RULES OF THE TOMPKINS COUNTY LEGISLATURE

and Functions of Committees

December 2019

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RULES OF THE TOMPKINS COUNTY LEGISLATURE AND FUNCTIONS OF COMMITTEES

RULE I - MEETINGS

(1) Organizational Meeting

The organizational meeting shall be held on or before the eighth day of January in each year on the date and at the time and place fixed by resolution of the Legislature duly adopted 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.

RULE IV - ORDER OF BUSINESS

The order of business at each session, except at such times as may be set apart for the consideration of special orders of the day, shall be as follows:

1. Pledge of Allegiance to the Flag
2. Roll Call of Members
3. Presentation of Proclamations, Petitions, Communications, and Notices
4. Announcements of Executive Sessions, Reordering of Business, and Special Orders of the Day
5. Privilege of the Floor
    A. Public
    B. Municipal Official(s)
    C. Legislators
6. Special Topical Presentation and/or Discussion
7. Chair's Report and Chair's Appointments
8. Reports by County Administrator, County Attorney, and Finance Director
9. Report from other County Staff as Recognized by the Chair of the Legislature
10. Resolutions Added to and Withdrawn from the Agenda
11. Consent Agenda
12. Standing and Special Committees:
    A. Report
    B. Motions and Resolutions
13. Individual Member-Filed Resolutions
14. Minutes of Previous Meeting
15. Unfinished Business
16. Adjournment

(1) <u>Pledge of Allegiance to the Flag</u>

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

(2) <u>Roll Call of Members</u>

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

(3) <u>Presentation of Proclamations, Petitions, Communications, and Notices</u>

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

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

(4) Announcements of Executive Sessions, Reordering of Business, and Special Orders of the Day

The Chair of the Legislature shall announce any executive session(s) being requested to be held, if known. The Chair shall have the authority to reorder the agenda. Any topical presentation or discussion item may be listed on the agenda as a special order of the day specifying the time to be taken up at which time all other items of business shall be suspended. The reordering of the agenda or any question before the Legislature may be made a special order of business for any particular day at the direction of the Chair of the Legislature, subject only to an appeal from the decision of the Chair (see Rule V), or at the request of any member of the Legislature to the Chair. In the event that the Chair does not agree to the request of any Legislator for a special order of business the Legislator may initiate a motion subject to approval by a majority of the members present and voting stating the time of day for the special order of business. At the specified time of any special order of the day no other motion shall be in order except motions for adjournment or recess, or questions of privilege. It shall be in order to make any matter a special order from day to day, and not more than three matters shall be the special orders of the same day. No special orders shall be postponed or rescinded, except by a vote of two-thirds of the members present and voting.

(5) Privilege of the Floor

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

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

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

Municipal officials (e.g., Mayor or Supervisor) are invited to report on any issue from his or her municipality relevant to County business; when appropriate, a response will be provided as quickly as possible.

(6) Special Topical Presentation and/or Legislative Discussion

From time to time it is desirable for the Tompkins County Legislature to focus on a specific topic or issue on which there may be a presentation to the Legislature for informational purposes and/or a discussion by the full Legislature.

(7) Chair's Report and Chair's Appointments

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

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

These three officials shall report on any items deemed appropriate.

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

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

(10) Resolutions Added to and Withdrawn from the Agenda

All resolutions to be acted upon at any regular meeting, exclusive of a resolution brought on by a motion to reconsider, shall be pre-filed in the office of the Clerk of the Legislature not later than 5 p.m. seven (7) days preceding the date of the next meeting. At all other meetings, resolutions must be pre-filed not later than forty-eight (48) hours preceding the date and time set for the meeting. Within forty-eight (48) hours following the pre-filing deadline the Clerk shall prepare and mail to each member an agenda of the order of business for each meeting listing titles of resolutions to be presented and enclosing copies of pre-filed resolutions. The agenda for special meetings shall be mailed as soon as possible and in any event shall be placed upon each member's desk before the meeting is called to order.

Any resolution not set forth in the order of business shall be tabled by the Chair until the next meeting of the Legislature, unless a motion regularly made by a member present, passed by a two-thirds total of the whole Legislature, authorizes the consideration of the resolution.

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

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

(11) Consent Agenda

The Consent Agenda shall be a listing, by committee, of all resolutions and appointments that have been designated by the Chair of the recommending Legislature committee, or by the Chair of the Legislature, as being routine and not likely to need or require discussion by the Legislature.

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

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

The resolutions and appointments listed in the Consent Agenda are voted on as a group by the Legislature. Any member of the Legislature may require that any resolution or appointment in the

Consent Agenda be instead included separately and individually as part of the business of Standing Committees or Special Committees, number 12 below.

The appointment of all individuals shall be according to the provisions of the following Tompkins County Legislature's Appointment Policy:

TOMPKINS COUNTY LEGISLATURE'S APPOINTMENT POLICY

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

The Clerk of the Tompkins County Legislature shall keep a calendar of expiration dates as well as a list of vacancies in all advisory boards or positions appointed by the Tompkins County Legislature. Sixty (60) days prior to the expiration date, the Clerk of the Legislature shall send a list of the positions and their expiration dates to the appropriate committee Chair. At the same time, the Clerk shall send a letter to (a) individuals appointed at-large asking them to verify their interest in being reconsidered for appointment and giving a specific date by which they must return an updated application form as an indication of their interest in reappointment, and (b) if the individual was nominated by a specific organization, the Clerk shall send a letter to the nominating organization asking it to verify the interest of its representative in being considered for reappointment and giving it a specific date by which it must return an updated application form and their statement that the individual is interested in being considered by the committee for reappointment. Each person appointed to serve on advisory boards shall be a resident of Tompkins County with some exceptions as noted in Administrative Manual Policy 01-26 - Advisory Committees and Boards. This date should be no later than thirty (30) days prior to the expiration of their term. The committee Chair, upon receiving the first notice of expiration of appointments, shall report to his/her committee and to the Legislature the list provided by the Clerk and ask the committee, the Legislature, and the public to assist in providing nominees. Recruitment of advisory board members shall include outreach efforts in order to assure, whenever possible, geographic and demographic diversity reflective of the community. The Clerk shall collect all application forms and keep them on file in the Legislative office. Thirty (30) days prior to the expiration of the term, the Clerk will give to the appropriate committee chair all the application forms on file for committee consideration. Upon approval by the committee, the Clerk will send the application forms of those approved to the Legislature with the next agenda for action at the next regular meeting of the Legislature with a note that all non-recommended applications are on file for Legislative review. Upon approval by the Legislature, the Clerk of the Legislature, within ten days of the Legislature's meeting, will:

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

Nominations Made by Elected Municipal Bodies.

The processes up to committee approval are the same for at-large type appointments until the nominations are turned over to the committee Chair (see above). The Chair shall take these nominations directly to the Legislature for approval without committee approval or without any waiting period.

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

Legislative Chair and Committee Chair Appointments

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

(12) Standing and Special Committees

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

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

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

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

(13) Individual Member-Filed Resolutions

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

(14) Minutes of Previous Meeting

The minutes shall be considered to the end that any corrections, alterations, or additions may be made by the Legislature. Unless requested, reading thereof by the Clerk shall be dispensed with if the Clerk shall have furnished a typewritten or duplicate copy thereof to each member. In the absence of objection or correction, the minutes stand approved without formal motion.

(15) Unfinished Business

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

(16) Adjournment

Upon completion of the above-listed order of business, and in the absence of any objection, the Chair shall declare the meeting adjourned.

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 statue, 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 appropriate Standing Committee of the Legislature in writing a request for permission to travel on the County's behalf. Such request must

contain the purpose and destination of the travel, duration of stay, estimated costs, description of the program, and any other information the Legislator feels would be helpful. Requests to attend the Fall and Winter NYSAC Conferences do not require approval through this process, but the funds to attend would be part of the Legislator's allocated budget.

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

(1) Because the Legislators are elected, they are subject to the evaluation of their constituents for the decisions they make. Therefore, significant discretion should be given to individual members in the selection of training that they believe will be most helpful to them.

(2) While taking the above into account, the proposed training must be job-related and either maintain or improve job skills, meaning that the training would have some relation to the work of the Legislature. More specifically, the training should provide:

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

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

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

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

Training Reimbursement Policy

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

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

If a Legislator's training funds are not used, the Legislator could release it for use by other Legislators. A call will go out on August 1st for Legislators to release money (or not) with a response due by August 15th. If not released or used, a Legislator's allotted amount would either be available for the Legislator's use before year end or will be returned to the General Fund. Use of released funds would be on a first-come first-served basis to be considered and recommended by the appropriate Standing Committee. If more than one Legislator requesting funds is on the same appropriate Standing

Committee agenda and sufficient funds are not available, the available funds will be divided equally between the applicants. There will be no rollover of unused funds.

RULE 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.

RULE XVII - ACQUIRING AND DISCLOSING DEPARTMENTAL INFORMATION

Legislators who often need assistance from County staff in their conduct of County business, should approach staff with respect for their need to do their jobs without undue interruptions. Staff should also respect Legislators' needs for information in the service of the public. The following procedures are intended to address these perspectives.

Legislators who require departmental information from any County department to assist project development, policy development, or making decisions related to program or service performance shall transmit their information requests to the Department Head, a staff person designated by the Department Head, or a staff person with relevant expertise who routinely works with Legislators.

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

Whenever Legislators seek information directly from Department Heads (or designated staff), these procedures will be followed:

1. The Department head or designee will provide the information requested in a reasonable time frame to be negotiated with the Legislator. Legislators and/or Department heads are encouraged to clarify requests in writing to assure that the department work to be done will respond to the original request.

2. If the Department Head determines the request to be more than minimal in terms of staff time required or departmental costs, the Legislator should direct the request in writing to the chair of the committee to which that department reports. If the committee chair declines to authorize the request in a timely manner, an appeal may be made to the committee. If that fails, the request may be directed to the full Legislature.

Performance

3. Any Legislator requesting information about a staff person's work performance or conduct on the job should first direct the request to the Department Head to whom that staff person reports. If necessary, a Legislator may also direct the concern to the County Administrator and/or the legislative standing committee responsible for the County's Personnel functions. A Legislator should never attempt to influence the conduct of any staff person on the job.

4. Legislators will contact the County Administrator when requiring information regarding the performance of a Department Head who is supervised by the County Administrator. Routinely, Legislators may choose to consult with the County Administrator on performance issues as these relate to Department Head appointments and re-appointments and similar activities. As a matter of practice,

completed and signed performance reviews of any Department Head supervised by the County Administrator are kept in the employee's official personnel file maintained in the Personnel Department. Access to these confidential files will be according to the protocols established by the Personnel Department.

Confidentiality

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

6. Members of the Tompkins County Legislature shall be bound by regulations implementing the Freedom of Information Law, specifically New York State Codes, Rules and Regulations, Title 21, Chapter 25, Part 1401.

7. Members of the Tompkins County Legislature shall be bound by regulations pertaining to the Tompkins County Code, Chapter 32 "Code of Ethics," Section 3 "Standards of Conduct, " Parts B and I, and Section 7 "Penalties for Offenses."

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