessary for part or all of the meeting to be held in executive session, the Chair shall explain the reason for the meeting being in executive session and when the meeting will reopen.

In accord with Article 7, Section 105 of the Public Officers Law, executive session is only appropriate for the discussion of:

- 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.

## **RULE II - QUORUM**

A majority of the whole number of members of the Legislature shall constitute a quorum. For purposes of meetings of the full Legislature, the words “whole number” means the total number of Legislators if there were no vacancies and none of the persons were disqualified from acting, (for example, if the whole Legislature is 14 the majority is 8).

A quorum may perform and exercise any power or authority of the Legislature. If a quorum is not present, the Legislature may not convene or take action. A positive vote by the majority of the whole is required to perform and exercise any power unless otherwise noted in the rules of the Legislature. A majority of those present, even if less than a quorum may vote to adjourn a meeting.

Because of the need for a quorum to conduct business, it is important that the Legislative office know ahead of time when a Legislator will not be in attendance. A Legislator is expected to notify the Legislative Clerk’s office if they will be necessarily absent from a regular or special meeting or from a committee or subcommittee meeting. Lack of notification will result in the Legislator being listed as absent rather than excused.

## **RULE III - CALL TO ORDER**

Upon the appearance of a quorum, the Chair shall call the Legislature to order. In case of the non-appearance of the Chair within ten (10) minutes after the appointed time of the meeting, the Vice Chair shall call the Legislature to order. In the absence of the Chair and Vice Chair, the Clerk, within fifteen (15) minutes after the appointed time of the meeting shall call the Legislature to order and using the current succession list of Legislators a Chair pro-tem shall preside for such meeting only during the absence of the Chair and the Vice Chair. The Chair pro-tem shall have and exercise all the powers and duties of the Chair at the meeting over which that person is called to preside.

## **RULE IV - ORDER OF BUSINESS**

The Clerk of the Legislature shall prepare an agenda, and the order of business at each session shall be as follows:

1. Pledge of Allegiance to the Flag
2. Roll Call of Members
3. Presentation of Proclamations, Petitions, Communications, and Notices
4. Announcements of Executive Sessions and Reordering of Business
5. Privilege of the Floor
  - a. Public
  - b. Municipal Officials
  - c. Legislators
6. Chair’s Report and Chair’s Appointments

7. Special Presentation and/or Discussion
8. Reports by County Administrator, County Attorney, and Director of Finance
9. Report from other County Staff as Recognized by the Chair of the Legislature
10. Resolutions and Motions Added to and Withdrawn from the Agenda
11. Consent Agenda
12. Standing and Special Committees:
  - a. Report
  - b. Motions and Resolutions
13. Individual Member-Filed Resolutions
14. Minutes of Previous Meeting
15. Unfinished Business
16. Adjournment

**(1) Pledge of Allegiance to the Flag**

The Chair shall lead all present in the Pledge of Allegiance to the Flag.

**(2) Roll Call of Members**

The Clerk shall record by name all members present, excused, or absent and shall further record the arrival of any member listed as absent and the departure of any member listed as present, during the course of each meeting. Any member having answered the roll call at any meeting of the Legislature, shall not permanently leave such meeting without notifying the Chair of the Legislature publicly.

**(3) Presentation of Proclamations, Petitions, Communications, and Notices**

Proclamations to take notice of or honor an event or a person will be read at Legislature meetings by the Chair. The title of a proclamation shall be filed with the Clerk of the Legislature one week prior to the Legislature meeting at which it may be read in time to be placed on the agenda. The text of the proclamation shall be filed in the Clerk's office sufficiently in advance of the meeting to allow adequate time for Legislator review. Any member of the Legislature may author, sponsor, or read a proclamation, but the Chair of the Legislature shall agree with the appropriateness of the proclamation. The Chair will consult with the full Legislature, to the extent possible. The Chair will include such as part of the next Chair's report at the next Legislature meeting. When the timing of an event does not coordinate with the Legislative calendar, the Chair of the Legislature has the authority to act on their own and deliver the proclamation outside of a regular meeting.

Petitions, communications, and notices shall be presented in writing in summary form to the Legislature by the Clerk or by any member of the Legislature.

**(4) Announcements of Executive Sessions and Reordering of Business**

The Chair of the Legislature shall announce any executive session(s) being requested to be held, if known, and announce the specific reason for the executive session. Also, a Legislator may request an executive session. The Legislature may enter an executive session only upon majority vote.

In the absence of objection, the Chair shall have the authority to reorder the agenda. A Legislator may request to reorder the agenda. In the event of an objection to reordering, the Legislature shall proceed by majority vote.

**(5) Privilege of the Floor**

The Clerk shall enter in the minutes that the privilege of the floor was granted to those speaking, together with a brief statement of the subject matter discussed and points made.

a) Public

Persons not members of the Legislature shall, upon consent of the Chair, or upon the request of any member of the Legislature, be accorded the privilege of the floor and be permitted to speak in regard to matters pending before the Legislature or within the scope of the powers of the Legislature.

No person not a member of the Tompkins County Legislature shall speak for more than three (3) minutes on any one subject; however, the Chair may exercise discretion to extend the three (3) minutes. To extend beyond five (5) minutes, consent of a majority of the Legislature is necessary.

b) Municipal Officials

Municipal officials (e.g., Mayor, Supervisor, or Council member) are invited to report on any issue from their municipality relevant to County business.

c) Legislators

Members of the Legislature shall be accorded the privilege of the floor and be permitted to speak. As is required of the public, Legislators shall strive to be concise and limit their speaking time.

**(6) Chair's Report and Chair's Appointments**

The Chair shall report on any items deemed appropriate. The Chair shall announce all appointments made by authority of the Chair and shall present all those appointments required to be nominated by the Chair.

**(7) Special Presentation and/or Legislative Discussion**

From time to time it is desirable for the Tompkins County Legislature to focus on a specific topic or issue on which there may be a presentation to the Legislature for informational purposes and/or a discussion by the full Legislature. In the absence of objection, the Chair shall have the authority to add a special presentation or discussion to the agenda. Any member of the Legislature may request a special presentation or discussion. In the event of objection to adding a special presentation or discussion, the Legislature shall proceed by a majority vote.

**(8) Reports by County Administrator, County Attorney, and Director of Finance**

These three officials shall report on any items deemed appropriate.

**(9) Report from other County Staff as Recognized by the Chair of the Legislature**

When recognized by the Chair of the Legislature, County staff may report on any item(s) deemed appropriate.

**(10) Resolutions and Motions Added to and Withdrawn from the Agenda**

All resolutions and motions to be acted upon at any regular meeting, exclusive of a resolution brought on by a motion to reconsider, shall be pre-filed in the office of the Clerk of the Legislature not later than 5 p.m. seven (7) days preceding the date of the next meeting. At special meetings, resolutions must be pre-filed not later than forty-eight (48) hours preceding the date and time set for the meeting. The agenda, listing titles of resolutions to be presented and enclosing copies of pre-filed resolutions for regular and special meetings, shall be delivered to Legislators as soon as possible. Amendments or additions to the delivered agenda, or in the event that delivery is not possible in a timely manner, agenda packets shall be placed upon each member's desk before the meeting is called to order.

Any resolution not set forth in the order of business may be added to the agenda by motion of a member present and passed by a two-thirds vote of the whole Legislature.



Resolutions on the agenda for a meeting may be withdrawn at the request of the sponsoring committee Chair and with the consent of the Chair of the Legislature.

Any resolution that has been recommended for action by the Legislature by more than one Committee of the Legislature shall appear on the Legislature's agenda in the form approved by the final Committee to vote on it, in a format specifying differences from the wording approved by the other Committee(s).

### **(11) Consent Agenda**

The Consent Agenda shall be a listing, by committee, of all resolutions and appointments that have been designated as being routine by the Clerk of the Legislature and not likely to need or require discussion by the Legislature. No debate or motions are permitted for individual items within the consent agenda, except to request removal of an item.

Resolutions shall not be included in the Consent Agenda if they:

- adopt local laws;
- change the Rules of the Tompkins County Legislature;
- amend the Capital Program;
- require a roll call vote or a 2/3 majority;
- appropriate money from the Contingent Fund or from any fund balance;
- change fiscal targets or other budget guidelines;
- levy taxes or fees;
- establish the salaries of employees, legislators, or other elected officials;
- ratify union contracts;
- authorize borrowing;
- received any negative vote(s) in committee;
- are designated as non-routine by the Chair of the committee or Chair of the Tompkins County Legislature

The resolutions and appointments listed in the Consent Agenda are voted on as a group by the Legislature. Any member of the Legislature may require that any resolution or appointment in the Consent Agenda be instead included separately and individually as part of the business of Standing Committees or Special Committees, number 12 below.

### **(12) Standing and Special Committees**

a) Reports. The chair of each standing and special committee or designee shall give a brief oral report of any business of their committee not scheduled for discussion as part of the Legislative meeting agenda, followed by an opportunity for other members of the Legislature to ask questions.

b) Motions and Resolutions. The Committee Chair shall then introduce by title each motion or resolution recommended by the committee. The person making a motion or resolution may not speak against that motion or resolution; the person making a motion or resolution may, nevertheless, vote against any such motion or resolution.

If the motion or resolution differs from the version filed with the Clerk of the Legislature, attention should be drawn to the changes, and if possible a copy of the revised resolution shall be on each Legislator's desk by the start of the meeting. Copies of the motions and resolutions shall be made available to interested persons present.

Any resolution that has been recommended by a committee of the Legislature for action by the Legislature shall be pre-filed, with the names of the committee members and how they voted if the vote was not unanimous. A committee may request an explanation be added to the resolution when it believes

other Legislators or the public would benefit from additional information.

**(13) Individual Member-Filed Resolutions**

Any individual member shall introduce any motion or resolution at this point by reading the title. Such resolutions may be jointly submitted by more than one Legislator.

**(14) Minutes of Previous Meeting**

As part of the agenda, the Clerk of the Legislature shall provide a written copy of the minutes for each previous meeting which have not yet been approved. The minutes shall be voted on including any corrections, alterations, or additions made by the Legislature.

**(15) Unfinished Business**

A list of unfinished business to be acted upon by the Legislature shall be kept by the Clerk. Resolutions, motions, including motions to reconsider, appointments, and other matters tabled or postponed at an earlier meeting and due to be acted upon at a subsequent meeting shall be listed on the agenda for that meeting as provided in section 10 of this Rule. All reports, resolutions, and other matters laid on the table may be called therefrom under “unfinished business” in the regular order of business. However, no report, resolutions, or other matters laid on the table indefinitely shall be called from the table except on at least one day’s notice or by consent of two-thirds of the members present and voting.

**(16) Adjournment**

Upon completion of the above-listed order of business, a vote may be held to adjourn or, in the absence of any objection, the Chair shall declare the meeting adjourned.

**RULE V - ORDER AND DECORUM**

The Chair of the Legislature is appointed to serve the goal of an efficient and effective Legislature. It is a position of trust, wherein the individual Legislators grant the Chair authority to decide all questions of order, both in meetings of the Legislature and in other functions where Legislators are acting in their official capacities, so as to preserve good order and decorum. The Chair may limit, complete, or stop discussion in a meeting. The Chair may be called upon to make decisions about conduct of Legislators, with regard to order and decorum subject to appeal of the Legislature as a whole. The power of the Chair also includes the right to privately counsel or reprimand or propose public censure for a Legislator who has violated the Rules of the Legislature. The Chair has a special responsibility to govern their own behavior to comport with these Rules.

If an appeal is requested about a decision of the Chair concerning order and decorum, the Chair shall have the right to explain the reason for the decision. The Legislature shall decide the case without debate, and the question shall be stated by the Clerk, “Shall the ruling of the Chair be overruled?” The vote shall be taken by roll call of the members present, including the Chair. If the majority of the members present vote in favor of overruling the Chair, then the ruling shall be overruled. If the majority of such members do not vote in favor of overruling, then the ruling of the Chair shall be sustained. In the case of a tie vote, with equal number of Legislators, the Chair’s decision shall be sustained. If the Chair makes a ruling outside of a meeting, any Legislator can seek an appeal of that ruling at the next scheduled meeting of the full Legislature.

In the event of a disruption during a meeting, the Chair shall have discretion to recess the meeting and reconvene at such time as the disruption has ceased.

**Role of Committee Chair**

Appointment as a Committee Chair creates a responsibility to serve the members of the committee and the staff that reports to each committee. The Committee chair shall be responsible to develop agendas in collaboration with the Legislative clerks, relevant staff, and the Vice Chair of the committee. The conduct of a Committee Chair is subject to review by the Chair of the Legislature.

### Conduct at Meetings

All Legislators shall conduct themselves at public meetings, appearances where they are acting in an official capacity on behalf of the County, and in the conduct of other business as Legislators, in accordance with the Legislators' affirmative powers as designated in the Tompkins County Charter Section C-2.06. Legislators will also adhere to the limitations on individual and collective behavior as described herein:

- While the Chair or the Clerk is taking a vote, while the roll is being called, or while a member has the floor and is speaking, no other member shall speak except to rise to a point of order.
- No member of the Legislature should make a public statement criticizing the job performance of an employee or official (this does not include elected officials). If the direct subject of the public criticism is the content, implementation, or outcome of a policy, this is not considered to be a criticism of job performance.
- By design, the Legislature is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Yet, all have chosen to serve in public office in order to preserve and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Legislators may "agree to disagree" on contentious issues.
- Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Legislators to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Questioning the personal motives for a Legislator holding a particular position are included as inappropriate. No shouting or physical actions that could be construed as threatening will be tolerated. Legislators should conduct themselves in a professional manner at all times.
- If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and may call for a "point of personal privilege" which challenges the other Legislator to justify or apologize for the language used. The Chair will maintain control of this discussion. However, it is the clear preference of the Legislature that Legislators should strive to conduct such discussions outside of official meetings, and with direct communication between the Legislators involved.
- Legislators have the right to endorse candidates for all elected offices. However, it is inappropriate to mention endorsements or display campaign material or political signs during Legislative meetings or other official County meetings or functions. Electronic devices should be silenced during meetings. If a Legislator must receive or make a cell phone call during a meeting, they are expected to briefly leave the meeting to do so. Recognize that messages sent during meetings may be considered part of the deliberative process for disclosure purposes. Legislators are expected to remain engaged with the topics under discussion and should avoid activities that would divert their attention or are distracting to others.

### Conduct Outside of Meetings

Legislators have an important role in communicating with the media about County government. Legislators should be clear in their communications whether they are presenting a County position or policy versus providing an individual opinion. At all times, Legislators should strive to present a positive and constructive view of County government.

Legislators have an important role in communicating with residents of the County. Speaking in front of the Legislature, and with individual Legislators, can be a difficult experience for some community members. Legislators should work to be active listeners and demonstrate a willingness to hear people with differing opinions. At the same time, it is appropriate for Legislators to express their personal beliefs and opinions. In all cases, Legislators should represent the Legislature, in and out of meetings, as a place of mutual respect where differing viewpoints can be considered and debated in a dignified and productive manner.

The work of a Legislator is a part time role and Legislators have other responsibilities outside of their service to the County. However, Legislators should be mindful of the fact that residents of the County will judge all of their actions in light of their position in County government.

### Confidentiality

Any information, oral or written, received by a Legislator by virtue of attendance at an Executive Session of the Legislature and specific to the reason for the Executive Session shall be considered confidential and shall not be disclosed, except by direction received at the Executive Session.

Members of the Tompkins County Legislature shall be bound by the New York State Freedom of Information Law.

Members of the Tompkins County Legislature shall be bound by regulations pertaining to the Tompkins County Code, including the “Code of Ethics.”

Members of the Tompkins County Legislature shall be bound by all confidentiality regulations pertaining to the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

### **RULE VI - MOTIONS AND THEIR PROCEDURE**

When a question shall be under consideration, no motion shall be made except as herein specified, which motions shall have precedence in order stated, viz:

1. To adjourn or take a recess
2. For a roll call of the Legislature
- \* 3. For the previous question
- \* 4. To lay on the table indefinitely
5. To lay on the table until a certain time
6. To refer to a Standing Committee
7. To refer to a Special Committee
8. To amend

An amendment to an amendment cannot be amended.

\* These motions are NOT amendable or debatable.

The motion to adjourn or to take a recess shall always be in order but cannot be made while the Chair or the Clerk is taking a vote, while the roll is being called, while a member has the floor, or after the previous question has been ordered. The Chair may call for a recess at any point during the meeting.

A motion to refer or to lay on the table shall, until it is decided, preclude all amendments and debate on the main question.

If an amendment is considered “friendly,” meaning the mover and seconder of the motion agree to the amendment, then no vote to amend is required. However, if any member of the Legislature objects, it must be voted on.

## **RULE VII - RULES OF VOTING**

(1) Except where otherwise provided specifically by these rules or by statute, the majority vote of the whole number of the duly constituted whole Legislature, as defined in Rule II paragraph 1, shall govern. When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed defeated.

(2) Every member present when a vote is taken upon any question shall vote unless excused by the Chair and there are no objections by any members, or unless that member has a direct interest in the result of the vote as determined by the County Attorney. Any member requesting to be excused from voting shall make the request at the start of the discussion of the measure, with a brief statement of the reasons for making such a request. Such statement shall be limited to two minutes in time. If the request to be excused from voting is granted, the member should not participate in discussion regarding said question. In addition, if a conflict of interest exists, as defined by the County Code of Ethics, the Legislator shall disclose the conflict, abstain from voting if advised by the County Attorney, and recuse himself/herself from discussion of the matter when required by the Code of Ethics.

(3) The Chair shall in all cases have a right to vote in all full Legislature meetings.

(4) If a member present is not excused from voting and if said member refuses to vote on a question, the member's vote shall be recorded in the affirmative.

(5) The ayes and nays shall be taken by roll call upon all resolutions involving appropriations, levying taxes, fixing salaries, and upon any other questions when any member so requests and whenever so taken, they shall be entered by the Clerk in the journal and published in the proceedings of the Legislature. On all other motions, resolutions, reports or questions, the vote shall be taken by voice vote unless a member requests a roll call in which case a roll call shall be taken.

(6) Roll-call voting shall be rotated at each Legislature regular meeting, except that the Chair shall vote last. A roll call is not deemed started until a member answered to the call. If a roll call shall be started on any motion or resolution, the roll call must be completed.

By unanimous consent of the Legislators present, the roll call requirement may be met by requesting the Clerk to call the names of the persons voting first and last on the rotation (short-form roll call). If no member requests their vote to be recorded in opposition, the roll call shall be deemed to be properly taken and recorded.

(7) Paragraphs 2, 4, and 5 of this Rule shall apply to all of the standing and special committees of the Tompkins County Legislature.

## **RULE VIII - MOTION TO RECONSIDER**

A motion to reconsider a vote shall not be in order except on the same day or at the next session of the Legislature after the vote was taken. Such motion for reconsideration must be made by a member who voted with the prevailing side in the question or by a member who was necessarily absent (as defined in Rule II) when the vote took place.

A motion to reconsider a vote, if won, nullifies the vote and brings the original question before the Legislature for a new discussion and vote. A motion to reconsider a vote, if lost, shall not be renewed.

## **RULE IX - MOTION TO RESCIND**

Any resolution or motion, except in those cases described below, may be rescinded by a majority vote of the total number of members of the Legislature, provided that a resolution of rescission is on the agenda for the meeting, or by a two-thirds vote of the Legislature if no resolution of rescission is on the

agenda for the meeting. The motion to rescind may be made by any member.

A motion to rescind cannot be made in the following cases:

- Where something has been done as a result of the vote that the Legislature cannot undo,
- Where the vote was in the nature of a contract or agreement and the other party has been officially informed, or
- Where a resignation has been acted upon or a person has been elected to, or expelled from, membership or office, and the person has been informed of the action.
- A motion to rescind cannot be made if the original motion can be reached by a motion to reconsider.

## **RULE X - RECEIPT OF REPORTS**

The Legislature may vote to ACCEPT in whole or in part the report of any person, consultant, committee, task force, or other group. Acceptance is hereby defined to mean that the Legislature acknowledges receipt of the report and thanks its author for it.

The Legislature may also vote to ADOPT any such report in whole or in part. Adoption is hereby defined to mean that the Legislature acknowledges receipt of the report, thanks its author for it, and formally commits itself to implementing the recommendations of the report. A vote to adopt does not preclude a Legislator from voting in the future against the implementation of any particular recommendation of the report.

The Legislature may also REJECT any such report in whole or in part. This may be done either by voting down an acceptance or an adoption resolution, or by passage of a resolution of rejection. Such a resolution means that while the Legislature has received the report it finds it unsatisfactory and/or does not choose to implement its findings.

The Legislature may also REFER BACK any such report in order to address specific questions or solicit additional input with the intent of reaching a decision on ADOPTION.

## **RULE XI - RULES OF ORDER**

In any matter of procedure not governed by these rules, the Legislature shall be governed by Robert's Rules of Order.

## **RULE XII - STANDING AND SPECIAL COMMITTEES**

The Chair of the Legislature shall appoint the standing committees (also known as "program committees"), pursuant to the County Charter, within thirty (30) days of election of the chair, assign the areas of responsibility of the standing committees, and file a list of the same with the Clerk.

Special committees of the Legislature may be created at any meeting by the Chair, to address a time-limited responsibility or project of importance to the County. In all other respects, special committees shall function the same as standing committees. Creation of special committees are subject to the approval of a majority vote of the whole Legislature. The composition of such committees, including the number of members, shall be at the discretion of the Chair.

The Chair of the Legislature shall appoint each Chair, Vice Chair, and members of each committee. It shall be the duty of the Clerk to have such list printed and to deliver a copy of the same to each member of the Legislature. The first person so named by the Chair of the Legislature shall be the

Chair of the committee and the second person the Vice Chair. In the case of the absence of the Chair and Vice Chair of any committee, at any meeting thereof, the next person named to serve on such committee who is present shall be the acting Chair. The Chair of the Legislature shall serve as an ex-officio, non-voting member of all Legislative committees.

The members of all standing and special committees of the previous year who continue in office shall hold over and have full power to act until the new committee members have been appointed.

The Chair of the Legislature may make temporary appointments to committees for quorum purposes. Temporary members only serve until a permanent member arrives. Temporary appointments will only occur when there is not a quorum.

The standing committees of the Legislature shall be no fewer than five (5) nor more than eight (8) in number, dealing with the main areas of legislative policy, including but not limited to administration, finance, budget, personnel, planning, economic development, public works, environmental quality, human services, health services, public safety and correction, and education. (See below for note on Expanded Budget Committee.)

Committees of the Legislature shall meet regularly to consider policy and make legislative recommendations to the Legislature within their respective categories of County government functions.

Persons not members of the committee shall, upon consent of the committee Chair or upon the majority vote of the committee, be accorded the privilege of the floor and be permitted to speak in regard to matters pending before the committee and within the scope of the charge of the committee. Members of the committee shall be accorded the same privilege. The Clerk shall enter in the minutes of the committee that the privilege of the floor was granted to those speaking, together with a brief statement of the subject matter discussed. No person not a member of the committee shall speak more than three (3) minutes on any one subject without the consent of a majority of the committee.

In any instance when these Rules or the Administrative Policy Manual authorize final action by committees of the Legislature, a written record of that action must be included with the agenda for the next regularly scheduled meeting of the Tompkins County Legislature. At that meeting any member of the Tompkins County Legislature may initiate action to overrule or delay the action of any committee of the Legislature.

For the purposes of making recommendations on the Proposed Tompkins County Budget and Capital Program, the Budget Committee shall be expanded to include all Legislators. The expanded Budget Committee holds non-voting informational presentation meetings followed by voting meetings. A quorum shall consist of a majority of the whole Legislature and decisions shall be made by a majority of those in attendance at any given meeting.

#### Agendas and Minutes

The Clerk of the Legislature shall prepare agendas for standing committee meetings and make them available electronically to the Legislature and posted for the public at least six days prior to said meeting. It is strongly recommended that written reports, memos, and supporting material from staff be sent out with the committee agenda so that committee members may read and review the content prior to the committee meeting. The Clerk of the Legislature shall also prepare agendas for special committee meetings.

The Clerk of the Legislature shall be responsible to record minutes of standing and special committee meetings. Minutes shall be filed and made available to the public in accordance with the Minutes Policy in the Administrative Policy Manual.

### Member-Filed Resolutions

It is recommended that a title and text of the resolution be filed in time to be distributed with the agenda provided to committee members and the public.

If the title and text of the resolution are not filed according to the above recommendation, it will take a majority vote of the listed committee to add the item to the agenda for action.

If a majority vote is not reached, action on the member-filed resolution will be put on the next scheduled meeting agenda of the listed committee(s).

It is recommended that if a committee member requests more time for consideration of or research on an action item, so long as quick action is not required to meet a deadline, the request for delay should be agreed to.

### Staff-Filed Resolutions

It is recommended that a title and text of the resolution and any back-up material be filed in time to be distributed with the agenda provided to committee members and the public.

If the title and text of the resolution are not filed according to the above recommendation, it will take a majority vote of the listed committee to add the item to the agenda for action.

If a majority vote is not reached, action on the staff-filed resolution will be put on the next scheduled meeting agenda of the listed committee(s).

If the action required is an emergency action, a recommendation from the County Administrator or their designee will be sufficient at the committee meeting to have the item added to the agenda.

## **RULE XIII - AMENDMENT AND SUSPENSION OF RULES**

These rules shall not be altered or amended except by two-thirds vote of the members of the Legislature, and then only after at least one week's notice accompanied by a written or printed copy of the proposed alteration or amendment. These rules may be suspended by a two-thirds vote of the whole Legislature.

## **RULE XIV- TRAVEL**

Individual Legislators are often appointed by the Chair of the Legislature, by the Legislature, or by Legislative Committees as liaisons or official representatives of the County to various entities in the County where these activities remain within the County. Legislators desiring or needing to travel outside the County on official county business must submit to the appropriate Standing Committee of the Legislature in writing a request for permission to travel on the County's behalf. Such request must contain the purpose and destination of the travel, duration of stay, estimated costs, description of the program, and any other information the Legislator feels would be helpful. Requests to attend the Fall and Winter NYSAC Conferences do not require approval through this process, but the funds to attend would be part of the Legislator's allocated budget.

In providing its review, the appropriate Standing Committee would employ the following rules and principles:

- (1) Because the Legislators are elected, they are subject to the evaluation of their constituents for the decisions they make. Therefore, significant discretion should be given to individual members in the selection of training that they believe will be most helpful to them.
- (2) While taking the above into account, the proposed training must be job-related and either



maintain or improve job skills, meaning that the training would have some relation to the work of the Legislature. More specifically, the training should provide:

- information and/or skills in some area of the committee or project work that the Legislator is engaged in performing for the County;
- general information and/or skills in government functions including management and oversight responsibilities of legislatures;
- information and/or skills on trends or topics that will impact Counties, or;
- some combination of the above.

(3) The proposed training would not be reimbursable if:

- it is sponsored by a political party;
- requires the payment of political party dues or membership in a political party;
- is held for the purpose of furthering the goals of a political party, or;
- for some other reason would not qualify within New York State or United States Federal laws and rules for expense reimbursement.

(4) The County Director of Finance shall provide guidance to the appropriate Standing Committee on regulatory limits to expense reimbursement that may apply.

(5) An annual summary report of expenses incurred will be provided to the appropriate Standing Committee, stating who went to what conference and how much was spent.

### **Training Reimbursement Policy**

The appropriate Standing Committee of the Legislature shall recommend annually the budget amount for the travel and training budget line for Legislators to attend training and conferences. Each Legislator shall be entitled to an allowance equal to their proportionate share of the total budgeted amount.

To the extent a member reduces the cost of their attendance at a conference (e.g. carpooling, sharing a room, reducing a room night, etc.) the amount of training funds available to that Legislator will be available for other training during the year. As a result, Legislators may have an incentive to save money for future use during the calendar year.

If a Legislator's training funds are not used, the Legislator could release it for use by other Legislators. A call will go out on August 1<sup>st</sup> for Legislators to release money (or not) with a response due by August 15<sup>th</sup>. If not released or used, a Legislator's allotted amount would either be available for the Legislator's use before year end or will be returned to the General Fund. Use of released funds would be on a first-come first-served basis to be considered and recommended by the appropriate Standing Committee. If more than one Legislator requesting funds is on the same appropriate Standing Committee agenda and sufficient funds are not available, the available funds will be divided equally between the applicants. There will be no rollover of unused funds.

### **RULE XV - EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTY**

The actual and necessary expenses incurred by Legislators in the performance of powers and duties of the County shall be a County charge. Such expenses may include travel to and from Legislature and committee meetings, other travel on official County business, meals while on County business, representing the County at local organizations' luncheons and events, etc. Expenses should be itemized and submitted to the Clerk of the Legislature for reimbursement. Expenses may be submitted at the discretion of each Legislator, but expenses for any given year must be submitted no later than January 31 of the following year.

## **RULE XVI - COMMUNICATION WITH STAFF**

Legislators have a legitimate responsibility to remain knowledgeable about County operations and need to receive information from County staff, in order to comply with the requirements of County Charter Section C-2.06. Legislators who need assistance from County staff should approach staff with clear and honest communication that respects the abilities, experience, and dignity of each individual and respects the staff need to do their jobs without undue interruptions. While construed broadly, requests for information and inquiries must be based upon a legitimate County matter and the Legislator's need to know.

Staff should also respect Legislators' needs for information in the service of the public. Communications with County staff should be limited to normal County business hours unless the circumstances warrant otherwise. Responses to Legislators' questions posed outside of normal business hours should be expected no earlier than the next business day, unless in cases of emergency.

Legislators who require departmental information from any County department to assist project development, policy development, or making decisions related to program or service performance shall follow the guidelines as shown below:

- Routine Requests for Information and Inquiries. Legislators may contact staff directly for information made readily available to the general public on a regular basis (e.g., "What are the library's hours of operation?" or "What plastics are recyclable?"). Under these circumstances staff shall treat the Legislator no differently than they would the general public, and the Legislator shall not use their elected status to secure preferential treatment. The County Administrator does not need to be advised of such contacts.
- Non-Routine Requests for Readily Available Information. Legislators may also contact staff directly for easily retrievable information not routinely requested by the general public so long as it does not require staff to express an opinion, nor detract from their regularly scheduled work (e.g., "How many traffic lights are there in the County?" or "Under what circumstances does the County lower its flags to half-mast?"). The County Administrator does not need to be advised of such contacts.
- Non-Routine Requests Requiring Special Effort. Any Legislator request or inquiry that requires staff to compile information that is not readily available or easily retrievable and/or that requests staff to express an opinion (legal or otherwise) must be directed to the appropriate Special or Standing Committee Chair and the relevant Department Head for consideration (e.g., "How many Planning Department studies completed over the past five years have required 100 or more hours of staff time?", or "What is the purpose behind the Probation Department's Day reporting practices?"). The County Administrator shall be kept apprised of the request. Responses to such requests shall be copied to all Legislators (if originating from a Legislator).
- Recommendations as to staff execution of policies. Legislators shall refrain from recommending how staff should perform the day-to-day operational aspects of their job functions. Staff are hired based upon their knowledge and experience, and Legislators must maintain due regard for the need of individual staff to exercise judgment in the method and manner of conducting their work. Legislators acknowledge that Staff do not directly report to or work for Legislators. In the event a Legislator believes it is necessary to make recommendations to staff on operational elements of staff work, such recommendations shall be made to the County Administrator.

Notwithstanding the above, the Chair of the Legislature may transmit any request for information to any Department Head. The Chair should also inform the County Administrator if the specific intent of the request is to change current policy, establish new policy, or significantly affect programming or services.

## Performance

Any Legislator requesting information about a staff person's work performance or conduct on the job should direct the concern to the County Administrator and/or the Chair of the legislative standing committee responsible for the County's Personnel functions. A Legislator should never attempt to influence the conduct of any staff person on the job.

Legislators shall contact the County Administrator when requiring information regarding the performance of a Department Head who is supervised by the County Administrator. Routinely, Legislators may choose to consult with the County Administrator on performance issues such as these relate to Department Head appointments and re-appointments and similar activities. As a matter of practice, completed and signed performance reviews of any Department Head supervised by the County Administrator are kept in the employee's official personnel file maintained in the Human Resources Department. Access to these confidential files will be according to the protocols established by the Human Resources Department.

Legislators shall not solicit Staff for any type of political support (financial contributions, display of yard signs, names on lists of supporters, etc.). Staff may, as private citizens, support political candidates, but all such activities must be done away from the workplace, and Legislators have a special responsibility not to solicit such private activities.

Legislators shall conduct annual performance reviews of employees who report directly to the Legislature via a process set forth by the Budget, Capital, and Personnel Committee or relevant standing committee, and assisted by the Commissioner of Human Resources.

## **RULE XVII - TOMPKINS COUNTY LEGISLATURE'S APPOINTMENT POLICY**

### At-Large or Non-Municipal, Non-Organizational Appointments

The Clerk of the Tompkins County Legislature shall keep a calendar of expiration dates as well as a list of vacancies in all advisory boards or positions appointed by the Tompkins County Legislature. Sixty (60) days prior to the expiration date, the Clerk of the Legislature shall send a list of the positions and their expiration dates to the appropriate committee Chair.

At the same time, the Clerk shall contact:

- (a) individuals appointed at-large asking them to verify their interest in being reconsidered for appointment and giving a specific date by which, they must return an updated application form as an indication of their interest in reappointment, and
- (b) if the individual was nominated by a specific organization, the Clerk shall contact the nominating organization asking it to verify the interest of its representative in being considered for reappointment and giving it a specific date by which it must return an updated application form and their statement that the individual is interested in being considered by the committee for reappointment.

This date should be no later than thirty (30) days prior to the expiration of their term.

Each person appointed to serve on advisory boards shall be a resident of Tompkins County with some exceptions as noted in the policy regarding Advisory Committees and Boards in the Administrative Policy Manual. The committee Chair, upon receiving the first notice of expiration of appointments, shall report to their committee and to the Legislature the list provided by the Clerk and ask the committee, the Legislature, and the public to assist in providing nominees.

Recruitment of advisory board members shall include outreach efforts in order to assure, whenever possible, geographic and demographic diversity reflective of the community, and subject matter

expertise where appropriate.

The Clerk shall collect all application forms and keep them on file in the Legislative office. Thirty (30) days prior to the expiration of the term, the Clerk will give to the appropriate committee chair all the application forms on file for committee consideration. Upon approval by the committee, the Clerk will send the application forms of those approved to the Legislature with the next agenda for action at the next regular meeting of the Legislature with a note that all non-recommended applications are on file for Legislative review.

Upon approval by the Legislature, the Clerk of the Legislature, within ten days of the Legislature's meeting, will:

1. Notify those who are newly appointed and give them the names and telephone numbers of the appropriate contact people for that board.
2. Notify those not appointed who had been on the board before that they have not been reappointed and thank them for their service.
3. Notify those who were considered and not appointed that they had not been appointed and that they should respond to the Clerk with a written indication of their interest within thirty (30) days of the mailing of the Clerk's letter to them if they wish to remain in the file for reconsideration at the time of the next vacancy.

If the person under consideration to be appointed is a member of the Tompkins County Legislature, the procedures above shall be followed but no resumes shall be required.

#### Nominations Made by Elected Municipal Bodies

Nominations made by elected Municipal Bodies do not require committee approval. The Chair of the Legislature shall take these nominations directly to the Legislature for approval without any waiting period.

#### Legislative Chair and Committee Chair Appointments

All other appointments to various community groups shall be made by the Chair of the Legislature according to the appropriate resolution or law, except that Legislature's committee chairs shall be responsible for naming committee members as liaison to various County affiliated agencies.