

Public Hearing – Proposed Local Law No. 1 of 2009 – Amending Section 110-2 and Section 110-7 of the County Code to Increase the Surcharge on Local Telephone Exchange Access Lines in the County from Thirty-Five (\$.35) Cents to One Dollar (\$1.00)

Chair Koplinka-Loehr called the public hearing to order at 5:33 p.m. concerning proposed Local Law No. 1 of 2009 – Amending Section 110-2 and Section 110-7 of the County Code to Increase the Surcharge on Local Telephone Exchange Access Lines in the County from Thirty-Five (\$.35) Cents to One Dollar (\$1.00), and asked if anyone wished to speak. No one wished to speak and the public hearing was closed at 5:34 p.m.

Public Hearing – 2010 New York State Department of Housing and Community Renewal Community Development Block Grant Program focusing on County needs and priorities and possible community development projects.

Chair Koplinka-Loehr called the public hearing to order at 5:34 p.m. concerning the 2010 New York State Department of Housing and Community Renewal Community Development Block Grant Program focusing on County needs and priorities and possible community development projects, and asked if anyone wished to speak.

Ms. Leccese provided a brief overview of the Federally-funded program through the office of Housing and Community Renewal. The program has \$50 million in funding available, of which the County may apply for up to \$750,000 for local projects dealing with housing, public infrastructure, or public facilities. Eligible activities include: rehabilitation, reconstruction, and construction of buildings, including housing; economic development; public facilities and improvements; homeownership assistance; new housing construction; and microenterprise assistance. This hearing provides the opportunity to discuss general housing, public facilities, and economic development needs in the county.

No one else wished to speak and the public hearing was closed at 5:35 p.m.

Call to Order

Mr. Koplinka-Loehr, Chair, called the meeting to order at 5:35 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: 13 present (Legislator Shinagawa arrived at 6:05 p.m.). Excused: 2 (Legislators Herrera and Randall).

Privilege of the Floor by the Public

Bill Chase, Editor of the *Ithaca Times*, presented Mr. Proto with a certificate for his recognition as the Most Effective County Legislature in their recent community write-in contest. Mr. Proto thanked Mr. Chase for the honor.

Privilege of the Floor by Legislators

Mr. Dennis, District No. 15 Legislator, announced the Family Reading Partnership's "Put a Poem in Your Pocket" event will be held on November 14th at Boynton Junior High School. The program has been very well received.

Mr. Proto, District No. 7 Legislator, said with the election over, he looks forward to working with new Legislators. He reported New York State Electric and Gas Corporation's (NYSEG) claim release forms for equipment that fails are very complicated and if received, individuals should read them carefully and be cautious of what you sign. Mr. Proto said he would like to discuss NYSEG's proposed rate increase at the Government Performance and Workplace Relations Committee. He noted the original agreement with the Public Service Commission at the time NYSEG was purchased by Iberdrola stated there would not be an increase until there was a report on the adequacy of staffing which has not yet occurred. Mr. Proto announced that the Veteran's Day Parade would be held on Sunday, November 8th, with the Memorial Service taking place on Wednesday, November 11th at 11:00 a.m. in DeWitt Park.

Ms. Robertson, District No. 13 Legislator, congratulated all candidates in the election for bringing about awareness of the process. She said there were 30-35 new election inspectors during the election, working from before 6:00 a.m. until after 9:00 p.m.; some inspectors have done this work for 20-30 years. Ms. Robertson announced the New York State Department of Environmental Conservation has extended the public comment period regarding gas drilling in Marcellus Shale through December 31st. She reported the Tompkins County Council of Governments (TCCOG) has passed a motion requesting an extension until January 30th. As a result of the interest in gas-drilling, TCCOG will be holding two public meetings, the first on November 5th at the Unitarian Church to provide an overview of the draft Generic Environmental Impact Statement (dGEIS), and the second on November 19th at the State Theatre. She encouraged the public to provide written or verbal comments regarding any concerns they may have.

Report from Municipal Official(s)

No municipal official was present.

Chair's Report and Appointments

Mr. Koplinka-Loehr had no report or appointments.

Report from the County Administrator

Mr. Mareane said he would be requesting an executive session at the end of the November 17th Legislature meeting to discuss the expiration of union contracts.

Report from the County Attorney

Mr. Wood had no report.

Report from the Finance Director

Mr. Squires had no report.

Addition to and Withdrawal of Resolutions from the Agenda

There were no additions to or withdrawal of resolutions from the agenda.

Approval of Resolutions and Appointment(s) Under the Consent Agenda

There were no resolutions or appointments under the Consent Agenda.

Report and Presentation of Resolution(s) from the Facilities and Infrastructure Committee

Mrs. McBean-Clairborne, Chair, said the Committee has not met since the last Legislature meeting.

RESOLUTION NO. 184 - ESTABLISHING A UNIT CHARGE FOR THE 2010 SOLID WASTE ANNUAL FEE

MOVED by Mrs. McBean-Clairborne, seconded by Ms. Kiefer. Mrs. McBean-Clairborne said the fee is \$56, a \$2 increase from 2009.

A voice vote on the resolution resulted as follows: Ayes – 10; Noes – 2 (Legislators Proto and Stevenson); Excused – 3 (Legislators Herrera, Randall, and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, the unit charge for the 2010 Solid Waste Annual Fee has been recommended by the Facilities and Infrastructure Committee, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure and the Budget, Capital, and Finance Committees, That the Unit Charge for the 2010 Solid Waste Annual Fee be established at \$56.00 per billing unit, which is \$2 more per unit than the 2009 Solid Waste Annual Fee.

ATTACHMENT A: SCHEDULE OF RATES

	<u>PROPERTY CLASS</u>	<u>'USED AS' CODE</u>
(A)		
Single-family residences	210,240,241,242,250,280	
Mobile Homes	270,271,416	
Churches		Z32
Unit Charge:	One billing unit per Church or living unit	
(B)		
Two-family residences and other residences with two living units	All 220's	
Unit Charges:	Two billing units, except if verified as owner occupied and used as a single unit, the charge is one billing unit.	
(C)		
Multi-unit residences		
3 or more units	230's	
Apartments		A01 - A07
Rooming houses:	418	
	2.5 beds = 1 billing unit	
Unit Charges:	One billing unit per living unit	
(D)		
Colleges	All tax-exempt parcels owned by the colleges	
Unit Charges:	Tompkins Cortland Community College	\$ 10,454.75
	Cornell University	\$189,072.10

Ithaca College	\$ 36,139.97
BOCES	\$ 31,166.86
Total Colleges:	\$266,833.68

(E) Recreation and Warehouse (except row storage)	All K's, Z01-Z11, Z19-Z26, F01- F04, F06, F07, F08
Unit Charges: \$0.0208/sq.ft.	

(F) Wholly Exempt Homes for the Aged	633
Wholly Exempt Other HealthCare Facilities	642
Unit Charges: \$0.0208/sq.ft.	

(G) All other	All property classes and 'used as' codes not listed elsewhere in a specific category
Unit Charges: \$0.0415/sq.ft.	

PROPERTY CLASS USED AS' CODE

(H) Seasonal Residences	260
Property must be classified as a seasonal residence by the Tompkins County Assessment Dept.	
Unit Charge:	One-half (1/2) billing unit per living unit.

(I) No fee assessed:	
Row storage	F05
Small Churches (under 20 weekly attendance)	
Non-contributive area	Z98
Local government - all tax-exempt parcels owned by the city, towns, villages, and county within Tompkins County.	

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Report and Presentation of Resolution(s) from the Government Performance and Workforce Relations Committee

Ms. Kiefer, Vice Chair, reported the Committee met prior to the Legislature meeting to act on the following resolution.

RESOLUTION NO. 185 - MEMORIALIZING NEW YORK STATE TO AUTHORIZE TOMPKINS COUNTY TO IMPOSE A \$0.25 PER \$100 MORTGAGE RECORDING TAX ON OBLIGATIONS SECURED BY A MORTGAGE ON REAL PROPERTY

MOVED by Ms. Kiefer, seconded by Mr. Dennis.

Mr. Proto asked if there would be a commensurate decrease in the real property transfer tax if this resolution passes; he was told there would not be. Mr. Proto referenced an e-mail Legislators received from realtor Edie Spaulding that addressed the high cost of living in New York State, noting a reason residents move elsewhere is due to high property taxes. Mr. Proto commends Mr. Mareane's efforts to fund services through other methods than real property taxes, but he would rather see a different method than raising fees. Mr. Proto will not support the resolution without the commensurate decrease of transfer tax.

Mr. Mareane explained the increased fee is a recurring revenue, which is a more balanced approach to the budget shortfall. If the funds had to be raised through the tax levy it would require an additional 2.7 percent increase. He further noted that raising the fee to \$1 would not disadvantage the county; 45 other counties have a mortgage recording tax of one percent or above and of those, 23 are implemented for county purposes. The New York State Association of Counties has indicated that five other counties are considering the same action.

Mr. Hattery asked if a sunset clause could be included within the resolution. Mr. Mareane said the Legislature has the option to terminate the fee whenever it desires. He suggested a sunset clause not be included at this time and let that determination be a local decision. Mr. Hattery believes it is an additional pressure put on those buying or wanting to remortgage homes. Although he understands the reason not to include a sunset clause he is concerned that it may not be eliminated in the future.

Ms. Robertson supports the resolution and said it is not easy but it is important to diversify the revenue stream and not fill budget gaps with one-time funding. She recognizes that if the increase is not approved, it would require an increase in property tax or, as an alternative, could require the elimination of approximately 18-20 staff members to bring the budget into balance.

A voice vote on the resolution resulted as follows: Ayes – 11; Noes – 1 (Legislator Proto); Excused – 3 (Legislators Herrera, Randall, and Shinagawa). RESOLUTION ADOPTED.

WHEREAS, Tompkins County is mandated by New York State to provide certain significant human service programs that have consistently risen in cost and are particularly affected by an economic downturn, thus requiring an increasing share of decreasing resources, and

WHEREAS, beyond programs that are mandated by the State, Tompkins County seeks to provide a sustainable array of quality services that are essential to its residents and businesses and to the community's economic and social well-being, and

WHEREAS, in order to support the rising cost of mandated and other essential programs and to provide a more stable, sustainable revenue base, Tompkins County seeks to diversify the revenues it relies upon to provide services to County residents and businesses to avoid adding to an already high burden of the local property tax or relying too heavily on volatile sales tax receipts, and

WHEREAS, the Mortgage Recording Tax is an excise tax paid by the borrower upon the recording of a mortgage on real estate, and

WHEREAS, the mortgage recording tax rate in Tompkins County is currently \$0.75 per \$100, with the proceeds from the first \$0.50 per \$100 rate paid by law to the municipality within which the property is located and the proceeds from the additional \$0.25 per \$100 rate paid by law to the State of New York Mortgage Agency (SONYMA), and

WHEREAS, upon specific legislative authorization by the State, counties may levy an additional "Local Tax" rate, which is customarily \$0.25 per \$100, to retain for general county purposes, and

WHEREAS, twenty-three counties within New York State and the City of New York have implemented the additional Local Tax rate for general county purposes, and

WHEREAS, an increase of \$0.25 per \$100 of mortgage would generate approximately \$900,000 to \$1,000,000 per year if enacted in Tompkins County, and

WHEREAS, the County would have to raise property taxes by up to 2.7% to generate an equivalent amount of annual revenue, and

WHEREAS, the County finds that the generation of revenue through a \$0.25 per \$100 increase in the Mortgage Recording Tax rate will result in a diversification of the County's revenues, relief to local property taxpayers, and a sustainable source of revenue for essential programs, now therefore be it

RESOLVED, on recommendation of the Government Performance and Workforce Relations and the Budget, Finance, and Capital Committees, That the Tompkins County Legislature hereby requests the New York State Legislature to amend the Tax Law, in relation to authorizing the County of Tompkins to impose a county recording tax in the amount of \$0.25 per \$100 of mortgage value on obligations secured by a mortgage on real property.

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RESOLUTION NO. 186 – APPROVING REVISIONS TO AND ABOLISHING POLICIES AND PROCEDURES OF THE TOMPKINS COUNTY ADMINISTRATIVE MANUAL

MOVED by Ms. Kiefer, seconded by Mrs. McBean-Clairborne. Ms. Chock requested that future resolutions regarding policy revisions or abolition have the changes highlighted and the review summary attached.

In response to Mr. Proto, it was noted the abolition of Policy 01-20 was due to the policy content being included within four other policies and therefore, retaining it would be redundant.

A voice vote on the resolution resulted as follows: Ayes – 12; Noes – 0; Excused – 3 (Legislators Herrera, Randall, and Shinagawa).

WHEREAS, a 2007 goal of the Government Performance and Workforce Relations Committee (formerly Government Operations) charged County Administration with developing a plan for routine review of and/or updates to the County Administrative Manual and to have the Manual updated fifty percent by the end of 2009, and

WHEREAS, as part of that process, the following administrative policies and procedures have been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

Policy 01-20: Meetings Outside Normally Scheduled Working Hours

Policy 06-08: Capital Project Development and Management

, and

WHEREAS, these policies have also been reviewed and recommended by the appropriate Standing Committee(s) and the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure, and the Government Performance and Workforce Relations Committees, That revised Administrative Policy 06-08: Capital Project Development and Management, is hereby adopted,

RESOLVED, further, That Administrative Policy 01-20: Meetings Outside Normally Scheduled Working Hours is hereby abolished.

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Mr. Shinagawa arrived at this time.

RESOLUTION NO. 187 – ADOPTION OF REVISED OF POLICY 06-09, FACILITIES MANAGEMENT AND WORKPLACE ENVIRONMENT

MOVED by Mr. Hattery, seconded by Mr. Dennis. Ms. Kiefer does not support the resolution due to the specified summer temperature range for buildings. She does not believe it is consistent with our support of best practice as noted in the Energy and Greenhouse Gas Emission portion of our Comprehensive Plan. Ms. Kiefer spoke of New York State Electric and Gas Corporation having provided an insert indicating air conditioner temperatures should be set no lower than 78 degrees and believes the County should do the same. Mr. Hattery expressed support for the guideline and information provided by Mr. LeMaro, Facilities Director, at the Committee meeting regarding the temperature range.

A voice vote on the resolution resulted as follows: Ayes – 12; Noes – 1 (Legislator Kiefer); Excused – 2 (Legislators Herrera and Randall). RESOLUTION ADOPTED.

WHEREAS, a 2007 goal of the Government Performance and Workforce Relations Committee (formerly Government Operations) charged County Administration with developing a plan for routine review of and/or updates to the County Administrative Manual and to have the Manual updated by fifty percent by the end of 2009, and

WHEREAS, as part of that process, the following administrative policy and procedures have been reviewed and processed according to the guidelines of Policy 01-04: Modifying the Administrative Manual: The Policies and Procedures of Tompkins County Government:

Policy 06-09: Facilities Management and Workplace Environment

, and

WHEREAS, this policy has also been reviewed and recommended by the Facilities and Infrastructure Committee and the Government Performance and Workforce Relations Committee, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure and the Government Performance and Workforce Relations Committees, That revised Administrative Policy 06-09: Facilities Management and Workplace Environment is hereby adopted.

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Report from the Planning, Development, and Environmental Quality Committee

Ms. Mackesey, Chair, said the Committee would meet on November 12th at 3:15 p.m.

Report from the Budget, Capital, and Finance Committee

Mr. Dennis, Chair, said the Committee would meet on November 9th. He thanked everyone for their attendance and input during the Expanded Budget, Capital, and Finance Committee meetings.

Report and Presentation of Resolution(s) from the Public Safety Committee

Ms. Robertson, Chair, said the Committee has not met; the next meeting will be held on November 16th at 2:30 p.m.

RESOLUTION NO. 188 – ADOPTION OF LOCAL LAW NO. 1 OF 2009 – AMENDING SECTION 110-2 AND SECTION 110-7 OF THE COUNTY CODE TO INCREASE THE SURCHARGE ON LOCAL TELEPHONE EXCHANGE ACCESS LINES IN THE COUNTY FROM THIRTY-FIVE (35) CENTS TO ONE DOLLAR (\$1.00)

MOVED by Ms. Robertson, seconded by Mr. Dennis.

Ms. Chock said she does not support the resolution and believes it poses an inequitable burden to individuals who cannot afford a cellular telephone. In addition, she noted this fee is not like the mortgage tax increase that could be spread out as part of the mortgage itself.

In response to Mr. Hattery's question about why the surcharge increase is necessary, Mr. Dennis said that the State Wide Network was anticipated to share in the \$20 million capital cost of the recently constructed radio towers and equipment for enhanced public safety communications capability in the County. State officials had been speaking of an agreement to share the system, with New York State providing approximately \$400,000 per year in revenue. The State project was stopped, with no date provided for the project to continue. In addition, the State has not had any conversations about providing counties with any funding for local projects out of the State surcharge collected for the project.

Mr. Proto said more people are using cell phones, causing the number of landline telephones to reduce. In addition, individuals living in more rural settings often do not have an option to use cell phones due to poor reception; the burden of the surcharge will fall on them. He believes the Local Law should include a sunset clause that coincides with the final payment of the system and would also like to have action taken to obtain funds collected by the State for the State Wide Network.

Mr. Mareane said there is a sunset clause coinciding with the payment of the debt. Mr. Proto asked if it is anticipated to receive State funding from the State Wide Network project. Mr. Shurtleff said there is a strong possibility, but it is not known when it may occur. New York State Association of Counties is working with counties to receive funding; the State surcharge is \$1.20/month, with the County share an \$.35. He noted last spring the State has amended the fee title to "Public Safety Communication Fee". Mr. Proto said New York City and Onondaga County have also requested an increase in the surcharge as well.

Ms. Robertson said presently there is a cellular telephone surcharge of \$1.50 per month. She said the topic of obtaining funds from the State surcharge was discussed at length at the New York State Association of Counties conference this fall; she is not certain how soon it may be resolved as the State is being asked to do many different things.

Mr. Stevenson said that although it is difficult to place a surcharge on residents it is better than having to increase property taxes.

A voice vote on resolution resulted as follows: Ayes – 11; Noes – 2 (Legislators Chock and McBean-Clairborne); Excused – 2 (Legislators Herrera and Randall). RESOLUTION ADOPTED.

WHEREAS, Local Law No. 7 of 1993 imposed a \$.35 per month surcharge on telephone access lines, and

WHEREAS, proposed Local Law No. 1 of 2009 increases said surcharge to \$1.00 per month, and

WHEREAS, a public hearing was held before the Tompkins County Legislature on November 4, 2009, to hear all person interested in proposed Local Law No. 1 of 2009, now therefore be it

RESOLVED, on recommendation of the Public Safety and the Expanded Budget, Capital, and Finance Committees, That Local Law No. 1 of 2009 - Amending Section 110-2 and Section 110-7 of the County Code to increase the surcharge on local telephone exchange access lines in the County from thirty-five (\$.35) cents to one dollar (\$1.00) is hereby adopted,

RESOLVED, further, That the Clerk of the Legislature shall publish in the official newspaper of the County a notice of adoption containing a synopsis of said local law and shall within twenty days file one certified copy in the Office of the County Clerk, and one copy with the Secretary of State.

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Report from the Workforce Diversity and Inclusion Committee

Mrs. McBean-Clairborne, Chair, reported the Committee met on October 28th. During the meeting Ms. Martel-Moore gave a presentation outlining 2008 amendments to the American With Disabilities Act and how it affects employers. The Committee also reviewed a draft of the Climate Survey being prepared to provide a sense of the climate of the workplace. The Committee has been working with Cornell Institute of Public Affairs students on a Civil Service Reform project and there will be a presentation of work completed on December 2nd at 2:00 p.m. in the Beverly Livesay Conference Room.

Ms. Chock inquired whether there has been any diversity training for election inspectors. Mrs. McBean-Clairborne said not at this time; Ms. Chock expressed an interest to discuss possible training in the future.

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

Ms. Kiefer, Chair, said the Rules Committee would meet on November 16th.

RESOLUTION NO. 189 - AMENDING THE RULES OF THE LEGISLATURE – RULE I – MEETINGS, RULE II – QUORUM, AND RULE III – CALL TO ORDER

MOVED by Ms. Kiefer, seconded by Mr. Hattery.

Members of the Legislature briefly discussed content and made several friendly amendments to the rules.

A voice vote on the resolution resulted as follows: Ayes – 11; Noes – 2 (Legislators Dennis and McBean-Clairborne); Excused – 2 (Legislators Herrera and Randall). 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, the following Rules are being recommended for revision to more clearly specify procedures:

- Rule I – Meetings
- Rule II – Quorum
- Rule III – Call to Order

, now therefore be it

RESOLVED, on recommendation of the Legislative Rules and Procedures Committee, That Rule I – Meetings, Rule II – Quorum, and Rule III – Call to Order of the Rules of the Tompkins County Legislature and Functions of Committees are hereby amended to reflect the following changes:

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 during the prior month of December, and the Clerk of the Tompkins County Legislature shall serve upon each member by mail at least forty-eight (48) hours before the date of the meeting a notice in writing stating 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 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 be chosen, and the next order of business shall be the election of a Chair of the Legislature and a Vice Chair of the Legislature. 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. The Chair and Vice Chair shall serve for a term of one (1) year or until a successor is elected.

The duties of the Vice Chair shall include all duties and functions of the Chair, excluding the appointment of the members of Standing Committees. The Vice Chair shall serve either at the direction of the Chair or the direction of the Tompkins County Legislature, which direction shall always supersede the Chair. The Vice Chair shall receive no additional remuneration unless he/she 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.

In the case of a vacancy (by death, resignation, or removal) in the office of the Chair of the Legislature, the Clerk of the Legislature shall call a meeting of the members of the Legislature upon like notice as provided above, 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.

(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 on the following business day 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 the County Courthouse, 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 as soon as practical after the meeting is scheduled. 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.

RULE II - QUORUM

A majority of the whole number of members of the Legislature shall constitute a quorum. For the purpose of this provision the words "whole number" shall be construed to mean the total number the Legislature would have were there no vacancies and were none of the persons disqualified from acting. Not less than a majority of the whole number may perform and exercise any power or authority of the Legislature, but a less number may adjourn.

The Legislature shall have power to compel the attendance of members at regular and special meetings and at committee and subcommittee meetings. In all cases of absence during any regular or special meetings of the Legislature, or any committee and subcommittee meetings called pursuant to written notice, the Legislature may impose such penalty as it may deem proper, not exceeding fifty dollars (\$50.00) for each absence not deemed necessary.

Because of the need for a quorum and the occasional need for a supermajority 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 he/she 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 of the appointed hour, the Vice Chair shall call the Legislature to order. In the absence of the Chair and Vice Chair, the Clerk, within fifteen (15) minutes of the appointed hour shall call the Legislature to order and a Chair, pro tem, shall be elected from the members present to preside for such day 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.

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Report from the Health and Human Services Committee

Mr. Proto, Chair, reported the Committee would meet on November 10th. He noted that the previous Committee discussion regarding a Contingent Fund Request for IACC Day Care was put on hold to obtain further information to review. A meeting with IACC will take place prior to the Committee meeting and he hopes to be able to provide additional information on the matter.

Approval of Minutes

It was MOVED by Mr. Proto, seconded by Ms. Robertson, and unanimously adopted by voice vote by members present, to approve the minutes of October 6 and 20, 2009, as amended. MINUTES APPROVED.

Adjournment

The meeting adjourned at 6:50 p.m.