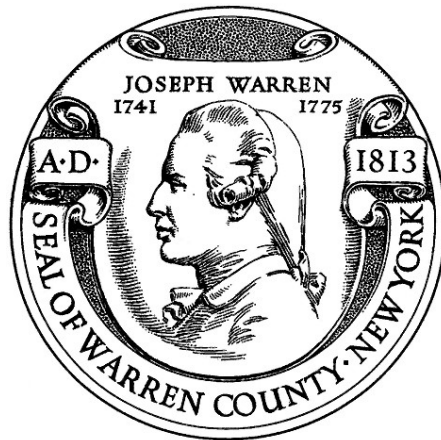


# Warren County Board of Supervisors Rules of the Board for 2021

Resolution No. 6 of 2021



# Meetings of the Board of Supervisors

- When are meetings of the Board held?
  - Third Friday of each month at 10 a.m.
  - Except for?!
    - June 16, 2021 which will be held at 4p.m.
    - Anticipated Evening Meeting for 2022 Budget presentation (*tentatively Nov. 3, 4 p.m.*)
- How often will workshops be held?
  - At the discretion of the Chair, but not more often than bi-monthly (*currently scheduled for 4pm and not to exceed 2 hours on February 3, April 7 and September 1*)
- How is a regular meeting adjourned?
  - Motion adopted by a majority of the membership **present**.

# Meetings of the Board of Supervisors

- How are special meetings called?
  - By the Chair (or Vice Chair, if Chair is absent, unable, or incapacitated)
  - Written request for a special meeting signed by a majority of the total membership of the Board.
  - Written notice stating time, place and purpose must be delivered at least 48 hrs in advance of the meeting, unless a member waives this service requirement



# Transaction of Business-Priority of Business

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4. Business shall be transacted in the following order:

10:00 A.M.

Call to Order  
Salute to Flag  
Roll Call!  
Motion to approve the Minutes of previous meeting, subject to correction by the Clerk of the Board  
Introduction and welcome to guests  
Report by Chair of the Board  
Reports by Committee Chairs  
Report of County Administrator  
Report of the County Attorney  
Call for reading of communications  
Call for reading of resolutions  
Discussion/public comment on resolutions  
Requests for roll call votes  
Vote on resolutions  
Privilege of the floor and public comment  
Announcements  
Adjournment

The person leading the salute will rotate monthly – this person will also be the first to vote on resolutions

Reports are only to be made by Committee Chairs during this section of the agenda.

All non-Committee Chair reports are made during Privilege of the floor

8.50 x 11.00 in

# Resolutions



- When does a resolution need a waiving of the rules?
  - If it isn't in writing (i.e. a Supervisor brings the resolutions from the floor at the Board meeting).
  - If the resolution is:
    - Not approved at committee;
    - Approved at Committee but not filed with the Clerk of the Board before noon the Tuesday before the regular Friday Board meeting;
    - Not distributed and posted on the website by the Clerk of the Board the Tuesday before the regular Friday Board meeting.
  - If the resolution is not sent out 3 days prior to a Special Board Meeting
  - A waiving of the rules requires a 2/3 majority vote (667 votes)

# Proper Use of the Motion to Table

- When the Board would like to lay aside the resolution on the table for an item they feel is more important.

*This situation occurred during the December 3, 2020 Personnel & Administration Committee meeting when the Committee elected make a motion to lay on the table a motion for an executive session to discuss items deemed more important at that time.*

- How many votes does it take to take a motion off the table?
  - Majority of the total weighted voting power of the Board. (501 weighted votes of the Warren County Board of Supervisors).

# Duties/Responsibilities of the Chair of the Board of Supervisors

- Preserve order and decide all questions of order – Chair also serves as Parliamentarian as per the Rules of the Board
  - Board can appeal Chair’s ruling:
    - Motion made to “appeal the ruling of the Chair”
    - Second to the motion is needed
    - Motion is voted on to determine whether to sustain or overturn the ruling (discussion is appropriate on an appeal)
    - A majority vote in the negative overturns the decision of the Chair
- Chair does vote (which is different from the chairs of committees).
- Speaking of members
  - Members shall address the Chair and cannot proceed until recognized by the Chair
  - No member shall speak more than once on any question until every member has had a right to speak
  - While speaking no other member shall entertain any private discourse or pass between them or the Chair (i.e. having a private conversation between two members or a member and the chair while someone else is speaking).
- Debates
  - No debate shall be in order until the pending question is re-stated by the Chair or read by the Clerk
  - If the Chair or Chair of Committee wishes to enter into a debate they may only do so after they excuse themselves from the Chair and a Temporary Chair is appointed by the Chair, this can be any member of the Board
  - Any member being called to order shall remain in their seat until the point raised is determined. If the point is sustained they shall not proceed, except in order, unless by permission.

# Motion and Resolutions



The Basics of  
Making Motions

- Motions and Resolutions
  - All are presented in open regular meetings
  - Chair/CLERK OF THE BOARD will state what Committee the motion/resolution will be referred to unless objected to and then the Board decides
  - Motion to adjourn shall always be in order and decided without debate, provided the County Administrator and County Attorney have had the opportunity to inform the Board of operation and/or legal consequences of adjournment



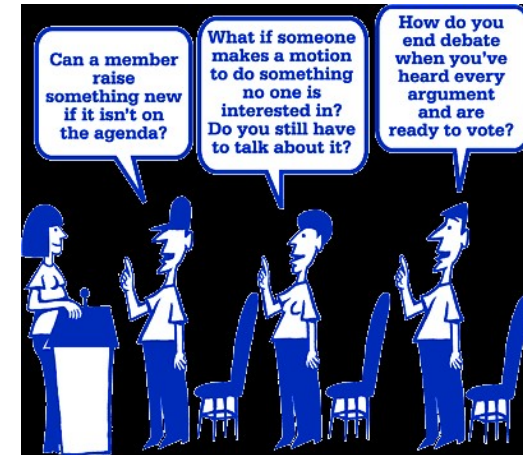
# Motions and Resolutions

- Motions

- If a question is under debate the only motions that can be made are:
  - for adjournment of the Board;
  - Motion to table indefinitely;
  - to place on the table for a certain day;
  - to hold;
  - to amend
- Which of these motions have precedence?
  - The order in which they are stated above
  - Shall not be subject to debate provided the County Administrator and County Attorney have had the opportunity to inform the Board of operation and/or legal consequences of adjournment

- Minutes

- Distributed by the Clerk of the Board on or before the regular Board meeting



# Committees

- Special Committees
  - Authorized at any legal meeting of the Board
  - Appointed by the Chair unless ordered and directed by a majority of the Board
  - Time period to serve shall be designated when created



# Committees Cont.

- Standing Committee

- At least 3 members are appointed by the Chair at the Organization Meeting or before the first regular meeting following the Organization Meeting upon the subjects below:

- Budget – 7 Members
- County Facilities – 5 Members
- Criminal Justice – 5 Members
- Economic Growth & Development – 7 Members
- Environmental Concerns & Advocacy – 5 Members
- Executive Committee – 13 Members
- Finance – 7 Members
- Governmental Operations & Advocacy – 5 Members
- Health Services – 5 Members
- Human Services – 5 Members
- Personnel, Administration & Higher Education – 5 Members
- Public Safety – 5 Members
- Public Works – 5 Members
- Tourism & Occupancy Coordination – 7 Members
- EMS – 7 Members
- Park Operations & Management – 4 Members plus 1 Alternate
- National Association of Counties – 3 Members
- Extension Services – 5 Members

## Committees cont.

- Committees seeking to obtain a right of way in a particular municipality or acting on a matter affecting a single municipality the Supervisor of the affected municipality shall have the opportunity to make a presentation
- Members
  - First member appointed shall act as Chair
  - Chair appoints Vice Chair and 2<sup>nd</sup> Vice Chair who shall serve if Chair or Vice Chair is absent
  - Vice Chair and 2<sup>nd</sup> Vice Chair designations are submitted to Clerk of Board before the date of first regular Board meeting
  - Meetings of the Committee are called by the Chair thereof
  - Voting at Committee is on a one person-one vote basis; the Chair of a Committee is not allowed to vote unless that vote is to break a tie in the affirmative which means the motion will pass

# Committees cont.

- Chair of the Board of Supervisors
  - Ex-officio member as follows:
    - Quorum is not present at meeting
    - If such membership will provide a quorum
    - Chair is available to attend
  - Member of Committee
    - Chair of the Board is considered as an alternate or substitute for a non-present committee member
  - Debate by Committee Chair
    - The Committee Chair is unable to participate in debate from the Chair – if the opportunity to engage in debate is desired, the Chair must be turned over to another Committee member before engaging.
  - Can the Vice Chair fill these duties if the chair is absent?



# Vice Chair

- Who is the Vice Chair of the Board of Supervisors?
- How?
  - Local Law No. 1 of 1968 Section 1(k)
    - “In the case of absence, incapacity, or inability of the Chairman to act, for any reason, the Audit and Finance Chairman of the Board shall perform the functions, powers, and duties of the chairman within the limits of the statutes.”
    - This definition from Local Law No. 1 of 1968 (*Vice Chair is the legal definition of the Finance Chair stated above*)



# Majority and Minority Leaders of the Warren County Board of Supervisors

- New York State County Law § 200 requires that all Supervisors be paid an equal amount, except the chair, majority, and minority leaders, who may be paid an additional amount – no other positions are authorized to be paid a stipend.
- Section A(1) of the Warren County Rules of the Board of Supervisors FOR THE CURRENT YEAR requires that the Majority Leader is the Finance Chair, and the Minority Leader is the Personnel, Administration, and Higher Education Committee Chair – *this is for 2021, duties may be changed each year depending on the decision of the Chair which will be reflected in the Rules for that year*

# VOTING



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## Voting by the Board of Supervisors

- Questions
  - All members present shall vote
  - Decided by a majority (501) of the total weighted voting power of the Board
  - Decided by weighted vote in accordance with Local Law No. 12 of 2011-which changes based on census data.
- Resolutions
  - Separate votes can be made if the resolution contains items that can be voted on separately and a request is made by a member to do so



# The Difference between Abstention and Recusal

- To Abstain means to not vote (*but may choose to participate in discussion*).
- Recusal, although not defined in Robert's Rules, is generally understood to mean that a member won't participate at all in consideration of the motion, and also will not vote. This means the member will remove themselves from the deliberative process, both physically, by moving away from the debate table, and intellectually by not participating in the discussions.

# Recusal and Abstention

- Warren County Local Law No. 6 of 2014, entitled the Warren County Ethics and Disclosure Law (hereinafter “Ethics Law”) states:
  - “No municipal officer...may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.”

# Recusal and Abstention does not apply to:

- Therefore, you may vote, even with a conflict on the following matters:
  - Adoption of the Warren County's annual budget;
  - Any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - All municipal officers or employees;
    - All residents or taxpayers of the municipality or an area of the municipality; or
    - The general public; or
  - Any matter that does not require the exercise of discretion.

# Recusal and Abstention is not with the following matters

- Any matter that comes before the Board of Supervisors, standing committee or special committee when a majority of the membership would be prohibited from acting because of a conflict.
- Any matter which cannot be lawfully delegated to another person.

# Voting cont.

- Resolutions requiring a roll call
  - Fixing or altering salaries
  - Establishing salary and wage classifications
  - Adoption of budget
  - Appropriation or expenditure of public funds
  - Transfer to and from .1 salary codes within the authorized budget
  - Transfers between funds, including Capital and Road Fund Projects
  - Levying of taxes
  - Bond resolutions
  - Authorizations to fund or refund indebtedness
  - Legalizing informal acts of a Town meeting, Village election, Town or Village officer
  - Legalizing municipal obligations incurred through error or mistake where a 2/3 vote is required
  - Alteration of the boundaries of a Town
  - Local Laws
  - Sale or conveyance of County property
  - Amending Occupancy Tax spending guidelines



# Resolutions Requiring 2/3rds (667 weighted votes)

- Creating positions.
- If the filing of a vacant position is denied by the normal process as we will discuss in slide 18.
- Rescinding, suspending, waiving or changing the Rules of the Board.

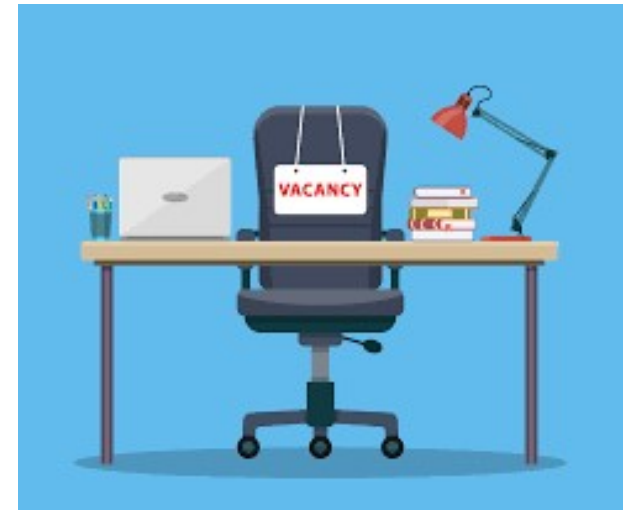
## Voting cont.

- Roll Call
  - Taken upon request of any member
- Adoption
  - Resolutions adopted shall become effective upon their adoption or as otherwise provided by law or as specified in the resolution



# Vacant Positions at the County

- Filling of vacant positions
  - Authorized with the following approvals:
    - County Administrator
    - Budget officer
    - Majority vote of appropriate oversight committee
  - Notices approved remain in effect for 6 months from date of committee approval
- Sheriff
  - Authorized to fill positions that become vacant in the Correctional Facility provided the staff levels do not exceed:
    - Correction Officers – 75
    - Correction Sergeants – 9
    - Correction Lieutenants – 2
    - Correction Captain – 1





# If Filing a Vacancy is an Emergency

- If the oversight committee has not voted to 1) deny filling the position; and 2) will not convene again for 1 week or more:
  - The chair of the oversight committee can call a special meeting; **OR**
  - Approve the filling of the position and report such approval to the committee at the next meeting.
  - Whether or not the filling of a vacant position meets the classification of an “emergency” which cannot be delayed until the next Committee meeting is determined by the proper oversight Committee Chair

**KNOW THE  
RULES!**



# General

- Clerk of the Board shall draft, without the need of a resolution, a proclamation of acknowledgement, congratulations, commendation or recognition upon request by any member.
  - Executed by Chair.
- Standing Rule
  - No standing rule shall be rescinded, suspended or changed or any additional rule or order added unless by 2/3 consent
  - What would a suspension apply to?
    - Only to that matter which is before the Board at the time of suspension
  - Rules may be amended at any time.

# General cont.

- Questions

- All questions not covered in the rules shall be decided according to Robert's Rules of Order-Revised

- Rules of the Board

- Published in the Proceedings in the year first adopted and whenever amended
- Continue in full force and effect unless a new set of rules is adopted by the Board

*The Rules of the Board will be reviewed by the Governmental Operations & Advocacy Committee in the fall to make additional revisions/updates for 2022.*



## Future Training Items:

- ROBERTS RULES OF ORDER - *INSTANCES WHERE THE CURRENT RULES OF THE BOARD ARE MORE RESTRICTIVE*
- COMMITTEES/TASK FORCES/ADVISORY BOARDS – *WHAT ARE THEY, HOW ARE THEY ESTABLISHED, WHAT IS THEIR ROLE*
- CERTIFICATES OF APPOINTMENT VS. RESOLUTIONS – *WHEN IS A CERTIFICATE MORE APPROPRIATE THAN A RESOLUTION*
- OATHS OF OFFICE – *HOW ARE THEY AUTHORIZED AND WHEN ARE THEY REQUIRED*