

CLINTON COUNTY

JANUARY 1, 2010

2010 RULES OF ORDER

Pursuant to Section 153 of the County Law.

RESOLVED, that the Rules of Order of the Clinton County Legislature for the year 2010 shall be as follows:

RULES OF ORDER
OF THE
CLINTON COUNTY LEGISLATURE

RULE 1. ORGANIZATIONAL MEETING

1.1 The organizational meeting of the Legislature shall be held on or before January 8 in each year for election or appointment of all officers and employees. The Clerk shall call the meeting to order and the first order of business shall be the election of a Chairperson for the ensuing year. This shall be accomplished by passage of a resolution of the County Legislature. The Legislature, under the Chairperson, shall proceed with the election of a Deputy Chairperson, whose term of office shall be for the current year. The selection of a Deputy Chairperson, Majority Leader and Minority Leader shall be approved by passage of a resolution of the County Legislature.

RULE 2. REGULAR MEETINGS

2.1 Regular meetings shall commence at 7:00 p.m. on the second and fourth Wednesdays of each month.

RULE 3. SPECIAL MEETINGS

3.1 Special meetings shall be at the call of the Clerk of the Legislature upon the direction of the Chairperson, or at the call of the Clerk of the Legislature upon direction of the Deputy Chairperson provided that upon convening, a majority of the members of the Legislature pass a resolution ratifying such call, or upon written request signed by Legislators representing a majority of the Legislature.

3.2 Only business specified in the notice may be transacted at a special meeting.

RULE 4. PLACE AND TIME OF MEETINGS

- 4.1 All meetings of the Clinton County Legislature shall be held at the Legislative Chambers in the County Government Center. Meetings that will be held at a location other than the County Legislative Chambers shall require a three-quarter vote of the total membership of the County Legislature or eight (8) votes of the Legislature.
- 4.2 The Clerk of the Legislature shall notify members, county officers and department heads of all meetings.

RULE 5. PRESENCE OF COUNTY ATTORNEY AND COUNTY ADMINISTRATOR

- 5.1 The County Attorney or Assistant County Attorney shall be present during all legislative meetings for the purpose of advising the Legislature on legal questions unless excused by the Chairperson.
- 5.2 The County Administrator or Deputy County Administrator shall be present during all legislative meetings for the purpose of counsel and advice, unless excused by the Chairperson.

RULE 6. QUORUM

- 6.1 A majority of Legislators six (6) shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
- 6.2 When a quorum is not present, the Clerk of the Legislature, upon request of the members present, shall notify members in the manner specified for calling special meetings that an adjourned meeting will be held at a specified time.

RULE 7. TEMPORARY CHAIRPERSON

- 7.1. Upon the appearance of a quorum, the Chairperson shall call the Legislature to order. In case of the nonappearance of the Chairperson or Deputy Chairperson within fifteen minutes of the appointed hour, the Clerk of the Legislature shall call the Legislature to order and a Chairperson pro tem shall be elected by a majority of those legislators present to preside for such day only, or during the absence of the Chairperson. The Chairperson pro tem shall have and exercise all of the powers and duties of the Chairperson at the meeting over which the Chairperson pro tem is called to preside.

RULE 8. ORDER OF BUSINESS

8.1. The order of business at each session shall be as follows, with the exception of times set apart for the consideration of special orders of the day:

- (1) Call to order by Chairperson.
- (2) Salutation to the flag.
- (3) Roll Call by the Clerk of the Legislature.
- (4) Correcting and approving the minutes of any previous meetings.
- (5) Presentation of notices, petitions, claims, communications, proclamations and departmental reports.
- (6) Recognition of those in the audience who wish to address the Legislature.
- (7) Reports from Standing Committees and Liaisons.
- (8) Reports from the County Attorney, County Administrator and Chairperson.
- (9) Resolutions, motions and notices ready for action.
- (10) Unfinished business:
 - .1 tabled matters.
 - .2 matters postponed to certain date.
- (11) Resolutions presented for immediate consideration. (It will be necessary to waive Rule 13.2 by a 3/4-vote (8) of the Legislature.)
- (12) Notices and any other matters for discussion.
- (13) Adjournment.

RULE 9. ROLL CALL

9.1 On roll call, and in alphabetical order, the Clerk of the Legislature shall record by name all members present or absent. It shall be the duty of any Legislator arriving late or departing before adjournment to advise the Clerk of the Legislature of his/her arrival and his/her departure and it shall be the duty of the Clerk of the Legislature to note the name of the Legislator and the time by hour and minutes of his/her late arrive or early departure. Any member of the Legislature unable to attend a regularly-scheduled meeting must notify the Clerk of the Legislature prior to the meeting, giving his/her reason for non-attendance at the meeting.

RULE 10. MINUTES OF PREVIOUS MEETING

10.1 Minutes of the previous meeting shall not be read, unless requested by any Legislator, by motion duly made, seconded and adopted by majority vote.

RULE 11. PRIVILEGE OF THE FLOOR

- 11.1 A person, other than a member of the County Legislature, may be granted the privilege of the floor by the Chairperson upon the request of a Legislator, unless a request is made by a Legislator for a vote on extending the privilege. If such request is made, a majority vote shall be made to extend the privilege. The Chairperson, in his/her discretion, may set reasonable limitations upon the duration of time for which the privilege will be extended. In addition to persons granted the privilege of the floor, the Chairperson may extend such privilege under other appropriate times and circumstance. For purposes of this rule only, the Clerk of the Legislature and the County Attorney shall have the same speaking privilege as a Legislator.
- 11.2 If a person, other than a member of the County Legislature, in speaking transgresses the rules of the Legislature, the Chairperson or any member may call him/her to order and the Chairperson may suspend the privilege.
- 11.3 A person addressing the Legislature [Order of Business 8.1 (6)] will be limited to five (5) minutes unless allowed more time by a majority vote of the Legislature. This does not apply to members of the County Legislature.

RULE 12. PRESENTATION AND WITHDRAWAL OF MOTIONS AND RESOLUTIONS

- 12.1 All resolutions shall be reduced to writing and filed with the Clerk of the Legislature.
- 12.2 Every resolution may contain the name or names of the sponsors, a short title setting forth the purpose of the proposed action and a reference to the law or laws, if any, from which the authority to pass the resolution shall be derived.
- 12.3 All resolutions and local laws shall be filed with the Clerk of the Legislature no later than noon the Friday preceding the regularly-scheduled meeting. Any resolutions considered at a regularly scheduled meeting of the Legislature that are introduced after noon on the Friday preceding the regularly scheduled meeting may only be considered upon a $\frac{3}{4}$ vote (8) of the Legislature to waive Rule 13.2.
- 12.4 Any item acted upon by the County Legislature and defeated can be acted upon again at the next meeting of the Legislature.

RULE 13. AGENDA

13.1 The Clerk of the Legislature shall prepare a list of resolution titles to be acted upon for each meeting of the Legislature which shall also contain the title of each resolution to be presented together with the number to be assigned thereto.

13.2 The list of resolution titles to be acted upon shall be mailed out the Friday preceding the regularly-scheduled meeting.

RULE 14. UNFINISHED BUSINESS

14.1 All reports, resolutions and other matters laid on the table may be called therefrom under "Unfinished Business" in the regular order of business.

14.2 All questions laid over by rule or by request of any member for one day shall be considered in order on the succeeding day or at the next session, under the head of "Unfinished Business".

RULE 15. ORDER AND DECORUM

15.1 The Chairperson shall preserve order and decorum and shall decide all questions of order subject to an appeal to the Legislature. If an appeal is made on a decision of the Chairperson, the Chairperson shall have the right in his/her place to make known the reason for his/her decision. The Legislature shall decide the case without debate and the question shall be stated, "Shall the ruling of the Chairperson be sustained?" A majority vote of the Legislature will sustain the ruling of the Chairperson, who does not vote in this case.

15.2 When two or more members seek recognition at the same time, the Chairperson shall name the one entitled to the floor.

RULE 16. MOTIONS AND THEIR PRECEDENCE

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

UNDEBATABLE

1. For adjournment of the Legislature
2. Take recess
3. Raise a question of privilege
4. To lay on the table
5. For the previous questions
6. Limit or extend limits of debate

DEBATABLE

1. Postpone to a certain time
2. Commit to refer
3. Amend
4. Postpone indefinitely
5. Main motion
6. To commit to special or standing committee
7. To commit to a Committee of the Whole
8. Roll call of the Board to go into a committee of the Whole

16.2 The motion to adjourn or to take a recess shall always to be in order, but cannot be made while the Chairperson is putting a question or while a member has the floor or after the previous question has been ordered or while the Clerk of the Legislature is calling the roll, or while in Committee of the Whole.

RULE 17. RULES OF VOTING

17.1 The ayes and nays shall be taken on all questions requiring a vote of the Legislature when required by statute. A roll call vote may be taken under all other circumstances, provided that one Legislator requests that such a roll call vote be taken. Every resolution directly or indirectly involving expenditures of receipt of money shall be by roll call vote. Any member who shall be present when a question is stated by the Chairperson shall vote thereon. Except where otherwise specifically provided by these rules, Roberts Rules of Order, or by statute, a majority vote of the members shall govern. A Legislator may abstain from voting, because of a direct interest in the question. The order of voting shall be alphabetical.

17.2 The Chairperson shall have the right to vote on all questions. When the Board is equally divided, including the Chairperson's vote, the question shall be deemed to be lost.

17.3 Six votes shall be required for the adoption of any question, unless a greater majority is required by law or rules stated herein.

17.4 The Chairperson may divide a resolution in debate which contains several distinct propositions, at the request of any member, to the end that a vote may be taken on each proposition.

RULE 18. STANDING COMMITTEES

18.1 The Chairperson shall appoint the members and Chairpersons of all standing, special and ad hoc committees. All standing committees shall be appointed for the current year, but shall hold over from the previous year until new committees have been appointed by the Chairperson, but no person shall continue to serve after he/she has ceased to be a member of the Legislature. In order to conduct official business, a quorum, consisting of the majority of the committee, shall be required. The Chairperson shall fill vacancies in the memberships and Chairpersonships of standing and special committees as they occur.

18.2 Any action taken by a committee shall require a majority vote, and the majority vote must constitute more than one half (1/2) of the members of the committee.

RULE 19. SPECIAL COMMITTEES

19.1 Special committees may be authorized at any meeting of the Legislature. They shall be appointed by the Chairperson. Any resolution creating any special committee shall specify the powers and duties of the committee and the number of its members.

RULE 20. REFERRAL TO COMMITTEES

20.1 All petitions, communications, budget adjustments, reports, resolutions, motions, etc., requiring action of a committee, shall be referred by the Chairperson, without motion, to the appropriate committee, unless otherwise ordered by the Legislature.

RULE 21. DUTIES OF THE CHAIRPERSON

21.1 In addition to those prescribed heretofore, the Chairperson of the Legislature shall have the following powers and duties:

1. Preside over each duly constituted meeting of the Legislature.
2. To call a meeting of any standing or special committee of the Legislature at any time. Except in the absence of a quorum, he/she shall proceed in business in the manner prescribed by these rules.
3. To represent the county at all public hearings and conferences that he/she deems it necessary to attend.

4. The Chairperson of the Legislature shall be an ex-officio member of all standing and special committees and shall be notified of such meetings. The Chairperson, as such ex-officio member of all committees, shall not be counted in determining if a quorum is present and his/her vote shall not be counted on a motion to bring a resolution out of committee.
5. To execute all necessary documents within budgetary appropriations.

RULE 22. DUTIES OF THE DEPUTY CHAIRPERSON

22.1 The Deputy Chairperson shall have the following duties:

1. Shall preside over each duly-constituted meeting of the Legislature, in the absence of the Chairperson.
2. Shall have and exercise all the powers and duties of the Chairperson at any meeting over which he/she is called to preside.
3. Shall have the right to name any member to perform the duties of Deputy Chairperson, but the power of such substitute shall not extend beyond the current session without the consent of the Legislature.
4. Shall, in the absence of the Chairperson, execute and deliver in the name of the county all documents and contracts authorized by the County Legislature.
5. Shall exercise such other duties as may be determined by subsequent action of the County Legislature.

RULE 23. DUTIES OF THE CLERK OF THE LEGISLATURE

23.1 The Clerk of the Legislature shall keep a record of all acts and proceedings of the Legislature and be the custodian of the record vouchers and other papers required or authorized by law to be deposited in his/her office.

23.2 The Clerk of the Legislature shall prepare the tax rolls, except when otherwise directed by the County Legislature and perform such additional and related duties as may be prescribed by law.

RULE 24. DUTIES OF THE COUNTY ADMINISTRATOR

24.1 The County Administrator shall have those powers and duties set forth in Local Law Number 1 of 1985, which amended Local Law Number 1 of 1980, together with such other powers and duties as may be granted by Local Law or resolution of the County Legislature.

RULE 25. PROCEDURE FOR PUBLIC HEARINGS ON LOCAL LAWS

25.1 Public Hearings on local laws shall be held at 7:00 p.m. on the date of a regular or special meeting.

RULE 26. PROCEDURE FOR PUBLIC HEARING ON COUNTY BUDGET

26.1 The Public Hearing, required by law, of the Budget for the County of Clinton, shall be held no later than seven (7) days prior to December 20th of each year or that day set by County Law.

RULE 27. AMENDMENT OF RULES

27.1 These rules may be amended, and other rules added and adopted, by a majority (six) vote of the Legislature.

(Rules of Order for 2010 –ML)