

2003 REVISED LEGISLATIVE MANUAL

I. FUNCTIONS OF THE LEGISLATURE:

As provided by the Putnam County Charter II, Section 2.04, the Putnam County Legislature shall be the legislative, appropriating, and policy-determining body of the County. Except as may be otherwise provided in the Charter, it shall have and exercise all the legislative powers and duties now or hereafter conferred or imposed upon it by the Charter or by State Law, together with all the powers and duties necessarily implied or incidental thereto.

Under the Charter, the County Legislature shall have the following powers and duties, but is not necessarily limited to them:

- A. To adopt by resolution all necessary rules and regulations for its conduct and procedure.
- B. To make appropriations, levy taxes, incur indebtedness, and adopt the County budget.
- C. To exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, Putnam County Charter provisions, legalizing acts or resolutions.
- D. To adopt, amend and repeal by local law, an Administrative Code which shall set forth the details of the administration of County government consistent with the provisions of the Charter.
- E. To confirm, when required, the appointments made by the County Executive according to the procedure cited in Section 2.08 of Article II of the Charter.
- F. To create, alter, combine, or abolish by local law, County administrative units not headed by elected officials or not otherwise provided by law.
- G. To fix by resolution the compensation of all officers and employees paid from County funds, except members of the judiciary; except that the compensation of any elected official paid from County funds shall not be decreased during that official's term.
- H. To fix by resolution the compensation to be paid from County funds for persons who are rendering services to, or in behalf of, the County, but who are not officers or employees of the County.
- I. To make, or cause to be made, such studies, audits and investigations as it deems to be in the interest of the County, and in connection therewith to obtain professional and technical advice, appoint temporary advisory boards of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary.
- J. To fix the amount of bonds of officers and employees paid from County funds.
- K. To designate one or more newspapers published within the County for the publication of all enactments, notices and other matters required by law.
- L. To establish or abolish positions of employment and titles thereof.
- M. To fill vacancies in any elective County offices, except the judiciary, in accordance with the Charter and other applicable law.

- N. To designate one or more depositories for the deposit of all monies received by the Commissioner of Finance.
- O. To fix, during the annual budget process, the salaries of its members for the succeeding year.
- P. To determine and make provision for any matter of County government not otherwise provided for.
- Q. To confirm appointments, except as otherwise provided by the Charter, through the affirmative vote of a majority of the entire Legislature taken at a regular or special meeting. In the event the Legislature has neither confirmed nor rejected an appointment within thirty (30) days after such appointment has been filed with the Clerk of the Legislature, such appointment shall be deemed confirmed.
- R. The Legislature shall provide annually an independent audit of its accounts, transactions of the County and of every County department, office and agency. The audit shall be made by a qualified accountant or accounting firm, so designated by the Legislature, which has no personal interest, directly or indirectly, in the affairs of the County or any of its departments, officers or agencies.
- S. If any section of this Legislative Manual, which is the official guide to the procedures of the legislature, is adjudged by a Court of competent jurisdiction to be in conflict with any Federal or State Statute or with the Putnam County Charter, then said section shall be deemed null and void, "ad initio," but this shall not affect any other section, other than that particular section of this Manual so adjudged to be in conflict as aforescribed.

II. ORGANIZATION OF THE LEGISLATURE:

A. Size and Districts:

The Putnam County Legislature shall be organized into nine single-member districts as established and provided for by Local Law #3 of 1977, establishing a County Legislature and approved by the voters of Putnam County in a referendum on November 8, 1977. Each member shall have one vote. Current maps of all County election districts shall be on file at all times in the Office of the Clerk of the Legislature for the use of Legislators and other interested persons.

B. Meetings of the Legislature:

1. Organizational Meeting of the Legislature:

The County Legislature shall, on the first Tuesday after the first Monday in January of each year, or as soon thereafter as practicable, meet and organize by election from among its members, a Chair, Deputy Chair and such other legislative officials as it deems appropriate. The Chair shall appoint members of the County Legislature to serve on such legislative committees as are provided by the rules of the County Legislature. The County Clerk shall serve as Chair until such time as the County Legislature itself elects a chair. The date, time and place of said meeting of the Legislature shall be fixed by Resolution the proceeding December.

a. Notice of the Organizational Meeting:

The notice of the Organization Meeting stating the date, time, and place shall be written and served by the Clerk of the Legislature and mailed to the last known address of each Legislator at least five (5) days prior to the meeting. In the event of incapacity or the failure of The Clerk of the Legislature to act, the notice shall be served by the Putnam County Clerk.

b. Call to Order:

The Putnam County Clerk shall convene the Organizational Meeting and call it to order and shall serve as Chair until such time as the County Legislature elects a Chair.

c. Election of a Chair **of the Legislature:**

The first order of business shall be the election of a Chair of the Legislature to serve a one-year term expiring on December 31st of the year of that election. The Chair shall be elected by a majority of the entire Legislature. Upon election, the Chair shall assume that office and preside for the balance of the Organizational Meeting and over all other meetings of the Legislature. This procedure is prescribed in Section 2.05, Article II of the Putnam County Charter.

d. Appointment of the Clerk **of the Legislature:**

On the first day of January of each even-numbered year, or as soon thereafter as practicable, The County Legislature shall appoint a Clerk who shall serve until his or her successor is appointed. The Clerk of the Legislature shall be appointed by a majority vote of the entire Legislature. From time-to-time, the Clerk shall appoint such additional personnel as are required for the efficient operation of the office of the Clerk within the appropriations provided therefor. This procedure is set forth in Section 2.06 of Article II of the Putnam County Charter. In the event of a vacancy in the office of Chair of the Legislature, during this Organizational Meeting, the Putnam County Clerk, acting as Chair under the Charter and Rules of the Putnam County Legislature shall appoint a Clerk of the Legislature pro-tem, to serve until such time as the position can be filled according to this paragraph (d).

e. Appointment of the Auditor:

The County Legislature shall, on the first day of January of each odd numbered year, or as soon thereafter as practicable, appoint an auditor who shall serve until his or her successor is appointed. This procedure is set forth in Section 2.10 of the Putnam County Charter.

f. Adoption of the **Legislative Manual:**

The next order of business shall be the annual adoption of the Legislative Manual including any amendments incorporated therein. This Manual is the official guide to the rules, proceedings and practices of the Putnam County Legislature. The rules of the County Legislature for the preceding year shall remain in force and effect at the first meeting of each year until the formal adoption of the rules for the current year.

g. Establishment of the Legislative Calendar:

A Legislative Calendar shall be adopted, setting the dates and times of all Regular Meetings for the Calendar Year, which calendar shall then be published.

2. Regular Meetings of the Legislature:

Regular meetings of the Putnam County Legislature shall be held monthly at 7:00 PM on the first Tuesday, except when a holiday falls on the regularly scheduled date, the meeting shall be held on the next business day, unless the Legislature decides otherwise. The Clerk of the Putnam County Legislature shall mail to each member of the Legislature a written notice stating the date, time and place of each meeting at least five (5) days prior to the date of the meeting. Said agenda shall state the subject matter of all resolutions, ordinances and local laws to be voted on at such meeting. (Article IV, Rules 26 and 27)

3. Special Meetings of the Legislature:

The Special Meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair, or upon written request signed by a majority of the entire Legislature. Notice in writing stating date, time, place and purpose of the Special Meeting, shall be served personally or by mail, upon each member by the Clerk of the Legislature. (Section IV, Rule 28) of this manual for necessary procedures.

4. Recessed and Adjourned Meetings of the Legislature:

Except while a vote is being taken, any meeting of the Legislature or of its committees, boards or commissions, may be recessed or adjourned at any time upon approval of a majority of those present. Such motion shall be decided without debate. Additionally, if any meeting extends beyond 11:00 PM, it shall be terminated under these Rules unless a majority of the members present vote to continue. Any meeting, which is recessed, shall be re-convened at a future date and time approved by a majority of those present at the meeting being recessed. A recessed meeting shall be considered a continuing meeting and only matters on the agenda of the recessed meeting shall be discussed when it is re-convened. This re-convened meeting shall be noticed by the Clerk in accord with procedures outlined in Section B, Item 3, ("Special Meetings"). Any meeting which is adjourned shall be considered a terminated meeting and any unresolved items at the adjournment shall be considered unfinished business. Those unresolved items shall be made part of the next regularly scheduled meeting of the Legislature or of its Committees and shall be listed under Unfinished Business according to the procedures under Article IV, Rule 5 (a) (6).

C. Powers and Duties of the Chair of the Legislature:

The Chair of the Putnam County Legislature shall have all the powers and shall perform all the duties conferred on that office by the Charter, Administrative Code, Legislative Manual, as

well as applicable County and Municipal Law. Among the powers and duties of the Chair, but not by the way of limitation, shall be the following:

1. To preside at meetings of the Legislature:

The Chair shall preside at all regular and special meetings of the Legislature; shall preserve order and decorum; and shall decide all questions of order subject to appeal by a majority of the members present. The Chair shall be guided by the Rules of Order and Procedure of the Legislature, as adopted as part of the Legislative Manual.

2. To Appoint Standing Committees:

The Chair shall, within thirty (30) days of his or her selection as Chair, appoint from among the membership of the Legislature the members and Chairs of the following Standing Committees of the Legislature:

Audit and Administration
Budget and Finance
Economic Development
Health, Social and Educational Services/Environmental
Land Acquisition and Watershed MOA Administration
Personnel
Physical Services
Protective Services
Rules, Enactments and Intergovernmental Relations

The Chair may be self-appointed to membership with full voting rights to One (1) Standing Committee and may serve as Chair of that Standing

Committee in addition to Budget and Finance. The Chair may be self-appointed to one or more additional Standing Committees, with full voting rights, only upon the approval of a majority of the entire Legislature. In addition, the Chair shall serve as an ex-officio, non-voting member of the remaining Standing Committees.

3. To appoint Special Committees and Legislative Officers:

Upon authorization by a majority of the entire Legislature in each instance, the Chair may appoint such special committees, sub-committees, commissions, boards and Legislative Officers as, in the opinion of the Legislature, is necessary to facilitate the conduct of its business. The Chair shall be ex-officio member of each special committee.

4. To serve as a member of the Capital Projects Committee as defined

In Article VII, Section 7.05, number 3 of the Putnam County Charter.

5. To Perform Administrative Duties:

The Chair shall serve as the Administrative Head of the Legislature and shall be responsible for the conduct of its business and shall exercise administrative supervision over the office of the Clerk of the Legislature and of the Auditor, acting as liaison between these two offices and the Legislature.

6. To designate an Acting County Executive:

If no Acting County Executive has been so designated by the County Executive, or if the person designated by the County Executive is unable to serve during the absence or disability of the County Executive, the Chair of the County Legislature shall designate the head of one of the County Administrative units to perform such duties. This is provided for in Article III, Section 3.05 of the Putnam County Charter.

7. To Have the Power to Vote:

The Chair shall, in all cases, have the right to vote, except on appeals to the Legislature from decisions of the Chair. On all other questions, when the vote, including the vote of the Chair, is equally divided, the question shall be defeated.

8. Legislature Control:

In all cases, unless otherwise stated by State Statute, local ordinance, Legislative Manual, or by the Putnam County Charter herein, all appointments by the Chair shall be subject to a majority vote of the entire Legislature.

D. *Temporary Chair:*

In the case of the absence of the Chair, the Deputy Chair shall preside as described under Article IV, Rule 6.

E. *Vacancy in the Chair:*

If the Chair of the Legislature resigns, dies, is declared incompetent by a Court of competent jurisdiction, is removed or is removed from the Chair by censure, the Legislature shall meet within seven (7) days, at a special or regular meeting and vote among their members to elect a Chair to fill the existing vacancy. Such Chair shall serve until the next Organizational Meeting.

F. *Censure of the Chair:*

Any Legislator may introduce a motion censuring and/or requesting a "vote of no confidence," specifically citing the action of the Chair for which vote is requested. A 2/3 vote of the entire Legislature is required for this action. If said motion passes, a 2/3 vote by the Legislature shall then be taken to sanction or remove the Chair.

G. *Censure of a Legislator:*

Any Legislator may introduce a motion censuring another Legislator, specifically citing the action of the Legislator for which the vote is requested. A 2/3 vote of the entire Legislature is required for this action. If said motion passes, the Chair shall be responsible for instituting an appropriate sanction designated by a 2/3 vote of the Legislature.

H. *Powers and Duties of the Clerk of the Legislature:*

The Clerk of the Legislature shall have all the powers and duties now or hereafter conferred or imposed by the Putnam County Charter and the Administrative Code or approved by the Legislature. In addition, as Chief of Staff to the Legislature, the Clerk shall furnish, research and investigate and give clerical support to the Legislature and its constituent parts. The Clerk, at the direction of the Chair of the Legislature, shall also prepare and transmit to the State Legislature, the County Legislature's official views regarding any proposals and bills before it which are of interest to the County, as reflected by the resolution of the County Legislature.

1. The statutory duties of the Clerk include, but are not limited to, the following:

- a. To appoint such personnel as are required and authorized by the Legislature within the appropriations therefor.
- b. To Prepare and circulate an agenda for all Regular, Special and Committee Meetings of the Legislature, as follows:
 1. A list of all unfinished business and special orders.
 2. A list stating the subject matter of all resolutions, ordinances and local laws to be voted on at such meeting.
 3. Copies of all text of all local laws, resolutions and ordinances to be introduced or to be voted on at each meeting.

All of the above shall be mailed to each Legislator at least five (5) days before each meeting. In order to accomplish this, the text of each resolution, ordinance, or local law to appear on the agenda, shall be received by the Clerk at least seven (7) days before the meeting.

- c. To attend or to designate an authorized person to attend all meetings of the Legislature and its Committees and to make a record of the official proceedings. Minutes of all Legislature and Committee meetings, or of any other meeting or hearing called or otherwise authorized by the Legislature or by any of its duly authorized Committees, Board or Commissions, shall consist of a recordation of:

1. The meeting being called to order
2. Attendance taken
3. Votes taken, or decisions rendered with a summary of the discussion.

Verbatim minutes of any segment are not to be taken unless specifically requested by a member of the Legislature or the Chair of the Legislature. Audio tapes will be made of every authorized meeting and shall be retained for at least a period of one year. Audio tapes primarily serve as a work product for the preparation of the actual minutes and as such, shall not be copied or given out without the express authorization of the Chair of the Legislature, who may invoke Freedom of Information procedures. It being

expressly understood, however, that in any discussion, challenge, or other dispute over the accuracy of the minutes, or of the substance of any meeting or hearing or Legislative action, the audio tapes shall constitute the basic record. The priority for the preparation of minutes shall be: Regular meetings, Special meetings, Committee meetings, other hearings and correspondence.

- d. To maintain official files and records of the Legislature, its proceedings, appointments and confirmation of appointments to County office, boards, commissions and other bodies; official communications to and from the Legislature; public record copies of the Executive Budget and the Adopted Budget and such other actions and papers as the Legislature, its Chair, Committees, or applicable law shall require. The Clerk shall condense and summarize all communications from government officials, departments and agencies for inclusion in the Agenda, pursuant to Article IV, Rule 5.
- e. To publish annually, the proceedings of the Legislature.
- f. To prepare and publish annually, no later than February 15^h, a Legislative Calendar incorporating the dates, times and places of all regular meetings of the Legislature and such else as is deemed appropriate.

2. Additional duties of the Clerk of the Legislature, as Chief of Staff of the Legislature and its constituent bodies, shall include the following:

- a. To maintain service files and records for the various arms of the Legislature and such clerical and service support as is needed by them, within available means.
- b. To communicate and follow up on Legislator requests for information and service from the office of the County Executive.
- c. To relay regular and special reports, recommendations, proposals and other sources as may be directed by the Chair of the Legislature or requested by the Chair of a standing committee.
- d. To cooperate in any studies or investigations authorized by the Legislature to be conducted by professional or technical organizations or individuals under contract.
- e. To give such other staff as may be required or requested by the Legislature or any of its constituent groups as authorized by the chair and within available means.

III COMMITTEES OF THE LEGISLATURE:

The right of the Legislature to organize itself is stipulated in the Putnam County Charter. This section of the Legislative Manual sets forth the principal provisions of the committee's structure, notably the eight standing committees. The Legislature may also appoint Special Committees, Boards and Commissions to assist in the efficient conduct of its business.

A. Appointment of Committee Members:

It shall be the duty and responsibility of the Chair of the Legislature to appoint and remove members of the Legislative standing committees. The Chair shall appoint committees within thirty (30) days from the date of the Organizational Meeting, showing the names of the committees and the members thereof and filing with the Clerk of the Legislature. The Clerk, upon receipt of such list, shall mail a copy to each member of the Legislature unless duly removed by the Chair or by operation of law.

B. Meetings of the Committees:

1. Regular meetings of each Standing Committee shall be held at the call of the Committee Chair. No meeting of any Standing Committee shall be held during the seven- (7) day period prior to a regularly scheduled meeting of the Legislature.
2. Prior to the first day of each month, the Chair of each Committee shall provide the Clerk of the Legislature with the date on which that Committee shall meet. The Clerk of the Legislature shall then prepare and circulate to all members of the Legislature, the schedule of that month's meetings. After the calendar has been prepared and circulated, the date of the meeting may be changed, upon the written request by the Committee Chair to the Legislative Chair and subsequent approval by the Legislative Chair. Such request must state the specific justification for the change.
3. In the event a scheduled Committee meeting lacks a quorum, the Chairman of said Committee, with the consent of the Chairman of the Legislature, may temporarily replace any member of that Committee who is not present with another member of the Legislature. This replacement shall be for that specific meeting only and only while the absent member of the Committee is not present, to enable said Committee to conduct its business.
4. Meetings of Standing Committees or other Committees, boards, or commissions of the Legislature, which have been adjourned due to a lack of a quorum, or recessed meetings of these committees, may be re-scheduled at the discretion of the Chair of each, or on the request of a majority of the committee membership. Members shall be notified of the meetings so adjourned or recessed in the same Manner provided for notifying members, as outlined in Article II (B) (3) and Article II (B) (4).
5. Special Committees constituted for a particular and generally temporary

purpose, shall be organized and meet as specified in the resolution authorizing formation of said committees. These committees shall hold meetings at least monthly.

6. No committee meetings shall be closed to the public, except by majority vote of its membership and only for the reasons specified in applicable law. *C. Standing Committees and their Functions:*

The Putnam County Legislature shall operate on the committee system and the manifold operations of the County shall fall within the jurisdiction of the nine standing committees listed in Article II (C) (2) of this Legislative Manual. The eight (8) previously listed are:

- Audit and Administration
- Budget and Finance
- Economic Development
- Health, Social and Educational Services/Environmental
- Land Acquisition and Watershed MOA Administration
- Personnel
- Physical Services
- Protective Services
- Rules, Enactments and Intergovernmental Relations

The functions of each Standing Committee shall be essentially the same: to expedite the business of the Legislature by considering policy initiative for and directives from, the Legislature or operations within its jurisdiction; to review operations for compliance with legislative intent and to make recommendations to the Legislature on its own initiative, or at the request of the Legislature. In addition, any individual Legislator may request committee consideration of any matter by filing a request in writing with the Chair of the Legislature who shall forward that request to the appropriate committee Chair. A committee as a group and its individual members, shall be expected to conduct a comprehensive initial review and subsequently periodic reviews, of ongoing and future activities of those -governmental units within that committee's jurisdiction. Committee members may be designated to attend meetings of departmental boards and commissions in the capacity of observers.

Matters referred to committees by the Legislature or by individual members through the Chair of the Legislature shall be promptly considered by the committee, unless otherwise provided and a final report shall be made within sixty (60) days of the receipt thereof. If no final report has been prepared, the committee shall inform the Chair of the Legislature, who shall recommend to the Legislature an extension of the sixty- (60) day period or other remedy.

Once a Standing Committee accepts the assignment of any issue properly before it, the issue shall remain the responsibility solely of that Standing Committee, unless the Chair of the Legislature has given prior approval of and assignment to multi-committee consideration, or unless the Standing Committee, in its deliberations requires the input from another Standing Committee in order to complete its deliberations.

When it has become necessary under multi-committee consideration for both committees to act by resolution and there is no conflict between resolutions, the resolutions shall be presented as a combined resolution presented jointly. In the event a conflict develops between the committees which then produce conflicting resolutions, both such resolutions shall be presented to the Full Legislature simultaneously for discussion and debate before a deciding vote is taken.

All substantive and formal actions shall be decided by a majority vote of committee members and the Chair of the committee shall faithfully report such actions even though having voted with the minority on a particular matter.

The Standing and Special Committees shall keep minutes of all meetings including dates and times of the meetings, committee members present and matters discussed as required under Article II (G) ("Powers and Duties of the Clerk of the Legislature")..

The original of such report and tape recordings of the meeting shall be filed with the Clerk of the Legislature as soon as possible after each committee meeting.

All resolutions, local laws, or other reports or recommendations emerging from committees for consideration by the Full Legislature shall be preceded by a short summary of the intent and effect of the proposal along with the potential fiscal impact. This summary shall be read into the record at the time of presentation. Committees may hold public hearings on issues pending before them.

1. Rules, Enactments and Intergovernmental Relations:

The functions of the Standing Committee on Rules, Enactments and Intergovernmental Relations shall include, but not be limited to, the following:

- a. To recommend the conduct of the legislature through rules, regulations and procedures.
- b. To review the Legislative Manual annually and recommend its adoption, with any amendments and to render opinions on any matters included in the Legislative Manual, upon request of the Chairman of the Legislature or any members of the Legislature.
- c. To recommend to the Legislature and its committees, the form, content and frequency of all formal reports prepared for the Legislature by any officer, department head, agency head or County employee or for work performed for, or by the County, through service contracts agreements.
- d. To designate representatives to sit as observers on any Executive Labor Relations Committee that may be created and report thereon to the Rules, Enactments and Intergovernmental Relations Committee, and to the Legislature.

- e. To review any proceedings or negotiations concerning joint undertakings with other municipal entities including cities, counties, towns, villages or regional government associations, upon the request of the Chairman of the Legislature and within the guidelines established by the Legislature.
- f. To review and make recommendations to the Legislature concerning any legislation on matters of interest to the County for introduction to, or pending before, the State and Federal Legislatures.
- g. To review and advise the Legislature concerning any suits against the County as well as any litigation of County interest except condemnation proceedings concerning rights of way and non-payment of taxes.
- h. To review activities of and performance for compliance with legislative intent of the Department of Law, the Board of Elections, the County Clerk and all other agencies of County government not specifically assigned to a particular standing committee.
- i. To recommend to the Legislature, a Code of Ethics for County Legislators, officers, employees and all persons having or conducting affairs with the County government.

2. Budget and Finance:

The Budget and Finance Committee shall be a standing committee, composed of the entire Legislature. The functions of said committee shall be, but not limited to:

- a. To review with the Commissioner of Finance each budget item and budget estimates submitted by unit heads and the Tentative Budget as approved by the County Executive.
- b. To make recommendations to the Legislature on each budget line item based on the review described in paragraph (a) above.
- c. To review and recommend to the Legislature, necessary action on tax levy matters.

3. Audit and Administration:

The functions of the Audit and Administration Committee shall be, but not limited to:

- a. Exercise legislative oversight of the Department of Finance and of all financial activities and functions as related to program content and performance for compliance with legislative intent, as incorporated in the Budget. This applies especially to funds appropriated in the Budget for a specified program purpose and the extent to which the purpose was accomplished within initial and supplemental Budget requests as compared with initially anticipated performance and established standards.
- b. To review and recommend to the Legislature necessary actions following annual or periodic audits conducted as part of the Legislature's auditing function or following each New York State Department of Audit and Control Report on County Finances and financial procedures and to monitor compliance with recommendations approved by the Legislature.

- c. To receive and review for completeness and accuracy the Annual report and periodic reports of the Commissioner of Finance.
- d. To review and make recommendations to the Legislature about the County Executive's actions on appropriation transfers, deficiency appropriations and supplemental appropriations.
- e. To review and recommend to the Legislature the Legislature's policy on assets, types of investment and terms of investment, use of surplus or general funds and authorization and issuance of County debt obligations.
- f. To review for adequacy the County Executive's recommended insurance coverage and policies
- g. To review and recommend to the Legislature necessary action on assessment, equalization and taxation.
- h. To review and recommend to the Legislature necessary action on purchasing procedures, bids, bonds and capital project financing.

4. Health, Social and Educational Services/Environmental:

The functions of the Committee on Health, Social and Educational Services/
Environmental, shall include but not be limited to the following:

- a. To exercise legislative oversight for compliance with legislative intent of all County government departments, agencies and units, as well as of advisory citizen boards providing health, social or educational services to the County or its residents. Included in these categories shall be the Department of Health, the Board of Health, the Department of Mental Health, the Mental Health Board, the Department of Social Services, the Office of the Aging, the County Historian, the Alcoholic Beverage Control Board, the Veterans Service Agency, the County Cooperative Extension Service, the Community Services Board and the Coordinating Council for People with Disabilities.
- b. To initiate and recommend legislative policy and upon Legislative request or its own initiative, present its recommendations for Legislative action on the following:
 - 1. All public welfare programs including those of semi-independent agencies and special services contributing to the public welfare.
 - 2. All programs of the Office for the Aging.
 - 3. All public and environmental health facilities and programs
 - 4. All mental health programs and services that may be undertaken by the County government or fall within its jurisdiction.
- c. To exercise legislative oversight to all contracts between the departments, agencies, etc., listed in sub-clause (a) above and any other person, institution or unit of government.
- d. To recommend policy toward and maintain contact with voluntary or civic associations providing health or welfare services to residents of the County.

5. Physical Services:

The functions of the Committee of Physical Services shall include but not be limited to the following:

- a. To exercise legislative oversight for compliance with legislative intent of all County government departments, agencies and units as well as citizen advisory boards and commissions that render physical services for the well being and convenience of the County of its residents. Included in these categories shall be the Department of Highways and Facilities, the Division of Planning and Development, the Planning Board and the Recreation Commission, the Lake Management Advisory Committee and the Soil & Water Conservation District, as well as physical work performed for or by the County government in association with other local jurisdictions and contractors paid from County funds.
- b. To represent the Legislature in all matters or concern to the above County governmental units and make reports with recommendations to the Legislature thereon.
- c. To represent the Legislature, on its request, in all regional and local programs for planning and economic development.
- d. To recommend to the Legislature any legislative action involving the above mentioned departments and agencies.

6. Protective Services:

The functions of the Committee on Protective Services shall include but not be limited to the following:

- a. To exercise legislative oversight to assure compliance with legislative intent of all County government departments, agencies and units, as well as citizen advisory boards and commissions, that render protective services for the well being of County residents. Included in these categories shall be the Office of the District Attorney, the Office of Probation, the Sheriff's Department, the Putnam County Jail, the Coroners, the Putnam County Legal Aid Society, the Office of Civil Defense, the Fire Coordinator, the Sealer of weights and Measures and the Department of Consumer Affairs, and the Traffic Safety Board.
- b. To exercise legislative oversight of all contracts between the above units, boards and commissions and any person, institution or unit of government.
- c. To initiate and recommend legislative policy for all protective and custodial services performed by the County government.
- d. To give advice and initiate the action required of the Legislature concerning the relationship of the County government to agencies that administer criminal justice.

7. Personnel:

The functions of the Committee on Personnel shall include but not be limited to the following:

- a. To exercise legislative oversight for compliance with legislative intent on all matters involving personnel throughout the County government.
- b. To make recommendations to the Legislature on personnel matters when deemed necessary.

8. Economic Development:

The functions of the Committee of Economic Development shall include but not be limited to the following:

- a. To recommend to the Legislature ways to promote economic development and increase opportunities for business retention and expansion in Putnam County.
- b. To review activities and assist in the efforts of the Putnam County Visitors Bureau, established to promote travel and tourism in Putnam County.
- c. To review agreements between Putnam County and independent Bureaus, agencies and companies providing services to increase opportunities for economic development recommending to the Full Legislature appropriate agreements between such entities.

9. Land Acquisition and Watershed MOA Administration

- a. Exercises Legislative oversight for the acquisition of real property and its projected uses by the County along with coordinating with the Administration the overall plan for the development of the property including the plan for the Tilly Foster Farm property already purchased by the County and the Belden House property in the process of being acquired by the County from the City of New York.
- b. Exercises oversight over the distribution and uses of funds received by the County under the 1997 Memorandum of Agreement (MOA) with the City of New York as well as developing programs and policies by the County of Putnam required to be developed or implemented under the terms and provisions of the Agreement.

D. *Committee Vacancies:* In the event of a vacancy on any Legislative Committee, the Chair of the Legislature shall fill the vacancy by appointment in the same manner that the original member was appointed.

E. *Services Provided to the Legislative Committees:*

In order to guide the work of each committee efficiently and effectively, each committee chair may seek the assistance of the Clerk of the Legislature. This service shall include secretarial and recording facilities, the taking of minutes of meetings, including actions voted on, correspondence, reports and research assistance.

Requests from any committee Chair to the Executive Branch shall be routed through the Clerk, who shall prepare a written request and monitor compliance with the requests. This procedure shall also be followed by committee seeking the counsel of or testimony from any official, department head or employee of the Executive Branch, or any special services, reports or data from any department or unit of the Executive Branch.

Assistance from or counsel of elected officials such as the County Clerk, or the District Attorney, or Sheriff shall be relayed directly to the individual official by the Clerk.

Counsel to the Legislature may be contacted directly by the Clerk to arrange for such legal and other appropriate services as may be required by any committee. This includes drafting of resolutions to be presented to the Legislature. Any special services from consultants, technicians or other specialists not in the regular employ of the County that require the expenditure of County funds must be authorized in advance by the Legislature. See Article V.

F. Special Committees, Citizen Advisory Committees, Commissions Or Boards and their functions:

1. Special Committees **of the Legislature** may be created by the Legislature to help it transact its business. Each Special Committee shall be concerned with only one specific and definite purpose and shall be established for a limited duration, either to serve until a specific date or to serve until it completes its specific assignment. Special Committees shall be limited solely to members of the Legislature. The Chair of the Legislature shall appoint members of such Special Committees, subject to the approval of the Legislature. Special Committees shall establish their own regular meeting dates, and shall be governed by the Rules of Order and Procedure as outlined in Article IV.
2. Citizens' Advisory Committees, **Commissions and Boards:**
The Legislature may appoint Citizens' Advisory Committees, Commissions and Boards. At the time of the appointment of each of these bodies, the Legislature may appoint a member as liaison or ex-officio. These bodies may be created by the Chair of the Legislature with the approval of the Legislature, or upon its own initiative by a majority of the entire Legislature, The Boards shall serve the Legislature.

The Citizens' advisory body shall be composed of residents of Putnam County and where possible, shall contain a representative from each Town in the County. The appointment of the Chair and officers and the numerical and geographic make-up of the body shall be approved by the Legislature. Members may set their own meeting agenda.

A Citizens' Advisory body shall be established for a limited time until it has completed its task or until abolished by the Legislature.

IV RULES OF ORDER AND PROCEDURE:

Roberts' Rules of Order, Newly Revised, shall be the specific rules of order and procedure for the conduct of the meetings of the Putnam County Legislature and of its committees, citizen advisory boards or commissions, insofar as they are applicable and not inconsistent with the following Rules of Proceedings contained in this manual.

The Standing Committee on Rules and Enactments shall be responsible for the correct procedure within the rules. A question on the proper application of any rule, or if no rule can be found to clearly apply in a given instance shall be referred to the Rules Committee for interpretation or remedy.

Each and every meeting of the Putnam County Legislature and its committees, boards and commissions shall be open to all members of the public, unless otherwise specified by law.

Rule 1- Roll Call:

Each and every meeting shall be called to order at the time appointed by the Chair and the Clerk shall call the roll and enter the names of those committee members present or absent in the minutes. In meetings other than Full of the Legislature, the Clerk shall also list the names of all other Legislators present. If a quorum is not present, the members attending must call for an Adjourned Meeting, requesting the Clerk to issue an appropriate notice, setting time and date for a new meeting.

Names of any Members arriving late or departing early shall be inserted in the minutes of the meeting by the Clerk, noting the time of arrival or departure.

Rule 2 - Quorum:

A majority of the entire Legislature or of any Standing or Special Committee or Advisory Board or Commission shall constitute a quorum for the transaction of its business except that a lesser number must vote to adjourn a meeting.

Rule 3 - Manner of Accepting Minutes:

The minutes of the preceding meeting or any portion thereof, of the Legislature shall be read at the request of any Legislator who wishes to enter objections, alterations or additions. Otherwise, the minutes of the preceding meeting shall be automatically approved without formal actions.

Rule 4 - Exercise of Power of the Legislature:

A Power of the Legislature, except as otherwise provided, shall be exercised through a Local Law Act, Ordinance or Resolution duly adopted by the Legislature. In each calendar year, each Local Law, Ordinance or Resolution shall be numbered consecutively and dated and be given a title concisely stating the subject matter thereof.

Rule 5 (A) - Order of Business:

The Order of Business at each meeting of the Legislature shall be as follows:

1. Pledge of Allegiance
2. Roll Call of the Legislators
3. Acceptance of the Minutes
4. A statement that communications from government officials, Departments and agencies has been summarized and attached to the Agenda. The subject text is available in the Office of the Clerk of the Legislature. There shall be no public discussion of the aforementioned unless brought up under new business.
5. Consideration of reports of Citizens' Advisory Boards, Committees, Commissions and Boards and Petitions from members of the public:
There shall be no public discussion of the aforementioned unless brought up by new business.
6. Unfinished Business:
7. Reports of the Standing and Special Committees will be given with the pre-filed Resolutions.
8. Presentation of pre-filed Resolutions, Local Laws, Acts, Ordinances, etc., for discussion and vote.
9. Presentation of a pre-filed request from a Legislator shall be referred by the Chair to the appropriate committee, unless a majority of the Legislators present and voting, authorize same to be discussed.
10. Presentation of new business by any Legislator for discussion subject to a vote by a majority of the members present and voting. A vote on a resolution introduced under new business requires a unanimous vote to suspend the rules, pursuant to Rule 24.
11. Adjournment of Meeting:

Rule 5 (B) - Remove from Agenda:

Any item may be removed from the agenda by unanimous vote of the members present and voting without debate on the issue.

Rule 6 - Chair to Preside:

The Chair of the Legislature shall preside at all regular and special meetings of the Legislature. The Chair shall preserve order and decorum, confine discussion to the matter at issue and decide questions of order, subject to appeal by the Legislature. The Chair may appoint a Deputy Chair. The Deputy Chair will preside in the event of the Chair's absence for the next meeting (for not more than one consecutively held meeting), without the appointment of a Temporary Chair.

Rule 7 - Appeal of a Decision of the Chair:

On any duly seconded motion appealing a decision of the Chair on a matter of order, the Chair may first state the reason for its decision, after which any Legislator may speak on the subject and will not be recognized again until all Legislators have had the opportunity to speak on that subject before the Chair puts the question: "Shall the Chair's ruling be sustained?" The question shall then be decided without debate by roll call vote of a majority of the Legislators present, excluding the Chair, who shall not vote on such an appeal.

Rule 8 - When the Chair May Speak:

The Chair of the Legislature may speak on any matter pending before the Legislature in his capacity as a Legislator. The Chair shall indicate that it is speaking as an individual Legislator, and may do so, without designating another Legislator to serve as temporary Presiding Chair, unless he so desires.

Rule 9 - When the Chair May Vote:

The Chair of the Legislature shall be entitled to one vote, equal and similar to all other Legislators on all matters except the aforementioned appeal proceeding. (See Rule 7).

Rule 10 - Majority Vote Necessary:

A majority of the entire Legislature shall be required to carry any question, proposition, resolution, local law or motion, except when otherwise provided in these rules or by statute or the Putnam County Charter calling for a two-thirds majority or some other vote. A tie voter on any matter before the Legislature shall be deemed a defeat and the question shall be lost.

Rule 11. Addressing the Chair

Every member wishing to speak to a question or make a motion shall gain attention by raising his hand and the Chair shall recognize the member entitled to the floor by stating his name. Members so recognized for

the purpose of addressing the Legislature shall address the Chair and confine their comments to the question under consideration.

Rule 12 - Debate Limitation:

No member shall be allowed to speak more than once on any subject until every other Member choosing to be heard on the subject, shall have spoken. Debate may be limited or extended by a two-thirds vote of the Members present and on a motion to limit or extend a debate; an immediate vote shall be taken without further discussion.

Rule 13 - Recognition of Persons Not Members of the Legislature:

Persons who are not members of the Legislature may by consent, be permitted to speak during debate. Such consent shall be given by the Chair, subject to a two-thirds override by members of the Legislature who are present.

Rule 14 - Referrals to Committees:

- A. All petitions, reports, motions, resolutions and communications requiring legislative committee review shall be referred by the Legislative Chair, without motion, to the Legislative Committee having charge of the subject at hand. This does not preclude any committee chairperson from placing items on a committee agenda without the approval of the Legislative Chair.
- B. Once an item has been placed on a legislative committee agenda for consideration, said item cannot be forwarded to the Full Legislature unless the legislative committee has forwarded the recommendation to the Legislature by resolution. Once 60 days have passed from the date the item was first placed on a legislative committee agenda for review, an individual legislator may bring the item to the Full Legislature by resolution, providing same is submitted five days prior to the meeting date and the item is listed as an agenda item for that meeting.
- C. Ordinarily the Legislator shall consider only those matters that have been studied previously by the appropriate Standing Committee. However, the Legislature may consider any matter without Committee study, and approval, with a majority vote of the Legislature, providing the issue comes to the Full Legislature in resolution form.

Rule 15 - Enactment of Legislation:

- A. Introduction of a question: All petitions, reports, motions and resolutions shall be introduced by a member or a committee, in writing and signed by the individual or committee, except those made from the floor pursuant to the procedure of the Legislature.

Requests or proposals from the Executive branch which might result in a resolution shall be made through the Chair of the Legislature.

In order to be placed on the Agenda of the next scheduled meeting, all such petitions, reports, motions, proclamations, resolutions and any other requests shall be filed with the Clerk of Legislature at least seven (7) days before the meeting date. However, all motions, whether pre-filed or made from the floor shall require a second before debate and vote or a second before vote, on matters that are debatable.

The subject matter of a Committee resolution shall be limited to matters within the assigned province of the Committee. If the matter under question or some aspect of it falls within the province of more than one committee, any of these committees may offer the resolution. All Resolutions or Local Laws submitted to the Legislature shall have a statement to indicate what the fiscal impact will be for the current fiscal year.

- B. When Debate is in Order: After a motion has been made and seconded, if requested by any legislator, it shall be restated by the Chair or read by the Clerk before being put before the Legislature for debate.
- C. Moving the Question: The Chair shall not close debate as long as any member who has not exhausted his right to debate, desires the floor. The Legislature can order the closing of a debate, however, on a motion stating: "I call the question on (specify the motion)." An immediate vote shall be taken without debate or amendment, with a two-thirds majority required to close debate in this manner.
- D. Voting Procedure: At the close of debate, the motion shall, if requested by any legislator, be restated by the Chair, or read by the Clerk, before it is voted upon. Votes of the Legislature may be made by a voice vote or show of hands. On the request of any member or the Chair, there shall be a roll call vote. The Clerk of the Legislature shall call the roll in alphabetical order except for the Chairman who shall vote last and record in the minutes how each legislator voted. Every Legislator present when the question is stated from the Chair, shall vote on the questions, unless he abstains from voting and states his reason for abstaining. A Legislator's vote will be recorded in the affirmative unless he expresses his view in the negative or abstains as aforesaid. A member shall have the right to change his vote up to the time the vote is finally announced by the Chairman.

Rule 16 - Effective Date of Resolutions:

All resolutions shall become effective upon their adoption except when otherwise expressly provided by law or in such resolution.

Rule 17 - When Motions are Receivable:

When a question is under debate, no motion shall be entertained unless it provides for any of the following:

- a. to adjourn
- b. to lay on the table
- c. to call the previous question/moving the question
- d. to refer to committee
- e. to amend
- f. to extend or limit debate

Any of these motions shall have preference in the order in which they are here stated. The first three motions (a., b., and c.) are neither amendable nor debatable.

Rule 18 - Motion to Divide the Question:

If any question contains more than one distinct proposition, it shall be divided by the Chair at the request of any one member.

Rule 19 - Motion to Lay on the Table:

A motion to Lay/Defer on the Table is acceptable after debate has begun and at any time during debate before the vote on said motion has begun. A motion to Lay/Defer on the Table shall preclude amendments and debate on the main question. There shall be no debate on such a motion and the matter shall be put to an immediate vote. A majority vote of those present shall be necessary to Lay/Defer on the Table. A motion to Lay/Defer on the Table may be for an indefinite period or a specified period of time. In addition, at the discretion of the Chair a motion to Lay/Defer on the Table may be referred to the appropriate Committee subject to an override by the majority of the Legislature.

Rule 20 - Motion to Reconsider:

A motion to reconsider any resolution or motion shall be entertained by the Chair when it has been moved by a Legislator and when such motion to reconsider is to be voted upon at the same meeting, wherein said motion was passed, or at the continuation of a recessed meeting, where said motion was passed. Such a motion to reconsider shall require the affirmative vote of a majority of the Legislature.

Rule 21 - Motion to Take from the Table:

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, resolution or other matter laid indefinitely on the table shall be called from the table except by consent of a majority of those present.

Rule 22 - Withdrawal of a Motion:

After a motion is stated by the Chair, it shall be in possession of the legislature, but it may be withdrawn by the introducer, with the consent of the seconded, at any time before a decision or amendment is made, providing there is no objection, withdrawal shall be achieved by a consenting vote of a majority of the Legislators present.

Rule 23 - Amendment of the **Rules**:

The Legislature may amend its rules by a majority vote of all of its members at any time after giving members five (5) days notice, accompanied by a written copy of the proposed amendment unless otherwise provided by law.

Rule 24 - Change of the Rules:

- A. The Board may, by unanimous vote of those present and voting, waive or suspend any rule of the Board, so long as it does not conflict with any Charter provisions. A motion to take a matter out of order and advance it or delay it on the Agenda shall need only a majority vote.
- B. The rules of the Legislature for the preceding year shall remain in effect at the first meeting of each year and until the formal adoption of the rules for the current year.

Rule 25 - Communications **From County Executive**:

Any communication, recommendation or other matter received from the County Executive with a message requesting immediate (emergency) consideration must be filed with the Clerk of the Board.

Rule 26 - Regular Meetings of the Legislature:

Regular Meetings of the Putnam County Legislature shall be held monthly at 7:00 PM, on the first Tuesday, except when a holiday falls on the regularly specified date, the meeting shall be held the next business day unless the Legislature decides otherwise. The Clerk of the Putnam County Legislature shall mail to each member of the Legislature a written notice stating the date, time and place of each meeting at least five (5) days prior to the date of the meeting. Said agenda shall state the subject matter of all resolutions, ordinances and local laws to be voted on at such meeting.

Rule 27 - Service of Notice (Regular Meetings):

The Clerk of the Putnam County Legislature shall serve upon each member of the Legislature a written notice stating the date, time and place of each meeting at least forty-eight hours before the date of the meeting. Said notice shall state the subject matter of all resolutions, ordinance and local laws to be voted on at such meeting. A member may waive the service of notice, in a signed statement.

Rule 28 - Special Meetings and Service **of Notice**:

Special Meetings shall be held at the call of the Clerk of the Legislature upon direction of the Chair or upon request signed by a majority of the members of the Legislature. Notice in writing shall be served on each member by mail, e-mail or FAX at least 72 hours in advance of such meeting by the Clerk of the Legislature. The written agenda notice shall state time, place and purpose of the Special Meeting. Alternatively, notice and agenda may be made personally in face-to-face or telephone conversation with the Legislator, Such personal notice shall be made at least forty-eight (48) hours in advance. Only business specified in the notice thereof may be transacted at a special meeting.

Rule 29 - Adjournment:

A motion to adjourn a meeting shall always be in order, except while a vote is being taken and such motion shall be decided without debate. At the hour of Eleven PM, all discussion will be ceased and if possible, a vote will be taken on the question at hand. If the matter discussed demands further consideration, it shall be automatically tabled and be considered at the next regular meeting under "Unfinished Business," Rule 5 (a) (6), on the Agenda.

V. **RELATIONSHIP BETWEEN THE LEGISLATURE AND EXECUTIVE BRANCH:**

The Legislature and Executive Branches of the Putnam County Government shall be separate and coequal, as established by the Putnam County Charter. The Legislature shall be responsible for determining policy through the enactment of legislation and for appropriating funds and levying taxes. The Executive Branch shall be responsible for the efficient administration of the County's government. A smooth process of communication between the Legislature and the Executive Branch shall be essential to the efficient conduct of County business and government. A process for communication is outlined in the following paragraphs:

- A. Requests by any Legislator of the Legislature as a body for any type of information or cooperation from the Executive Branch, shall be made through the Clerk of the Legislature to the County Executive, who in turn shall channel each request to the appropriate unit under his jurisdiction or deal with it himself.
- B. Requests for information from elected County officials shall be made through the Clerk of the Legislature's Office, to the official concerned (District Attorney, County Clerk, Sheriff), with an informational copy being sent to the County Executive.
- C. Any matters concerning legislation of interest to members of the Executive Branch shall be channeled through the County Executive's office to the Clerk of the Legislature and the Chair of the appropriate Legislative Committee. After communications have passed through the appropriate channels, direct meetings between the members of the Executive Branch and the Committees of the Legislature shall be in order.

D. Any request by the Executive Branch for a resolution or local law shall be presented to the Legislature in a proposed final form approved by the Department of Law. This process is designed to facilitate normal processes of communication and cooperation between the Legislature and the Executive Branch of the Putnam County Government. In emergencies, more direct communication may be considered necessary.