

**Wyoming County**

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# **Rules of Procedure**

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Board of Supervisors



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# **RULES OF PROCEDURE**

Of the Wyoming County Board of Supervisors

## **Rule 1.      Sessions.**

Regular Sessions of this Board shall be held on the second Tuesday of each month at **2:30** PM.

## **Rule 2.      Order of Business.**

The order of business of each session of the Board shall be as follows:

1. Presentation of petitions, communications and reports.
2. Presentation of vouchers for payment.
3. Reports of Standing Committees.
4. Reports of Special Committees.
5. Resolutions and Motions and Consent Agenda.
6. Unfinished Business.
7. Special order of the day.

Resolutions under Rule 2, item 5 may be offered at regular meetings of the Board as follows:

Prior to each meeting, an agenda will be prepared by the Chairman and Clerk from resolutions filed with the

Clerk as provided herein. Resolutions to be offered at regular meetings must be filed in writing with the Clerk / Deputy Clerk to the Board of Supervisors by 10:00 AM on the Thursday preceding each meeting. On or before the close of business of the Thursday before each meeting, the Clerk / Deputy Clerk shall mail, email or fax to each member of the Board a copy of the agenda to be offered at the regular meeting. No later than 12:00 Noon on the Friday before the Board meeting, the agenda becomes a record available to the public. Copies of the agenda and any resolution indicated thereon may be procured at the Clerk's office.

A resolution not filed with the Clerk / Deputy Clerk to the Board by 10:00 AM of the Thursday preceding a regular meeting may be offered by a member only upon unanimous consent of the members present. A consent agenda may be presented at any regular session of the Board of Supervisors.

The agenda shall be limited to resolutions that have been carried unanimously in committee(s) and then designated for placement on the Consent Agenda by the Chairman of the Board of Supervisors for consideration as a single piece of Legislation.

Any Supervisor may ask for separate consideration of any resolution within the Consent Agenda as such agenda comes before the Board of Supervisors for consideration. The Consent Agenda, as such, may be acted upon on a single vote.

Resolutions for presentation at the annual sessions shall be presented not later than 10:00 AM of

the fifth day preceding the day on which such resolution(s) are to be offered.

**Rule 3.**        **Request by Member.**

Upon request of a member of this Board, any resolution presented shall be read in full.

**Rule 4.**        **Reduction to Written Form.**

All petitions, reports, and resolutions shall be **presented in writing** by the member offering the same.

**Rule 4A.**

Any Resolution not offered by or on behalf of a committee shall be referred by the Chairman to the appropriate committee.

**Rule 4B.**

Sixty (60) days after a resolution has been referred to a committee under Rule 4A by the Chairman or by the Board under Rule 29, any member may, by a resolution filed in accordance with Rule 2, move for a discharge of the committee from consideration of such resolution. If the resolution to discharge the committee from consideration is adopted by the Board, the resolution referred to the committee becomes pending business of the Board and may be moved for immediate

consideration by the member making the resolution to discharge the committee.

### **Rule 4C.**

Any member of the Board of Supervisors may direct that the Clerk place a resolution on the agenda of a regular Board of Supervisors' meeting, providing that member files with the resolution a statement certifying that the resolution has been considered one or more times by the appropriate committee of the Board of Supervisors and that said committee has either refused to consider the resolution or failed to act favorably on the resolution. However, before such resolution may be put to vote, the Board of Supervisors must, by a separate vote and by a two-thirds majority, agree to consider the resolution for passage.

### **Rule 5.      Suspension of Rules.**

None of these rules shall be suspended except by unanimous consent of those present, nor shall any be amended except upon two-thirds vote of all members present after one day's notice, accompanied by a written copy of the proposed amendment.

### **Rule 6.      Composition of Standing Committees.**

Standing Committees shall consist of five **or more** members, and Representative Committees shall consist of one or more members. Member first named in each

committee shall be the Chairman of that committee; the second member named shall act as Vice-Chairman; and the third member shall act as Chairman in the absence of both.

Whenever the action of the Public Works Committee affects a particular Town under the provision of Section 118 of the Highway Law, **acquisition and abandonment only**, the Supervisor of the Town then becomes a member of said committee for the consideration of that question.

## **Rule 7. Standing Committees.**

Standing Committees shall be appointed by the Chairman as follows:

1. Finance / Compensation
2. Audit
3. Human Resources
4. Human Services
5. Public Health
6. Planning
7. Agriculture  
Green Energy Sub-Committee
8. Public Safety
9. Public Works

**Rule 7A. Special and Ad-Hoc Committees.**

Special and/or Ad-Hoc Committees will be created as necessary members to which shall be appointed by the Chairman.

**Rule 8. General Duties.**

Such Committees shall have general charge of all matters pertaining to the work of this Board as indicated by the titles thereof and as more specifically described hereafter as special duties, and each Committee shall have supervision and charge of the expenditures from the appropriations indicated.

**Rule 9a. Fund Requests.**

All appropriations or transfers of fund requests, both budgetary and supplemental, shall first be presented to the Committee in charge for their approval or disapproval who shall in turn present them to the Finance Committee for tabulations and recommendation before presentation to the Board for approval.

Finance Committee, except at the annual session, shall not recommend the audit of any bill, the payment of which would overdraw the money available therefore standing to the credit of the account on the County Treasurer's ledger.

**Rule 9b. Position Creations / Position Fills.**

Rev. 04-12-11, Resolution #11-148

All position creations and position fill requests shall first be presented to the Human Resource Committee through the Human Resource Director for approval or disapproval who shall in turn present them to the Home Committee as an FYI or further deliberations (if applicable) before referring to the Finance Committee for tabulations and approval or disapproval. All position creations will proceed to the Civil Service Commission and Full Board of Supervisors for final approval.

**Rule 10. Withdrawal from Consideration.**

Upon a majority vote of all the members of the Board, any matter entrusted by these rules or otherwise to any committee may be withdrawn from the consideration of such committee and in such matter as the resolution withdrawing such matter shall direct.

**Rule 11. Committee No. 1: Finance.**

- a. Budget.
- b. RPTS / Taxation
- c. Reimbursement and Budget
- d. Treasurer
- e. Wyoming County Community Hospital
- f. Board of Supervisors / Legislature
- g. Clerk to the Board
- h. Worker's Compensation



- i. Insurance
- j. Off Track Betting
- k. Information and Technology
- l. Compensation

### **11a. Budget.**

It shall have charge of the review of all annual and supplemental requests for appropriations and estimates of revenue and the approval, increase, or decrease thereof.

### **11b. RPTS / Taxation.**

Assessment Rolls shall be delivered to the Clerk to this Board by the respective Supervisors not later than September 1<sup>st</sup> of each year.

The Clerk shall examine such rolls as to compliance with the Tax Law; shall, subject to the approval of this Committee and the Board, correct any manifest clerical errors as permitted by Section 457 of the County Law; shall call the attention of this Committee to any changes deemed necessary as provided by Section 554 of the Real Property Tax Law.

Said Clerk shall make the footings and recapitulation of said rolls and prepare and deliver to this Committee, prior to the second Monday of the session, a tabulated statement showing the total assessed valuation liable for taxation for each class of tax to be levied by this Board.

This Committee shall verify such tabulated statement and report the same to the Board for confirmation together with such other matters as may be necessary relative to the form and footing of said rolls.

This Committee shall investigate the ratio of percentage which the assessed value of the real property in each tax district bears to the full value of such property and shall report and recommend to the Board such percentages for each district as determined by such investigation. In connection with this report, the Clerk shall make the computations required by Section 804 of the Real Property Tax Law.

In case other percentages are adopted by the Board, the Clerk shall make and report the other computations required. He/she shall also compile and tabulate a statement of the total valuation of taxable property within each tax district of the County as a basis for apportionment of the County Taxes and shall apportion to the several tax districts the share of the State and County Tax to be borne by each of them, which tabulation and apportionment shall be reported by this Committee for adoption by the Board.

The Committee shall have charge of the necessary tabulation and levying of taxes required by the various sub-divisions of the County; of relieving back taxes; and of balancing the account of these sub-divisions with the County.

All property acquired through delinquent taxes shall be under the supervision of the Committee, who have full

power to dispose of property with the approval of the Board.

**11c. Reimbursement and Budget.**

This Committee shall have charge of all matters relative to the Reimbursement and Budget Office.

**11d. Treasurer.**

This Committee shall carefully examine all books, vouchers, and reports of the County Treasurer; shall investigate and make recommendations regarding depositories pursuant to Section 212 of the County Law.

**11e. Wyoming County Community Hospital.**

This Committee shall have charge over all matters relating to the Wyoming County Community Hospital.

**11f. Board of Supervisors / Legislature.**

This Committee shall have charge of all matters relating to the Board of Supervisors.

**11g. Clerk to the Board.**

This Committee shall have charge of all matters relating to the Clerk to the Board.

### **11h. Workers' Compensation.**

This Committee shall have charge of all matters relating to the Workers' Compensation.

### **11i. Insurance.**

This Committee shall keep a permanent survey of all insurance for the County and is responsible that the County is sufficiently protected, including, but not limited to all insurance on all County Buildings and property; County compensation insurance, in coordination with County Finance Committee and Union bargaining; all other insurance required to protect the interest of the County.

Consistent with existing law, this Committee shall conduct all investigations and negotiations with insurance carriers for rates and terms of policies and coverage.

Audit and payment by the Board of Supervisors of any insurance bill or premium shall constitute ratification and approval of such insurance as contracted by the Finance Committee.

This Committee shall act as a liaison with the County Insurance Consultant and all companies, agencies or brokers involved in County Insurance.

### **11j. Off Track Betting.**

This Committee shall have charge of all matters relating to Off Track Betting.

**11k. Information and Technology.**

This Committee shall have charge of all matters relating to Information and Technology.

**11l. Compensation.**

This Committee shall be responsible for all resolutions increasing or decreasing the salary of employees on Schedules D, S and I. Recommendations for salary changes may be referred to this committee from any other committee for consideration; or by any other procedure as determined by the Chairman of the Board.

All matters, which are not otherwise specifically classified, shall be referred to this Committee..

**Rule 12. Committee No. 2: Auditing.**

Auditing. All claims against the County of Wyoming shall be presented upon the form prescribed by the Audit Committee, and it shall be the duty of each person incurring expenses which are to become a county charge to furnish the claimant at the time such are incurred a blank form for the presentation of his account.

Presentation of Claims. All claims against the County shall be presented to the Clerk to the Board (and/or any other designated official) on an ongoing basis and shall be endorsed by the Committee with a budget account number and with a title showing the department for which the expense was incurred and the nature of such expenses in accordance with the titles and sub-division contained in the form or report required to be made by the County Treasurer or State Comptroller.

Claims Defective in Form. The Committee shall refuse to accept any claim not properly verified and fully itemized and properly certified by the County official responsible for the incurring of the expense and receiving the supplies or having supervision of the services, and must return for correction any bills showing supplies or services for two or more County offices or departments.

Reports of Auditing. The reports of the auditing shall be in a form prescribed by this Committee and shall show the number of claim, claimant, and assignee, appropriation to which chargeable, nature of claim, amount claimed, and the amount which such Committee recommends shall be allowed.

The Audit. Upon the presentation of the report of such Committee, its chairman or other members of the committee shall move the audit of claims listed at the amount recommended. Upon the request of any member of this Board, any claim shall be read in full, and upon a like request, separate vote shall be taken upon the amount to be allowed in audit of any one or

more claims of such list and report. Upon request of any member, the motion for audit, the motions for separate vote, or any other motion or resolution affecting the audit and allowances for any or all of the claims so presented shall lie over until the next session day.

Abstract / Authorization to Pay. Upon the final audit of any bill, an authorization to Pay form, signed by the Clerk to the Board (and/or any other designated official) shall be issued and delivered to the claimant specifying the amount allowed and the person to whom payable and directing the County Treasurer to pay the same. Such authorization form shall also show the appropriation account number to which payable is charged and the nature of the claim.

Payments of Salaries and Wages. Unless otherwise provided by law, the County Treasurer shall pay every officer or employee of the County the amount earned by him/her for the payroll period on the payroll forms suggested by the State as follows:

Payrolls. Payrolls shall be prepared by the heads of departments or their deputies for the employees of their respective offices. Such payrolls shall include only the positions previously authorized by resolutions of this Board. They may also contain the names of the certifying officer.

Such payrolls and claims shall be certified as correct as to dates, period of service, and amounts due. The Clerk to the Board of Supervisors shall prepare and certify the payroll for the Members of the Board.

Such payrolls shall be delivered to the Personnel Officer to strike therefrom any position not known by the resolutions filed with him/her to have been authorized by the Board and to certify to pay all employees named therein the amounts due them as shown upon said payroll.

Nothing in these Rules shall supersede the Wyoming County Civil Service Rules.

**Rule 13. Committee No 3: Human Resources.**

- a. County Clerk
- b. County Attorney
- c. Board of Elections
- d. County Library System
- e. County Historian
- f. Personnel / Civil Service
- g. Weights and Measurers

This Committee shall have charge of all matters relating to the above sub-headings.

**Rule 14. Committee No. 4: Human Services.**

- a. Office for the Aging
- b. Department of Social Services
- c. Veterans' Services
- d. Youth Bureau / PSHC – Pre-K / Early Intervention
- e. Wyoming County Community Action



This Committee shall have charge of all matters relating to the above sub-headings.

**Rule 15. Committee No. 5: Public Health.**

- a. Public Health
- b. Coroners
- c. Mental Health

This Committee shall have charge of all matters relating to the above sub-headings. The Chairman of this committee shall be a representative to the Wyoming County Board of Health.

**Rule 16. Committee No. 6: Planning.**

- a. County Planning
- b. Economic Development
- c. Industrial Development Agency
- d. Tourism
- e. Solid Waste
- f. Space Allocation
- g. Arts Council
- h. Business Education Council

This Committee shall have charge of all matters relating to the above sub-headings.

**Rule 17. Committee No. 7: Agriculture.**

- a. Conservation
- b. Soil and Water

- c. Dog Control
- d. Cooperative Extension
- e. Fair Association
- f. County Forestland management

This Committee shall have charge over all matters relating to the above sub-headings. ***(The Chairman of this Committee shall be a representative to Cornell Cooperative Extension of Wyoming County.)***

**Rule 18. Committee No. 8: Green Energy.**

***a. Green Energy Sources***

This Committee shall have charge of all matters relating to the above sub-heading ***(The Chairman of this Committee shall be a representative to Cornell Cooperative Extension of Wyoming County).***

**Rule 19. Committee No. 9: Public Safety.**

- a. Sheriff
- b. Jail
- c. Emergency Services
- d. Building Code Enforcement
- e. District Attorney
- f. Judges
- g. Probation
- h. Public Defender
- i. Employee Safety

This Committee shall have charge of all matters relating to the above sub-headings.

**Rule 20. Committee No. 10: Public Works.**

- a. Highway and Bridges
- b. Highway Vehicles
- c. Traffic Safety Board
- d. Building Maintenance

This Committee shall have charge of all matters relating to the above sub-headings, including county buildings and real property, (***except county forestlands***) their care and maintenance, excepting the Hospital; bidding and /or purchase of all needed highway materials and highway vehicles with Board approval prior to bidding or purchase; disposal of , by auction or other means, all vehicles declared surplus by county departments and any other property directed to the Highway Department for disposition.

**Rule 21. Filing Resolutions Relative to Salaries.**

A copy of any resolution, motion, or report changing or in any way affecting the salary or compensation payable from County Funds to any officer or employee of the County shall be filed with the Clerk to this Board, the County Treasurer and the Civil Service Personnel Officer upon its adoption and certification.

**Rule 22. Emergency Employees.**

Persons employed shall be paid only from audit by the Board of duly-authorized claims for said services.

**Rule 23.      Duties of Chairman.**

The Chairman shall preserve order and decorum and shall decide all questions of order, whose decision is final unless an appeal is taken to the Board. He/she shall also appoint all standing committees. The Chairman shall be an ex-officio member of all committees with the right to vote.

**Rule 24.      Temporary Chairman.**

**Rule 24A.**

The Chairman shall have the right to name any member to perform the duties of the Chair, who shall during such time be vested in the powers of chairman; but the power of such substitute shall not extend beyond the current session without consent of the Board.

**Rule 24B.**

In the absence of the Chairman and Vice-Chairman, any member present may be selected by the Board as Chairman Pro Tempore.

## **Rule 24C.**

The Board of Supervisors of the County of Wyoming shall select a Vice-Chairman of the Board as provided by Section 151 of the County Law of the State of New York

The dates during which the Vice-chairman may exercise such powers and duties shall be those dates specified from time to time by the Chairman of the Board and recorded in a log to be kept by the Clerk to the Board for that purpose. During such times when the powers and duties are to be performed by the Vice-chairman, the powers and duties shall not be exercised by the Chairman.

## **Rule 25.      Presentation and Withdrawal.**

No motion or resolution shall require a second before being put by the Chair.

After a motion is stated by the Chairman, it shall be deemed to be in the possession of the Board, but may be withdrawn at any time before decision is made or an amendment adopted. This rule also applies to all committee meetings.

## **Rule 26.      Resolution Entered into Minutes.**

In all cases where a resolution or motion is entered on the minutes, the Clerk shall enter the name of the moving member.

**Rule 27.      Division of Questions.**

If the question under debate contains several distinct propositions, the same shall be divided by the Chairman at the request of any member to the end that a vote may be taken on each proposition.

**Rule 28.      Restriction on Debate.**

A member shall stand when addressing the Chair or the Board.

No member shall address the Board except after recognition by the Chair.

No member shall speak more than twice on any question until every member choosing to speak shall have spoken.

While any member is speaking, no other member shall entertain any private discourse nor pass between the speaker and the Chair.

**Rule 29.      Motions When Receivable.**

When a question is under debate, no motion shall be entertained unless for an adjournment or recess, for previous question, to lay on the table, to be postponed, to

refer to a committee or to amend; the several motions shall have preference in the order in which they are here stated; the first two motions are neither amendable nor debatable.

### **Rule 30.      Adjournment.**

A motion to adjourn shall always be in order except during a roll call and shall be decided without debate.

### **Rule 31.      Previous Questions.**

The “Previous Questions” shall be as follows: “Shall the main question be not put” and until it is decided shall preclude all amendments or debate. When the Board shall order the previous question and amendments are pending, the vote shall first be taken upon such amendments in inverse order and then upon the main question without further debate or amendment.

### **Rule 32.      Postponement or Consideration.**

A motion to table shall be debatable. A motion to postpone for a day certain or to make the consideration of a question a special order for a day certain shall, until it is decided, preclude all amendments to the main question.

**Rule 33.      Reference to Committees.**

A motion to commit the question under consideration to a special or standing committee or a committee of the whole shall, until it is decided, preclude all amendments to the main question.

**Rule 34.      Members Required to Vote.**

Any member who shall be present when a question is stated by the Chairman shall vote thereon unless excused by unanimous consent of the Board. Any member requesting to be excused from voting may make a brief statement of the reason for the request, and the question shall be taken without further debate. Any member so desiring to be excused from voting shall make their request to be excused prior to commencement of the roll call on the resolution under consideration.

**Rule 35.      Voting.**

The ayes and noes shall be taken on any question when required by statute or demand by any member of the Board.

**Rule 36.      Reconsideration Generally.**

No motion for reconsideration shall be in order unless made by a member who voted in favor thereof on



passage of the motion or resolution proposed to be reconsidered.

**Rule 37. Reconsideration where Rule Suspended.**

In case any motion is carried or resolution adopted or any other action taken by this Board under a suspension of any rules of this Board during the necessary absence of any member thereof, such absent member may, at the next meeting at which he is present, move the reconsideration of such action with the same effect as similar motion made by a member in the majority thereon.

**Rule 38. Use of Supervisors' Rooms.**

The Supervisors' rooms, including the committee rooms and all equipment and furnishings, shall not be used by any individual or group not officially connected with the Board of Supervisors without the consent of the Chairman of the Board of Supervisors.

**Rule 39. Annual Compensation.**

The annual compensation of the Supervisors, as determined by the Board, shall cover all duties assigned by the Chairman of the Board.

**Rule 40. Minutes of Committees.**

The Clerk to the Board and/or Deputy Clerk to the Board shall be responsible for keeping the minutes of that committee. The minutes shall be on a form provided by the Clerk to the Board and shall contain a brief summary of the business conducted by the Committee and its meeting, together with a record of the decisions made by the Committee. The minutes shall be filed in the office of the Clerk to the Board.

When a committee reviews or considers that recommendation of another committee, the decision of the reviewing committee shall be communicated orally or in writing immediately to the Clerk to the Board. The Clerk to the Board shall forthwith notify the committee, whose decision was reviewed, by telephone or other practical means.

When a matter is put by motion before a Standing or Special Committee, all members present shall vote thereon. This provision shall not apply to the Chairman of Board.

A majority vote shall be required for all committee decisions.

When a quorum of a committee is not present at a scheduled committee meeting, the Chairman of the Board may appoint any member of the Board of Supervisors present to the committee on a temporary basis for the sole purpose of permitting the committee to meet as scheduled, after which the temporary appointment shall terminate.

When the Chairman of the Board is not present, such temporary appointment may be made by the Chairman of the Committee in the same manner and for the same duration.

**Rule 41.      Roll Call.**

When the Chairman of the Board directs a Roll Call, the Clerk shall draw the name of a Town by lot. The Town thus drawn will vote first. Voting will then proceed from such Town to the end of the alphabet, then to the beginning of the alphabet, and in alphabetical order to the Town drawn by lot.

**Rule 42.      Meeting of Committees.**

Meetings of Standing and Special Committees of this Board may be called by the Chairman of the respective Committees, Chairman of the Board, or must be called and scheduled by the Clerk to this Board upon written request of any two (2) members of any committee, upon at least three (3) days notice to all members.

**Rule 43.      Participation in Sessions.**

No person other than the members of the Board of Supervisors, the Clerk to the Board, the County Attorney, and the Budget Officer shall participate in any way in the meetings of the Board, except that the privilege of the

floor may be granted for factual statements by a two-thirds vote of the members present.

The taking of photographs and recording in the Supervisors' Chambers is not permitted except by unanimous consent of all members present. The Clerk to the Board at his/her discretion may record the proceedings of the Board meetings in order to prepare the official minutes. Public information may only be obtained from official written minutes. Minutes are considered approved unless objections are raised at the next Board meeting.

#### **Rule 44. Other Matters.**

Any matter concerning procedure not covered by these Rules shall be determined by Roberts Rules of Order.

#### **Rule 45. Review of Budget.**

At a time deemed appropriated, prior to the review of the tentative budget by the Finance Committee under County Law Section 357.

#### **Rule 46. Surplus Personal Property.**

##### **Rule 46A.**

Determination that personal property is no longer necessary for public use shall be made by the head of the department or agency having legal custody and

control of such personal property with the approval of the committee of the Board of Supervisors responsible for the activities of such department or agency.

**Rule 46B.**

The head of the department or agency shall dispose of personal property determined not to be necessary for public use (in accordance with paragraph A above) with the approval of and in a manner prescribed by the Committee of the Board of Supervisors responsible for activities of such department or agency at public or private sale.

**Rule 46C.**

The Public Works Committee shall dispose of all surplus County Vehicles and any other property directed to them for disposal.

**Rule 47.      Appointment List.**

The Clerk to this Board shall issue once a year a list of all appointments to Boards, Committees, and Agencies to be made by the Board of Supervisors. Said list shall contain the name of the person currently holding the position, a description of length of term, the committee responsible to approve the appointment and the expiration date of the current appointment.

**Rule 48.      Executive Session.**

Matters for executive session shall include those outlined in the **Open Meetings Law.** Special note should be made that matters concerning **identifiable personnel** problems shall be discussed in executive session, not on the floor.

**Rule 49.      Change in Agenda Order.**

Members of the Board of Supervisors may request that a change in agenda order be made if there is a need to discuss matters in executive session.

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