

RULES OF ORDER – CAYUGA COUNTY LEGISLATURE

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I – DEFINITIONS AND TERMS

Chairperson: Unless otherwise stated, the term “Chairperson” shall, in the event of the Chairperson’s inability to act, death, resignation, or absence, be substituted with “Deputy Chairperson” in each instance until such time as the Chairperson’s disability is removed, a successor is elected, or the Chairperson returns, as the case may be.

Conflict of Interest: A real or perceived incompatibility between one’s private interests and one’s public or fiduciary duty.¹

Deputy Chairperson: Unless otherwise stated, the term “Deputy Chairperson” shall, in the event of the Deputy Chairperson’s inability to act, death, resignation, or absence, be substituted with “Chairperson of the Judicial & Public Safety Committee” in each instance until such time as the Deputy Chairperson’s disability is removed, a successor is elected, or the Deputy Chairperson returns, as the case may be.

Emergency: Unless otherwise stated, the term “Emergency” shall be defined as a situation which may result in harm to person or property, or cause the County significant operational difficulty, or significant potential expense if corrective action is postponed until a meeting of the Legislature may be assembled.

Majority: Unless otherwise stated, the term “majority” shall mean a majority of the weighted votes of the Legislature when used in Section II, Meetings of the Legislature.

Unless otherwise stated, the term “majority” shall mean a majority of the assigned members present when used in Section III, Committees.

Notice: Unless otherwise stated, the term “Notice” shall be defined to mean written notice personally delivered or sent by e-mail and by U.S. Postal Service to each member at each member’s last known Post Office address.

¹ General Municipal Law §800 et seq.

Quorum: Unless otherwise stated, the term “quorum” shall mean the number of Legislators carrying such weighted vote as to constitute more than one-half of the total weighted votes when in Section II, Meetings of the Legislature.

Unless otherwise stated, the term “quorum” shall mean one more than half of the total members assigned to a committee when used in Section III, Committees.

Recess: A break from the meeting’s agenda with the intention of re-convening and returning to the agenda at a time later in the same day.

Weighted Vote, Simple Majority: Each member of the Legislature shall carry the following number of votes when a simple majority is required, based on the Legislator’s district:

District 1:	58
District 2:	81
District 3:	68
District 4:	53
District 5:	63
District 6:	79
District 7:	63
District 8:	57
District 9:	64
District 10:	51
District 11:	51
District 12:	49
District 13:	47
District 14:	48
District 15:	50

Weighted Vote, 2/3 Majority: Each member of the Legislature shall carry the following number of votes when a 2/3 majority is required, based on the Legislator’s district:

District 1:	16
District 2:	21
District 3:	19
District 4:	15
District 5:	17
District 6:	21
District 7:	18
District 8:	16
District 9:	18
District 10:	14
District 11:	14
District 12:	14
District 13:	13
District 14:	14
District 15:	14

II - MEETINGS OF THE LEGISLATURE

The following shall apply to the County Legislature and shall supersede any previous rules to the contrary.

RULE NO. 1: REGULAR MEETING - There shall be only one (1) regular meeting per month of the County Legislature. The regular meeting shall be held on the fourth Tuesday of the month, except in such instances where the Chairperson shall otherwise order. The time of the regularly scheduled meeting shall be 6:30 PM, excepting the May meeting (Senior Citizen Day) which shall begin at 1:00 PM unless otherwise ordered by the Chairperson, and the October meeting (Student Government Day) which shall begin at 10:00 AM, unless otherwise ordered by the Chairperson. In the event a majority of Legislators vote to hold such meeting at a time different from that ordered by the Chairperson, the decision of the Legislature shall be final.

RULE NO. 2: SPECIAL MEETINGS - Special meetings shall be held at the call of the Clerk of the Legislature upon the direction of the Chairperson, or upon request signed by a majority of the members of the Legislature. The Clerk of the Legislature shall serve Notice of the time, place, and purpose of the special meeting at least forty-eight (48) hours before the date fixed for holding the special meeting.

RULE NO. 3: EMERGENCY MEETINGS - In case of an emergency, or if the facts make less notice necessary to avoid serious consequence, the Legislature, by unanimous vote of all members, may waive notice entirely. Notice of less than forty-eight (48) hours may be ordered by a majority of the Legislature. The Chairperson may order the most reasonable method of notice possible, such as overnight-service. Upon ordering such method of notice, prompt personal contact by the Clerk of the Legislature shall also be attempted by phone or in-person.

RULE NO. 4: HOLIDAYS - Whenever the day fixed for a meeting shall fall on a legal holiday, or a day celebrated as a legal holiday, the Legislature shall meet on a date set by the Chairperson of the Legislature. In the event a majority of Legislators vote to hold such meeting at a time different from that ordered by the Chairperson, the decision of the Legislature shall be final.

RULE NO. 5: ORGANIZATIONAL MEETING – 1. The organizational meeting of the County Legislature shall be held on or before January 8th of each year. The County Legislature shall, by resolution, duly adopted in the month of December, set forth the date, time, and place of the organizational meeting.²

2. The Clerk of the Legislature shall serve upon each member a written notice stating the date, time, and place of such meeting to organize the Legislature and that a Chairperson will then be selected. Notice shall be sent at least forty-eight (48) hours before the date of the meeting.³

3. The Clerk shall call the members to order and the members, by a majority vote, shall select the Chairperson and Deputy Chairperson immediately following the roll call. Subsequent to the selection of the Chairperson and Deputy Chairperson, the Rules of Procedure shall be adopted by a majority of the Legislature as the next item of business.

² County Law, Article 4, §151(1)

³ County Law, Article 4, §151(1)

4. In the event that a Chairperson is not selected on or before February first, the County Clerk shall appoint a member of the board as Chairperson until the end of the calendar year in which he/she is appointed.⁴

RULE NO. 6: ORDER OF BUSINESS – The order of business shall be:

1. Roll Call
2. Approval of Minutes
3. Communications and Petitions
4. Reports of Standing Committees
5. Reports of Special Committees
6. Presentation of Claims
7. Motions, Resolutions and Notices
8. Unfinished Business
9. Special Orders
10. Adjournment

RULE NO. 7: AGENDA – An agenda of the order of business shall be given to each Legislator five (5) days prior to the regular meeting.

RULE NO. 8: MINUTES – Copies of the minutes of the meeting held in the preceding month shall be placed on each member's desk at the meeting of the following month. In the absence of objection or correction, the Chairperson shall request legislative approval at the next scheduled monthly meeting.

RULE NO. 9: CLAIMS – 1. All claims are to be itemized by name of claimant and total amount claimed⁵. Such shall be prepared and available for approval by the County Administrator before 5:00 PM of the Second Tuesday of each month. All claims shall be presented to the Legislature by the County Administrator for audit prior to the commencement of the regularly scheduled monthly meeting of the Ways and Means Committee.

2. The County Administrator shall present such claims itemized by name of claimant, nature of claim, and total amount claimed. The County Administrator shall indicate on the claim whether or not such claim is approved. Approved claims reported by the County Administrator or designee may be passed in the aggregate, but any claim objected to shall be acted upon separately, notwithstanding the recommendation of the County Administrator

3. Upon receipt of the warrant recommending the payment of bills or claims, any Legislator may move that any specific claim shall be withdrawn from the consideration of the Legislature, and shall be considered as a claim to be presented at the next Legislative meeting.

⁴ County Law, Article 4, §151(5)

⁵ County Law, Article 7, § 369(2)

RULE NO. 10: RESOLUTIONS & MOTIONS – Notwithstanding emergency resolutions, all resolutions shall be submitted in writing to each member of the Legislature, and all resolutions shall require a second before being put to vote unless the resolution has been previously signed by more than one member of the legislature, in which case a second is presumed to have been made by all signed.. Upon the request of any member, any amendment to a resolution shall be put forth in writing.

2. All motions shall require a second before being put to a vote. Any motion not having a second shall be presumed defeated.

RULE NO. 11: EMERGENCY RESOLUTIONS – An emergency requiring the passage of a resolution by the Legislature shall be deemed to be passed by the Legislature upon the concurrence of the Chairperson of the Legislature, the Chairperson of Ways & Means, The Oversight Committee Chair, and the Minority Leader.

RULE NO. 12: ROUTINE RESOLUTIONS – 1. Routine resolutions shall include any resolution of a recurring nature. Routine Resolutions may be grouped and acted upon by a single vote. Every Legislator has the right to request that any item so grouped be acted upon separately. Such request shall be granted without debate or vote.

2. Routine Resolutions shall be placed on the agenda with all other resolutions, except that Routine Resolutions shall be grouped together and be the first resolutions to be acted upon.

RULE NO. 13: SPECIAL ORDERS – Special orders shall consist of matters set down by a previous resolution of the Legislature to a certain day and shall be taken in order under Rule 6.

RULE NO. 14: UNFINISHED BUSINESS – All reports, resolutions, and other matters laid on the table may be brought and shall be taken in order under Rule 6.

RULE NO. 15: ADJOURNMENT – At evening meetings, when the hour of 11:00 PM arrives, the topic of discussion at the moment shall continue until completed and then before any new business is brought up, a vote will be taken and decided by a majority of those present whether to continue in session or adjourn until the following evening at 6:30 PM.

III – COMMITTEES

RULE NO. 1: STANDING COMMITTEES - Standing Committees aid and assist the Legislature in the transaction of business. Each Standing Committee shall provide general supervision through the County Administrator of the County Departments, Agencies, Authorities, and activities set forth under each Standing Committee. The Standing Committees shall have the power to decide governmental matters relating to the several departments, subject to final approval of the Legislature. The Standing Committees are:

1. Ways and Means

- a. Auditor
- b. Budgets & Budget Officer
- c. Central Purchasing
- d. Data Processing
- e. Finance
- f. Insurance
- g. Real Property
- h. Salaries and Personnel
- i. Taxes
- j. Treasurer

2. Public Works Committee

- a. All County Buildings and Grounds
- b. Highway Department
- c. Motor Pool
- d. Parks and Recreation
- e. Weights and Measures
- f. Water and Sewer Authority

3. Planning and Economic Development

- a. Agriculture
- b. Cooperative Extension
- c. Employment and Training
- d. Energy
- e. Environmental Management
- f. Planning
- g. Publicity
- h. Soil and Water Conservation District
- i. Tourism
- j. Water Quality Management

4. Health and Human Services

- a. Animal Protection Organizations
- b. Cayuga County Action Program
- c. Emergency Medical Services
- d. Health Department
- e. Long Term Care
- f. Mental Health
- g. Nursing Home
- h. Office for the Aging
- i. Social Services
- j. Youth Bureau

5. Government Operations

- a. Board of Elections
- b. Community College
- c. County Administrator
- d. County Attorney
- e. County Clerk/DMV
- f. County Legislature and Rules
- g. Education
- h. Historian
- i. Information Technology
- j. Records Retention
- k. Veterans

6. Judicial and Public Safety

- a. Assigned Counsel
- b. Commissioner of Jurors
- c. Communications System (E-911)
- d. Coroner
- e. District Attorney
- f. Emergency Management Office
- g. Fire
- h. Grand Jury
- i. Justices & Constables
- j. Probation
- k. Sheriff / Jail

RULE NO. 2: STANDING COMMITTEE STRUCTURE – The Standing Committees shall consist of seven (7) members. The Chairperson of the Legislature shall, as soon as practical after the Organizational Meeting, appoint a Chairperson for each Standing Committee and appoint each of its members from the members of the Legislature, except where the Legislature shall otherwise order by a majority weighted vote. The Chairperson of each Standing Committee, once appointed, shall select a Deputy Chairperson for that committee.

RULE NO. 3: STANDING COMMITTEE MEETINGS – 1. The Chairperson of a committee shall call the meeting to order upon appearance of a quorum, provided that the meeting is not called to order prior to the scheduled time of the meeting.

2. A majority of those present shall be sufficient to vote upon and pass any motion or resolution before the committee.

3. The County Rules of Order shall apply to all Committee Meetings.

RULE NO. 4: COMMITTEE MINUTES – The Chairperson of each Standing Committee shall maintain minutes and file the same within three (3) business days with the Clerk of the Legislature. Committee minutes shall include a listing of the members present and the members absent, the subject matter for which the meeting was called, action taken and other pertinent information. The minutes shall be made available for personal inspection by any member of the Legislature.

RULE NO. 5: SPECIAL COMMITTEES – The Legislature may, from time to time, create and abolish Special Committees. Any resolution creating a Special Committee shall specify the powers and duties of the committees and the number of its members. The Chairperson shall appoint the members of all Special Committees, except where the Legislature shall order by a weighted majority vote.

RULE NO. 6: TERM – Each committee member shall serve as a member of such committee until their successor is appointed.

RULE NO. 7: REFERRAL TO COMMITTEE – All positions, communications, reports, and motions requiring action of a committee shall be referred by the Chairperson, without motion, to the committee having charge of matters relating to the same.

RULE NO. 8: ATTENDANCE – 1. Every member of the Legislature shall have the right to attend the meetings of any committee, whether regular, special, or executive session, unless otherwise prohibited by the rules.

2. Every member of the Legislature shall inform the Clerk of the Legislature in the event that such member is unable to attend a meeting of a committee to which such member is assigned. Failure to do so shall cause such absence to be recorded as an unexcused absence.

IV – RULES OF ORDER

RULE NO. 1: RULE MODIFICATION – No standing rule or standing order of the Legislature shall be rescinded, suspended or changed, or any rule added thereto unless it is by Weighted Majority Vote.

RULE NO. 2: PRECEDENCE – When a question shall be under consideration, no action shall be received except as herein specified, which motion shall have the precedence in the order named, to wit:

1. For an adjournment of the Legislature.
2. To call the question.
3. To lie on the table.
4. To postpone indefinitely.
5. To postpone to a certain day.
6. Executive session.
7. To go into a committee of the whole pending subject immediately.
8. To commit to a committee of the whole.
9. To commit to a Standing Committee
10. To commit to a special committee.
11. To amend.

RULE NO. 3: PRIORITY – 1. All questions relating to the priority of business, that is, the priority of one question or subject matter over another, under the same order of business, shall be decided without debate.

2. When a blank is to be filled or several sums or times are proposed the question shall first be put on the largest sum and the longest time.

RULE NO. 4: ORDER – The Chairperson shall preserve order and decorum and decide all questions of order, which decision shall be final unless an appeal is taken to the Legislature. On an appeal from the decision of the Chairperson, the Legislature shall have the right in their place to assign their reason for their decision. The Legislature shall also have the right to substitute any member to perform the duties of the Chairperson but such substitution shall not extend beyond the next adjournment.

RULE NO. 5: RECOGNITION – 1. A member rising to debate, to give a notice, to make a motion or report, or to present a petition or other paper shall address the Chairperson and shall not proceed further until recognized by the Chairperson.

2. When two or more members shall rise at once, the Chairperson shall name the member who is to speak first.

RULE NO. 6: PERMISSION OF THE FLOOR – 1. Persons not members of the Legislature may, with the permission of the Chairperson, be permitted to speak in regard to matters pending before the Legislature.

RULE NO. 7: PRIVILEGE OF THE FLOOR – 1. Each Legislator may request privilege of the floor on behalf of another during the portion of the meeting designated as such. Those addressing the Legislature during privilege of the floor need not be limited in subject to matters currently before the **Legislature**, and may speak to any topic.

2. The Chairperson shall have the authority to grant or deny such request, and may limit the time that a person having been granted privilege of the floor may be allowed to speak.

RULE NO. 8: ANNOUNCEMENT – 1. Every motion or resolution shall be first stated by the Chairperson or read by the Clerk before debate, and immediately after the question is put.

2. After a motion or resolution is stated it shall be in the possession of the Legislature and may be withdrawn at any time before decision or amendment.

RULE NO. 9: DEBATE – 1. If any member is speaking or otherwise transgresses the Rules of Order, the Chairperson may call the member to order, in which case the member so called to order shall immediately stop unless permitted to explain.

2. While a member is speaking, no other member shall entertain any private discourse, or pass between the member speaking and the Chairperson.

3. No member shall speak more than twice on the same general question, without leave of the Legislature.

4. No member shall speak more than once on any question until every member choosing to speak shall have had the opportunity to speak.

RULE NO. 10: OBLIGATION TO VOTE: 1. Every member who shall be present when any question is stated from the Chairperson shall vote thereon, unless excused by the Chairperson of the Legislature after presentation of a suitable excuse prior to the beginning of the roll call, or unless the member is directly interested in the question, in which case, the member shall not be allowed to vote.

2. While the Chairperson is putting the question, no member shall walk across or out of the room.

3. The Chairperson shall, in all cases, have the right to vote unless otherwise restricted under Section V, Ethics.

RULE NO. 11: TIE – When the Legislature is equally divided, including the Chairperson's vote, the question shall be deemed to fail.

RULE NO. 12: SEPARATING THE QUESTION – If the question in debate contains several distinct propositions, the same shall be divided by the Chairperson at the request of any member, to the end that a vote may be taken on each proposition; but a motion to strike and insert shall be deemed indivisible.

RULE NO. 13: COMMITTEE OF THE WHOLE – In forming a committee of the whole, the Chairperson shall leave the chair and appoint a Chairperson to preside.

RULE NO. 14: RECORDING OF VOTES – When any proposition or question is submitted a member may ask for a yes or no vote and the same shall be recorded by the clerk, except that the Chairperson may ask the members how many wish to have their votes recorded so indicate.

RULE NO. 15: VOTES NECESSARY – 1. On the final passage of any resolution, having for its object the appropriation of any money, or the levying of any tax, the consent by Weighted Vote, Simple Majority, of the Legislators elected shall necessary and shall be determined by recording a roll call vote.

RULE NO. 16: ACCEPTANCE OF REPORTS - The acceptance of a report by the Legislature shall not carry with it an appropriation without the accompaniment of a resolution to that effect.

RULE NO. 17: CALLING FOR A RECESS – 1. It shall be in the chairperson’s sole discretion to call for a recess of the meeting. Upon calling a recess, the chair will indicate the time at which the meeting is expected to reconvene. However, the meeting will not reconvene until a majority of the legislature is present and the chairperson, in his/her sole discretion; call the meeting back to order.

V – ETHICS

RULE NO. 1: CONFLICT OF INTEREST – 1. It is the duty of each office holder, and each office holder is primarily responsible to disclose and resolve questions concerning a conflict of interest.

2. Advisory determinations from the Board of Ethics are available to help resolve conflict questions. Such determinations are particularly useful when a question is raised early and the Board of Ethics has sufficient time to investigate the matter.

3. In the event a conflict of interest question arises and the Board of Ethics is unable to make a timely determination, any Legislator may ask the County Attorney to render a non-binding opinion, or if any member so chooses, the full Legislature may vote to decide a question of conflict of interest.

4. Every Legislator has the right to call for and vote in such proceeding. Each vote is to be considered separately.