

Tompkins County Legislature
February 2, 2010

Approved 2-16-10

Call to Order

Chair Robertson called the meeting to order at 5:30 p.m.

Pledge of Allegiance to the Flag and Roll Call of Members

Members and guests participated in the Pledge of Allegiance to the Flag.

Present: 15 Legislators (Legislator Shinagawa arrived at 5:37 p.m.).

Presentation of Proclamation

Ms. Robertson declared the month of February as Library Lovers Month in Tompkins County.

Privilege of the Floor by the Public

No one from the public wished to speak.

Report from a Municipal Official

No municipal official was present.

Privilege of the Floor by Legislators

Mr. Proto, District No. 7 Legislator, said he sent a letter to all school and public libraries recommending they provide comments to the Federal Communications Commission to be included in the next Broadband Report to Congress. He noted libraries presently receive funding for computer services through the Universal Service Fund.

Mr. Shinagawa arrived at this time.

Ms. Chock, District No. 3 Legislator, provided a brief report on the January 25th Lobbying Day in Albany. She spoke of the number of individuals present to discuss the topic of gas drilling and meetings with a variety of Senatorial staff. She said Ms. Robertson's speech provided encouragement to those attending. In addition to meeting with Senatorial staff, the local contingent also met with representatives of the Governor. She said that although some other counties did not express concern about their watersheds, New York City has several bills relating to the issue. Ms. Chock said if anyone has input regarding the gas drilling issue to let her or Ms. Robertson know as they hope to make another trip to Albany.

Mr. Dennis, District No. 15 Legislator, congratulated Cornell University's basketball team who ranked 25th in the nation for the first time since the 1950's. He congratulated the team and in particular team member Jeff Foote, who attended Spencer-VanEtten schools. Mr. Dennis announced the passing of Tony Petrillose, who operated a barber shop in the Collegetown area for 60 years. He expressed sympathy to the family and noted the community will miss him.

Mr. Burbank, District No. 12 Legislator, expressed gratitude to Mr. Proto for organizing a meeting with Senator Seward and encouraged more meetings with State Legislators. He attended the February 1st Community Forum on racism, tolerance, collaboration, and commitment at the Holiday Inn; many important things were said and he acknowledged Cameron Younger for expressing views of youth.

Mr. Lane, District No. 14 Legislator, was pleased to hear Governor Paterson speak about the Marcellus Shale issue and that over 13,000 pieces of correspondence were received. He said with new

committees and conversations about budgets being discussed, attention should be paid to what the State is doing. He appreciates the work County Administration and New York State Association of Counties (NYSAC) are undertaking regarding budgets and said the County should do what is necessary and contact State representatives about concerns.

Ms. Kiefer, District No. 10 Legislator, expressed her disappointment that the Governor's budget zeroes out the Integrated Pest Management (IPM) program. She said it has helped farmers in many ways by indicating what the weather would be and what sprays they could do without. Not only has the program saved chemical use and money, but has made food supplies healthier.

Mr. Proto said the Water Resources Council has prepared another letter to the Governor expanding on some areas of concern regarding gas drilling; he will provide Legislators with copies. He also congratulated Tompkins Cortland Community College for its first place standing in basketball.

Ms. Herrera, District No. 5 Legislator, announced that Senator Harry Reid has brought forward three nominations for the National Labor Relations Board. This board has five positions and has been functioning poorly with only two. She said there is presently testimony in front of Congress from top United States military officials about efforts to end the "Don't Ask, Don't Tell" rule for the military. This rule has caused a great deal of problems and has prevented many qualified and interested people from serving.

Ms. Pryor, District No. 6 Legislator, spoke of the "Don't Ask, Don't Tell" rule, noting it has cost millions of dollars to keep in place. She said highly trained soldiers were discharged due to this rule. Ms. Pryor spoke of the continued dire situation in Haiti, noting a family in Lansing as well as others in the county have relatives there. She said over \$7,000 has been raised by Lansing organizations to assist the country.

Mrs. McBean-Clairborne, District No. 2 Legislator, announced February 1st marks the beginning of Black History Month. In recognition, The History Center is displaying a quilt in the Legislative Chambers representative of African Americans in New York State. The quilt, featuring Sojourner Truth, Harriet Tubman, George Crum, Jermain Loguen, and Mabel Webb VanDyke, was donated by Patty Davis, Lillian Love, Cynthia Schnedeker, and Georgette Sinkler. Mrs. McBean-Clairborne also announced The History Center will hold a screening of a local documentary called "Passing It On: the Southside Story" on February 25th at 5:30 p.m. The film was made with significant African American leaders in the City of Ithaca and Tompkins County and includes interviews with Francis Eastman, Dianne Sams, Dorothy Rawlings, and Anita Reed. Mrs. McBean-Clairborne echoed the sentiments of other members attending the Community Dialogue and said a great deal came out of the program. She spoke about the concern that the Fresh Fruit Program at the Greater Ithaca Activities Center may be eliminated due to lack of funding. She would like the program to be maintained as it provides fresh fruits and vegetables to youth.

Mr. Shinagawa, District No. 4 Legislator, said that in addition to the IPM program being eliminated in the Governor's budget, the Summer Jobs Program is also proposed for elimination. He encourages the County to make efforts to maintain this program. With regard to the Community Forum he extended congratulations and noted it was a very diverse crowd with a great deal of positive energy.

Mr. Stein, District No. 11 Legislator, said he also attended the event with over 350 in attendance. With regard to diversity and inclusion within the military, he spoke of the armed forces having been totally segregated in 1946 with people of color only assigned specific jobs. President Harry Truman said it was not fair and decreed there would be no segregation in the armed services. Mr. Stein believes it was the most important civil rights step to that point.

Sales Tax Agreement Presentation

Mr. Squires, Finance Director, provided a Powerpoint presentation outlining the history and distribution of sales tax agreements within the county. The report outlined New York State's requirement that tax be shared in a uniform manner. Prior to 1991 the County sales tax rate was 3 percent and was shared with 1.5 percent City Tax within the City; 1.5 percent County Tax within the City, and 3 percent County Tax outside of the city, which was shared equally with municipalities based on population.

In 1991 due to the economic downturn the County sought an additional 1 percent sales tax. This request required municipal support in order to receive approval from New York State. To obtain the support, the City and County negotiated an agreement for support of services that had been funded by the City that were used by non-city residents as well. This municipal agreement is separate from the Sales Tax Sharing requirement used for the 3 percent sales tax. Since the agreement started in 1992, sales tax revenues within the City of Ithaca have increased from \$885,000 in the first year to \$1,615,910 in 2009. The Municipal Sales Tax Agreement supports a variety of agencies and services such as: Tompkins Consolidated Area Transit, 911 Dispatch, Human Service Agencies, Youth Services/Youth Bureau, Mental Health/Recreation Mainstream. The City's portion goes to Southside Community Center and Tompkins County Public Library, with the City retaining a portion.

Ms. Herrera noted the distribution of sales tax being based on population should be an incentive to have municipalities stress the importance of being counted in the upcoming census.

Mr. Lane said if the County had not come to agreement with the City it could have pre-empted or opposed the additional tax. He spoke of efforts by New York State Association of Counties to request the State not require a two-year sunset on sales tax revenue.

In response to Ms. Chock, Mr. Squires said the language of the municipal agreement presumes it does not sunset. It is modified from time-to-time based on circumstances. Mr. Squires said the County's agreement is not uncommon and is similar to those used in other counties. If there were no cities within a County, the County retains all the additional sales tax. In some counties, cities may opt not to keep a portion as it is more beneficial to allow the County to retain the sales tax.

In response to Mr. Stein's question on renegotiation, Mr. Squires said the initial \$885,000 was indexed to activity reported within the city from the new tax. The amount fluctuates and, if necessary, is adjusted in the following year. Some counties experience renegotiations every two years but our County has not; the only decline experienced was in 2009.

Ms. Mackesey said the agreement has leveled out the manner in which the agencies were supported and is beneficial.

Mr. Proto said the agreement has worked well. He noted some municipalities prefer to take their share as a credit to the tax levy.

Ms Herrera said the County votes on a regular basis to extend the sales tax. Some Legislators, like herself, have voted against extension due to concerns that the sales tax is a regressive tax disproportionately affecting the poor. Recent experience shows that government reliance on the sales tax for revenue has proven to be perilous. She noted that Legislators have voted to continue with the sales tax because the City of Ithaca would not have enough time and notice to adjust their budgeting.

Mrs. McBean-Clairborne spoke of sales tax exemptions having been considered and that it may be a good topic to discuss in the new budget season.

Mr. Burbank said sales tax is an important question of what would be best to do without creating a more regressive tax structure.

Report from the Chair

Ms. Robertson said the Economic Development Collaborative meeting was last week and updates were provided indicating Borg Warner has begun to hire back individuals laid off, with 50 new jobs in the next three weeks. In addition there are other business expansions taking place with activities occurring in housing. She is hoping the Planning Department will put together a compilation of how many new permits are being issued for housing. She announced that Tompkins Cortland Community College is having a Bio-Career Connection, a chance for job-seekers and bio-science related companies to connect.

Ms. Robertson also expressed appreciation to Mr. Proto for setting up the meeting with Senator Seward regarding gas drilling and budget issues.

Ms. Robertson spoke of the upcoming New York State Association of Counties Legislative Conference in Albany next week. Mr. Stein and Ms. Pryor will be attending the Pelletier County Government orientation for newly elected legislators, and other members of the Legislature will be attending various meetings at the conference. She announced Mr. Marx, Commissioner of Planning and Public Works, will be presenting on the issue of gas drilling, with Tom Santulli moderating the session.

Chair's Appointment(s)

Ms. Robertson appointed Mr. Dennis, Ms. Fitzpatrick, and Mr. Mareane to the Special Negotiating Committee.

Ms. Robertson said she had had questions regarding liaison roles and board appointments; these will be going through committees this next week.

Report from the County Administrator

Mr. Mareane reported the Health Benefits Consortium met last Thursday to consider amendments to the agreement that would provide for requests from the State Insurance Department regarding union interests. There will be a labor-management advisory committee, comprised of all union membership and municipalities that will review any proposed changes. The Chair of the advisory committee will be a union representative and the Vice Chair a municipal representative. The Consortium supported the amendments. The New York State Insurance Department has asked for feedback from the unions, and Ms. Fitzpatrick, Personnel Commissioner, is coordinating meetings with all member-municipalities' unions to obtain their approval, which would then be forwarded to the State Insurance Department. Once forwarded it would also come back to the Legislature and other participants for approval. It is hoped this work would be completed by early March or April. With regard to the weighted voting, at the present time the City and County have half the votes. A concern was expressed that the addition of the union vote might dilute the smaller municipalities. To address the concern it was determined to include the union vote in the County's share, preserving voting requirements in the original agreement.

In response to Mr. Proto asking whether any municipality is hesitant to continue, Mr. Mareane said the Consortium has held together and confirmed an interest in continuing.

Ms. Robertson acknowledged the work Mr. Mareane and Mr. Barber have done for the Consortium. She said the cost of insurance coverage for the old plan versus the consortium rates is \$20,000 more per month.

Mr. Mareane reported he had a meeting yesterday with Judge Mulvey, Ms. Robertson, and Mr. LeMaro, Facilities Director, about a facilities study of the Courthouse to determine the space needs of State Courts. A consultant should be in place by March 1st, with the study taking approximately three months. He said the State has been patient and will allow time for planning in the event any departments needs to be moved.

Report from the County Attorney

Mr. Wood reported on the Average Wholesale Price litigation the County had joined regarding fraudulently overstated pricing for drugs billed to Medicare that caused the County and Medicare program to be charged more. There have been some funds reimbursed and a decision from a judge on a partial summary judgment that stated the 13 defendants fraudulently misstated the values of the drugs billed. Although positive it does not deal with the issue of liability to counties.

Report from the Finance Director

Mr. Squires reported he has sent out approximately 800 letters to property owners who are delinquent on school taxes. He said many people want to pay the taxes but do not know what is owed when the School turns over collection to the county. When turned over to the County there is a five percent return fee added to the amount plus the interest for unpaid months. other districts re-levy, but the Ithaca City School District does not send out reminders so these delinquency letters often bring attention to the need to pay the taxes.

Mr. Lane spoke of having difficulties during the closing of sales due to the fragmented system. Often he has to hold the funds to pay the taxes until the amount is known.

Withdrawal of Resolution(s) from the Agenda

Ms. Robertson granted Ms. Mackesey permission to withdraw the following resolution(s) from the agenda:

- Supporting Revised Agreement Between AES Cayuga and the Tompkins County Industrial Development Agency (ID# 1738)

Ms. Pryor, who represents the Town of Lansing, explained many of her constituents contacted her expressing concern about the agreement and its impact on property taxes. She would like to have their questions answered prior to moving ahead with the resolution.

Resolution(s) Added to the Agenda

There were no resolutions added to the agenda.

Resolutions Approved Under the Consent Agenda

There were no resolutions presented under the Consent Agenda.

Appointments Approved Under the Consent Agenda

It was MOVED by Mr. Burbank, seconded by Mr. Proto, and unanimously adopted by voice vote, to approve the following appointments under the Consent Agenda:

Fire, Disaster, and EMS Advisory Board

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Larry Lanning – Town of Enfield representative; term expires December 31, 2012 (Delegate)
Larry Stillwell – Town of Enfield representative; term expires December 31, 2012 (Alternate)

Advisory Board on Indigent Representation

Legislator – Peter Stein; term expires December 31, 2012
Legislator – Leslyn McBean-Clairborne; term expires December 31, 2012

STOP-DWI Advisory Board

Brian Robison - Public Safety Committee member; term expires December 31, 2012

Local Emergency Planning Committee

Nathan Shinagawa - Chair of the Public Safety Committee; no set term

Criminal Justice Advisory/Alternatives-to-Incarceration Board

Leslyn McBean-Clairborne - Chair of the Public Safety Committee (or designee); term expires December 31, 2012

Traffic Safety Committee

Peter Stein, Brian Robison; terms expire December 31, 2010
Nathan Shinagawa - term expires December 31, 2011
Leslyn McBean-Clairborne - term expires December 31, 2012

Emergency Communications Review and Oversight Committee

Martha Robertson – Public Safety Committee member; term expires December 31, 2011

Report from the Health and Human Services Committee

Mr. Proto, Chair, said the first meeting will be on February 10th. In addition to items from the Health Department, advisory board and liaison appointments will be reviewed. He said these appointments sometimes include people outside of the Committee and if any Legislator is interested in serving to let him know. He announced that Foodnet will have its annual outreach day on March 24th, when elected officials are invited to participate in deliveries of meals to clients.

Ms. Kiefer said she participated in the outreach function last year as a volunteer driver. She enjoyed and admired the individuals who work at the program and noted the food preparation is impressive. Mr. Burbank said he has friends who depend on the meals; the quality is excellent and the program is a very important one.

Report from the Facilities and Infrastructure Committee

Ms. Kiefer, Chair, said the Committee would meet February 5th at 9:30 a.m. For the first several meetings she will be having in-depth presentations for the areas the Committee is responsible for. At the next meeting the Highway Division will provide information on the County bridge program. She invited all interested Legislators to attend.

Report and Presentation of Resolution(s) from the Government Operations Committee

Mr. Lane, Chair, reported the first regular meeting will be on February 18th. A special meeting was held prior to the Legislature meeting to act on a resolution on the agenda. On the 18th the Committee will review goals and how to proceed with the various topics of operations within the County.

RESOLUTION NO. 15 - REFUND OF TAXES - TOWN OF ITHACA (62.-2-1.127)

MOVED by Mr. Lane, seconded by Mr. Proto, and unanimously adopted by voice vote.
RESOLUTION ADOPTED.

WHEREAS, the Legislature is informed that errors have been made in the 2007, 2008, and 2009 tax rolls of the Town of Ithaca, namely parcel 62.-2-1.127, assessed to Janivar Inc., was erroneously charged for special district charges for Sewer and Water District charges, now therefore be it

RESOLVED, on recommendation of the Government Operations Committee, That the Town of Ithaca Tax Collector is directed to correct the 2007 tax roll, the 2008 tax roll, and the 2009 tax roll,

RESOLVED, further, That the amount of \$3,190 for the year 2007, \$3,190 for the year 2008, and \$3,190 for the year 2009 be refunded to Janivar Inc.,

RESOLVED, further, That the amount of \$9,570 be charged back to the Town of Ithaca.

SEQR ACTION: TYPE II-20

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Report and Presentation of Resolution(s) from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, said the Committee will meet on February 3rd.

RESOLUTION NO. 16 - APPOINTMENTS TO INDUSTRIAL DEVELOPMENT AGENCY

MOVED by Ms. Mackesey, seconded by Ms. Pryor.

A voice vote on the resolution resulted as follows: Ayes – 14; Noes – 1 (Legislator McBean-Clairborne). RESOLUTION ADOPTED.

WHEREAS, Section 856 of the General Municipal Law authorized that the Tompkins County Legislature designate the members of Industrial Development Agency by resolution, now therefore be it

RESOLVED, on recommendation of the Planning, Development, and Environmental Quality Committee, That the following members be appointed to the Industrial Development Agency to serve at the pleasure of the Legislature, effective immediately:

Nathan Shinagawa - Member, Tompkins County Legislature (City representative)

Will Burbank - Member, Tompkins County Legislature (Rural representative)

Jim Dennis - Member, Tompkins County Legislature (Rural representative)

Martha Robertson - Member, Tompkins County Legislature (Rural representative)

RESOLVED, further, That the following appointments be reaffirmed:

Jeff Furman - At-large member

Dan Cogan - At-large member

Larry Baum - Tompkins County Area Development Board of Directors representative

RESOLVED, further, That Martha Robertson serve as the Chair of the Industrial Development Agency,

RESOLVED, further, That the Clerk of the Legislature is authorized and directed to file with the Secretary of State a Certificate of Appointment.

SEQR ACTION: TYPE II-20

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Report from the Planning, Development, and Environmental Quality Committee – Continued

Mrs. McBean-Clairborne announced public hearings for the downtown Ithaca 2020 strategic plan would take place on February 8th at 7:00 p.m. and February 10th at 8:30 a.m. in the Borg Warner Room of the Tompkins County Public Library.

Mr. Proto said he has questions in regard to the Tompkins County Area Development/Industrial Development Agency Corporation Local Development Corporation resolution. Ms. Mackesey said the resolution was withdrawn and will be discussed at the March committee meeting.

Mr. Burbank noted there would be a discussion about the Route 96 Corridor Study at the February Committee meeting. Mr. Proto said the study could impact many people and he would like to have a presentation to the full Legislature.

Ms. Chock said she would like to have clarification regarding appointments to various advisory boards and asked if there was a policy regarding having Legislators as voting members. Ms. Mackesey responded it is a topic to be reviewed by the Government Operations Committee.

Report from the 2010 Census Committee

Ms. Mackesey, Chair, said the Committee met February 1st. The Public Information Advisory Board provided a report on their work and a slogan, "Everyone Counts in Tompkins County: 2010 Census", was chosen. There will be a Census kickoff on March 1st at noon, and all municipalities are encouraged to hold events on April 1st the official Census Day. The Committee had asked for approximately 8-10 Questionnaire Assistance Centers to be staffed to provide assistance to individuals with questions about the form. However, the Committee was notified that only four locations were designated, none of which were the County's choices. A letter is being sent to the Census Bureau local office requesting the locations be amended to reflect areas more fitting. There are elected representatives in the Collegetown area focusing on informing residents of the importance of completing the form.

Report from the Budget and Capital Committee

Mr. Dennis, Chair, said the Committee met last week and discussed Mr. Mareane's three-year budget forecast documents. The Committee also had a discussion about what the Governor's budget could mean to the County and about the new budget document format, and heard a self-insurance and sales tax presentation. The next meeting will be on February 8th.

Report from the Public Safety Committee

Mr. Shinagawa, Chair, said the Committee met February 1st. Prior to that meeting he met with Department heads to have an understanding of their operations. He noted the Probation Department has supervision over 710 individuals with more than 200 being DWI related. The District Attorney spoke of focusing on DWI's and is coordinating with local law offices. She will be bringing eyewear that simulates drinking to the meeting to show what happens to vision while under the influence. The Committee also had a presentation on computer-aided dispatch and work with the sheriff's office, emergency response, and other law enforcement.

Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, said the Committee met January 27th and spent a good deal of time on the climate survey that will be provided to employees. In addition, the Committee discussed a cooperative effort with the Ithaca City School District, Cayuga Medical Center, and others to bring a series of workshops by David Billings to the county. The County has negotiated for 30 spots within the 3-day, six-hour, sessions. The Committee will have a resolution coming forward to provide \$2,500 for the training. Mrs. McBean-Clairborne said she would like to have this training made available to Legislators as well. She reported the collaborative work on civil service exam prep workshops is continuing. Ms. Reistetter, Project Assistant, has been very helpful on this effort. The next meeting will be on February 24th.

Mr. Proto asked who would be attending the series of workshops; Mrs. McBean-Clairborne said she hopes a variety of staff will attend the workshops.

Mr. Dennis asked how the Climate Survey will be distributed. Mrs. McBean-Clairborne said although the logistics are not completed, it would be conducted as a confidential survey. By the next meeting more information will be available.

Mrs. McBean-Clairborne encouraged new members to read the County Diversity Statement.

Department Visits

Ms. Younger spoke of having tours to various department for interested Legislators. She is developing a master schedule, which will then be provided to interested parties. Ms. Younger expressed a desire to have tours be a group of Legislators rather than a single individual.

Report and Presentation of Resolution(s) from the Legislative Rules and Procedures Committee

Ms. Kiefer, Chair, reported the Committee has completed its review of the Rules of the Legislature.

RESOLUTION NO 17 - AMENDING RULES V – XVI OF THE RULES OF THE LEGISLATURE

It was MOVED by Ms. Kiefer, seconded by Mr. Proto, to approve the following resolution.

Mrs. McBean-Clairborne asked why there was a specific reference to electronic devices in Rule V – Order and Decorum. Ms. Kiefer said the intent was to indicate full focus should be on the meeting; it is more noticeable to see how easily distracted people become by them. Mrs. McBean-Clairborne would prefer the amendment to indicate a request for focus and attention rather than the specification of electronic devices. Mr. Dennis said that although electronic devices are distracting, people find other ways to be distracted as well. He does not believe the amendment is necessary.

It was MOVED by Mr. Burbank, seconded by Mr. Dennis, to amend the seventh paragraph, substituting it with the following: “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.” Ms. Kiefer accepted the language as friendly with the exception of removing the references to cell phones.

Mr. Stein indicated he would rather not have “friendly amendments” accepted on resolutions. There are many items that could be distracting not mentioned within the document. He said people should use good sense and have phones on vibrate. With regard to computers he understands why people may want to look up related information but does not believe computers should be used for local news, sports, etc.

Ms. Mackesey does not feel there has been a problem that would require the language and, therefore, no need to include it.

Ms. Chock said she can understand why use of a laptop could be beneficial to individuals to write notes and look up information. She said perhaps the language could be omitted at this time and considered in the future.

Mr. Lane commended the Committee for addressing the issue and noted he has been distressed when people use electronic devices during meetings. He said each Legislator represents between 6,500 and 7,000 people; it is good to be courteous and do the people's business.

Mr. Dennis asked what the purpose of the paragraph referencing the Freedom of Information Act located immediately before the proposed amended paragraph was. Ms. Kiefer said it was included to encourage less use of personal communications during the meeting.

Ms. Pryor said she was surprised by the added language and noted decorum is expected of adults, particularly elected officials.

Mr. Stein said he would like the first paragraph relating to Freedom of Information Act to be eliminated but does not believe it is necessary to amend the second paragraph regarding electronic devices.

Mr. Robison expressed concern that if the paragraphs were included it would require a designated individual to be willing to enforce them.

Ms. Robertson explained the inclusion of the paragraphs was the result of concerns expressed on electronic devices used during Legislature and Committee meetings. It was appropriate to address the concerns but perhaps having the discussion has brought about sufficient awareness of them.

It was MOVED by Ms. Chock, seconded by Mr. Stein, to amend the previous amendment to read as follows: "Electronic devices should be silenced during meetings. If a Legislator must receive or make a cell phone call during a meeting, he/she is expected to briefly leave the meeting to do so. 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."

Ms. Herrera agreed with Mr. Burbank's original amendment and believes the entire paragraph should be eliminated.

Mrs. McBean-Clairborne said she does not believe the amendment is necessary.

Mr. Proto supports the amendment and strongly voiced a concern that outside business or interests not be conducted during Legislature or standing committee meetings.

A voice vote on the amendment to the amendment resulted as follows: Ayes – 8 (Legislators Chock, Kiefer, Lane, McKenna, Proto, Robertson, Shinagawa, and Stein); Noes – 7 (Legislators Burbank, Dennis, Herrera, Mackesey, McBean-Clairborne, Pryor, and Robison). MOTION TO AMEND CARRIED.

A voice vote on the amendment as amended resulted as follows: Ayes – 8 (Legislators Chock, Kiefer, Lane, McKenna, Proto, Robertson, Shinagawa, and Stein); Noes – 7 (Legislators Burbank, Dennis, Herrera, Mackesey, McBean-Clairborne, Pryor, and Robison). MOTION CARRIED.

It was MOVED by Mr. Stein, seconded by Mr. Dennis, to amend Rule V – Order and Decorum, to remove the paragraph that reads: “Legislators should be aware that any electronic or handwritten communications sent during a Legislature or Committee meeting are subject to the Freedom of Information Law.” A voice vote on the motion resulted as follows: Ayes – 9; Noes – 6 (Legislators Burbank, Chock, Kiefer, Lane, Proto, and Robertson). MOTION CARRIED.

In response to a question by Mrs. McBean-Clairborne regarding clarification of program committees versus Legislative committees, language to specify “program or Legislative” committees in Rule XIII was added.

It was clarified that the purpose of the language in Rule XIII regarding temporary members was to show that the temporary appointment of a Committee member was only until enough permanent members were present to have quorum.

It was MOVED by Ms. Herrera, seconded by Mr. Dennis, to remove the language in Rule VII – Rules of Voting (2), “Members are expected to remain in the room when a vote is to be taken.” Ms. Herrera said there are times it is necessary for individuals to step outside of the room.

Mr. Proto said the language does not say a member must stay in the room, rather that they are expected to participate in a vote.

In response to Mr. Stein’s question, Ms. Kiefer said the Committee had a discussion about how a member could leave the room if it was desired not to have a vote recorded; the language was added to indicate that is not the expected behavior. Mr. Stein said he is surprised an individual member could not abstain, which is possible at the Ithaca Town Board meeting; if it was allowed it would not be necessary to add the language.

A voice vote on the motion to amend resulted as follows: Ayes – 10; Noes – 5 (Legislators Kiefer, Lane, McKenna, Proto, and Pryor). MOTION CARRIED.

It was MOVED by Mr. Proto, seconded by Mr. Burbank, and unanimously adopted by voice vote, to call the question. QUESTION CALLED.

A voice vote on the resolution resulted as follows: Ayes – 11; Noes – 4 (Legislators Dennis Mackesey, McBean-Clairborne, and Pryor). RESOLUTION ADOPTED.

WHEREAS, the Legislative Rules and Procedures Committee (Rules Committee) was created in January 2009, and charged to review the Rules of the Legislature to update County Policies and Procedures as well as Legislator accountability, and

WHEREAS, for efficiency’s sake the Rules Committee has decided to forward for action single or small groups of Rules as it completes its review of them, and

WHEREAS, amendments to Rules V - XVI are being recommended to reflect more clearly procedures and current practices, now therefore be it

RESOLVED, on recommendation of the Legislative Rules and Procedures Committee, That Rules V - XVI are hereby amended to reflect the following changes:

RULE V - ORDER AND DECORUM

The Chair shall preserve order and decorum and shall decide all questions of order, subject to an appeal from the Legislature.

If an appeal is taken from a decision of the Chair, 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 and voting are 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.

While the Chair or the Clerk is taking a vote, or 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.

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

Electronic devices should be silenced during meetings. If a Legislator must receive or make a cell phone call during a meeting, he/she is expected to briefly leave the meeting to do so. 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.

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 questions has been ordered.

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

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 shall govern. When the Legislature shall be equally divided on any question, including the Chair's vote, the question shall be deemed lost.

(2) Every member present when a vote is taken upon any question shall vote unless excused by unanimous consent of all members present, or unless that member has a direct interest in the result of the vote.

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

(4) Any member requesting to be excused from voting may make, when that member's name is called or immediately after the roll is called and before the result is announced by the Clerk, a brief statement of the reasons for making such a request. Such statement shall be limited to five (5) minutes in time and the Legislature, without debate, shall decide in the affirmative or negative upon said request. But nothing in this rule shall abridge the right of any member to record that member's vote on any question before the result is announced by the Chair.

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

(6) Any member shall have the right to have that member's vote recorded and entered in the minutes on request, without explanation, and without requiring the ayes and nays to be called.

(7) 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.

(8) Roll-call voting shall be rotated at each 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. If no member requests their vote to be recorded in opposition, the roll call shall be deemed to be properly taken and recorded.

(9) Paragraphs (1) through (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 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 one has been elected to, or expelled from, membership or office, and the person is present or 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.

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.

RULE XI - COMMITTEE OF THE WHOLE

The Legislature may, at the time when in session, resolve itself into a committee of the whole upon the majority vote of all members present. The Chair may appoint a member of the Legislature to preside as Chair of this committee or the Chair of the Legislature may act as its Chair.

The Rules of the Tompkins County Legislature shall be observed by this committee insofar as they are applicable.

RULE XII - 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 XIII - 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 from the date of the organization meeting in January, assign the areas of responsibility of the standing committees, and file a list of the same with the Clerk.

It shall be the duty of the Clerk to have such list printed and to deliver a copy of 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 members of all standing 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 and that temporary member only serves 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.

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.

Committees may be created at any meeting by the Chair of the Legislature, subject to approval by a majority vote of the whole Legislature. The composition of such committees shall be at the discretion of the Chair. The Chair of the Legislature shall serve as an ex-officio, non-voting member of all Legislative committees.

Written reports or minutes of standing and special committee meetings shall be filed with the Clerk of the Legislature within a week of the date of the meeting. All formal reports of special committees shall be submitted in writing and filed with the Clerk of the Legislature.

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 five (5) 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.

Member-Filed Resolutions

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

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

If a simple majority vote is not reached, action on the filed resolution will be put on the following 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 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 resolution are not filed according to the above recommendation, it will take a simple majority vote of the listed committee to add the item to the agenda for action.

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

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

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.

Written Reports

It is strongly recommended that written reports from staff be sent out with the committee agenda so that committee members may read and review the content prior to the committee meeting.

All action taken by Committees of the Legislature shall be reported to the Clerk of the Legislature in writing with the numerical vote and relevant Committee members names if not unanimous and shall be included in resolution form with the next agenda of the Legislature as an information item. When said resolution does not include a clear explanation of the nature of and reason for action being taken in the resolution, a separate summary explanation shall be included. Any member of the Legislature, as individual action, is hereby authorized, notwithstanding the provisions of Rule IV (13b), to place any such resolution on the agenda of the Legislature for action at that meeting.

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. 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.

RULE XIV - 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 XV - 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 Chair 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, and any other information the Legislator feels would be helpful. Such request, if approved, will be kept on file in the office of the Clerk of the Legislature. The Legislature must be informed of such travel in advance, time permitting, and a report by the traveling Legislator will be made to the full Legislative body upon his/her return.

RULE XVI - 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, official telephone calls, 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.

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Approval of Minutes

It was MOVED by Mr. Proto, seconded by Mr. Robison, and unanimously adopted by voice vote, to approve the minutes of January 19, 2010, as submitted. MINUTES APPROVED.

Adjournment

The meeting adjourned at 8:53 p.m.

Respectfully submitted by Karen Fuller, Deputy Clerk