

# WARREN COUNTY BOARD OF SUPERVISORS

## BOARD WORKSHOP

DATE: APRIL 7 2021

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### BOARD MEMBERS PRESENT:

CHAIRWOMAN SEEBER  
SUPERVISORS CONOVER  
LEGGETT  
MCDEVITT  
BRAYMER  
DRISCOLL  
FRASIER  
SMITH  
HOGAN  
DICKINSON  
MERLINO  
WILD  
MAGOWAN  
BEATY  
THOMAS  
SHEPLER  
GERAGHTY

### OTHERS PRESENT:

CHRIS RODGERS, FORMER PRESIDENT, NATIONAL ASSOCIATION OF COUNTIES  
ELIZABETH BUTLER, CITY CLERK, CITY OF OMAHA NEBRASKA  
MIKE COLVIN, DIRECTOR, INFORMATION TECHNOLOGY  
RYAN MOORE, COUNTY ADMINISTRATOR  
AMANDA ALLEN, CLERK OF THE BOARD  
KEVIN HAJOS, SUPERINTENDENT, DEPARTMENT OF PUBLIC WORKS  
ROBERT TERWILLIGER, FIRST ASSISTANT COUNTY ATTORNEY  
JEREMY SCRIME, SENIOR COMPUTER SYSTEMS ANALYST/PROGRAMMER  
TAMMIE DELORENZO, ASSISTANT TO THE COUNTY ADMINISTRATOR  
DON LEHMAN, DIRECTOR OF PUBLIC AFFAIRS  
SARAH MCLENITHAN, DEPUTY CLERK OF THE BOARD

### BOARD MEMBERS ABSENT:

SUPERVISORS DIAMOND  
BRUNO  
STROUGH

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*Please note, the following contains a summarization of the April 7, 2021 Board Workshop meeting; the meeting in its entirety can be viewed on the Warren County website using the following link: <https://warrencountyny.gov/mma>*

*Note: As per Governor Cuomo's Executive Order 202.1: "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed". All Board members were physically present, aside from Supervisors Conover, Dickinson, Driscoll, Frasier, Hogan, Leggett, McDevitt, Smith and Wild, who participated via videoconference.*

Copies of the agenda were distributed to those present, those attending remotely accessed the agenda via the Warren County website; a copy of the agenda is on file with the meeting minutes.

Salute to the flag was led by Supervisor Geraghty.

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Chairwoman Seeber opened the meeting at 10:04 a.m.; she apologized for the late start to the meeting which was due to some technical difficulties that had since been addressed. She indicated the first item on the agenda pertained to a Question and Answer session on Parliamentary Procedure, Robert's Rules of Order and the Rules of the Board with Chris Rodgers, *former President, NACo (National Association of Counties)*, and Elizabeth Butler, *City Clerk, City of Omaha*, whom she thanked for taking the time out of their busy schedules to assist the Warren County Board of Supervisors with obtaining a better understanding of Robert's Rules of Order. She said she had previously provided them with a copy of the County's Rules of the Board, as well as some questions submitted by some of the Supervisors that they were seeking clarification on. She voiced her appreciation of having the opportunity to meet Mr. Rodgers last February at the NACo Criminal Justice Task Force meeting in Washington D.C. she and Supervisor Beaty had attended during which Mr. Rodgers had spoken very passionately about Robert's Rules of Order, adding she was grateful for his connection to NACo and having him volunteer his time today to meet with them. She stated she was also excited to meet Ms. Butler who was working hard to become certified as a Parliamentarian which everyone was also looking forward to learning more about.

Chairwoman Seeber offered privilege of the floor to Mr. Rodgers, who thanked the Supervisors for inviting him to attend the meeting today to talk through the specific questions that had been submitted to him. He noted Robert's Rules of Order was structured to ensure the meeting was orderly and functioned efficiently and was not a document that should be used to be weaponized to undo a particular task despite the fact that it came up in that respect. He mentioned he felt the appropriate way to provide an overview was to address the questions they had submitted, beginning with No. 18. Chairwoman Seeber interjected the questions were compiled from separate emails that were submitted to Amanda Allen, *Clerk of the Board*, which was not shared with those in attendance today so she asked him to provide a summary of the questions he was answering. She added she would also like he and Ms. Butler to provide a brief description of their experience with NACo and the Parliamentarian process. Mr. Rodgers informed he had been a member of the Douglas County Nebraska Board of Commissioners for sixteen years and he was a member of the NACo Board of Directors during which he served as their President from 2012-2013, as well as serving as the Parliamentarian for them for five years during his tenure on the Board which required him to handle the Parliamentarian duties for the National meeting, as well as during some of their Board Meetings. He stated in Nebraska he was involved with the Omaha Chapter of the Parliamentarian Unit for about twenty years during which he failed at his first attempt to acquire his official credential as a Parliamentarian, adding he was still in the process of attempting to achieve this qualification.

Ms. Butler apprised she had been a Municipal Clerk for over ten years, had her Master in Municipal Clerk designation, was also a member of the Omaha Chapter of the Parliamentarian Unit and was currently studying to be a registered Parliamentarian which was quite tedious. Mr. Rodgers added Ms. Butler was part of a Pilot Group who was taking the new test that was being implemented.

Beginning with a review of the questions with one concerning what the protocol was in regard to authority, Mr. Rodgers informed there was the State Constitution, Statutes in Law, Robert's Rules of Order, the Warren County Board of Supervisor own Standing Rules of the Board and then there were customs. He explained as an example if Robert's Rules of Order was written into authority to fill in the gaps for instances when the Standing Rules of the Board did not cover something then Robert's Rules of Order could be used for guidance. He said the Standing Rules of the Board held precedent over how to operate over Robert's Rules of Order; however, he noted, there was also what was referred to as customs which pertained to actions that were so common that individuals thought they were

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rules until they were called out on them and then they had to reference the rules. He advised if a particular custom was common practice that never got called out then this meant everyone had agreed to this by unanimous consent, such as when there was a motion and a second and no one objects the action was carried or in the United States Senate when they call for unanimous consent and no one objected or spoke up the action was carried. He apprised another example that was in that realm was when there was a motion and a second and someone asks for a friendly amendment which technically did not exist because when a motion was made by someone and seconded by another individual at that period of time before it started debate the individual who made the initial motion could make a change because that motion belonged them; however, he noted, once the debate started the motion belonged to the body and they were the ones who had to determine if they wanted to permit changes. He continued, indicating there were customs that existed where individuals indicated they would like to pull and/or make a change to that motion, but theoretically this would only be permitted by unanimous consent because no one objected and there were a number of bodies who had customs of doing that. He indicated he was stating this to review the order and what had precedent in that respect. Ms. Butler stated customs were common practice and were used by her City Council upon occasion, such as when they placed a Contingency on a resolution. She apprised as an example her City Council would approve a liquor license contingent upon the business obtaining building permits; however, she noted, the proper way to have handled this would be to amend that resolution. She stated she preferred to follow the rules so she kept records of all of their Contingencies and would be including them in their rules to make it permissible and prevent them from being called out. She remarked while customs were acceptable her preference was to include them in their rules.

Supervisor Beaty asked what would occur if unanimous consent was not given and Mr. Rodgers responded a motion and a second would be required. Ms. Butler added it was imperative for the individual who was objecting to the unanimous consent to voice their opposition and then a motion, a second and a vote would be required.

In regard to the question posed regarding whether debate must cease immediately once the question was called, Mr. Rodgers informed this was a custom that was practiced by many, but it was incorrect. He explained the individual who was requesting to call the question had to be recognized by the Chair in order to officially have the floor. He said one of the powers the Chair had was that of recognition and when an individual called a question without being recognized by the Chair it was not an identifiable action because they did not have the floor. He mentioned the proper procedure to stop and/or limit debate was to be recognized by the Chair and then making a motion which had to be seconded, adding because it was a right that would be taken away a two thirds majority vote was required for the motion to be successful and the debate to end otherwise the discussion could continue. He stated when he first became a member of the Douglas County Nebraska Board of Commissioners there were no rules about limiting debate; however, he noted, they had since added a rule that permitted a member to speak for two five minute time periods for a total of ten minutes. He apprised if the Warren County Board of Supervisors did not have anything relating to limiting debate in the Standing Rules of the Board and they had used Robert's Rules of Order to govern then Robert's Rules of Order specifically provided for members to have two ten minute opportunities, He added typically when someone spoke they were recognized to do so and the first chance to speak related to the motion following which the Chair judiciously went in order to those that had not had the opportunity to speak and then the individual who originally spoke was provided with the opportunity to do so again once everyone who wanted to speak had done so.

Supervisor Beaty questioned whether an individual who spoke for two minutes during his first opportunity would

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be permitted to use the remaining eight minutes in addition to the other ten when he spoke again after everyone else had a chance to do so and Mr. Rodgers and Ms. Butler both replied in the negative. Mr. Rodgers explained if an individual took less than ten minutes during their first opportunity to speak before they relinquished the floor the remaining time did not carry over into their next chance. Chairwoman Seeber apprised the Warren County Rules of the Board indicated no member shall speak more than once on any question until every member choosing to speak shall have spoken and if the Chair of the Board or any Committee wished to enter into debate he or she may do so only after he or she recused themselves from the Chair and a temporary Chair was appointed by the Chair and she asked since the Warren County Standing Rules of the Board did not contain a time limit for how long an individual could speak whether they would default to Robert's Rules of Order. Ms. Butler responded by suggesting that a time limit be added to the Warren County Standing Rules of the Board because they had already been amended to indicate an individual could only speak once and the Standing Rules of the Board superceded Robert's Rules of the Board. Mr. Rodgers advised he concurred that the Warren County Standing Rules of the Board should be amended to add a time limit for speaking; however, he noted, because there currently was none listed he felt this would then defer to the ten minute limit indicated in Robert's Rules of Order. Supervisor Wild advised often times he commented on a matter and then someone else raises another question that required clarity that he would like to speak on, informing often times individuals were permitted to speak multiple times and he asked Chairwoman Seeber whether the intent of this was to limit speaking to two opportunities. Chairwoman Seeber responded by pointing out the Warren County Standing Rules of the Board were more restrictive than Robert's Rules of Order and only permitted individuals to comment once. Mr. Rodgers apprised if an individual commented once and then anyone else who wanted to speak was provided with the opportunity to do so and then that individual spoke again without anyone calling them out on this what was essentially occurring was they were being permitted to speak by unanimous consent. He stated an example under Robert's Rules of Order a motion and a second would be required; however, he noted, if a debate began on an item it was basically as if a motion and a second had been made to discuss that item. As an example, he said if a motion was made, but there was no second the matter should stop there, but there was a motion and they immediately began to debate the matter they had effectively consented to discuss the matter unless someone called for point of order and called them out for not having a second resulting in the discussion ending. Ms. Butler added another option to try and stop the debate from ending would be to vote on suspending the Standing Rules of the Board and extending the debate. Supervisor Wild mentioned they had indicated Robert's Rules of Order should not be used to weaponize to undo a particular task, but this had the ability to limit the debate, indicating he would prefer for a debate to occur so they could listen to the differing opinions and he asked if someone did call them out for making comments when they should not be what other options did they have to make a point. Mr. Rodgers replied that individual could request a motion to suspend the Standing Rules of the Board to allow for longer debate or they could amend the rules, as these were the Rules that were adopted by the Warren County Board of Supervisors and they had the option to change them if that was their desire.

In regard to a question regarding when it was proper to yield the floor when a member suggests they have the floor and did not want to stop talking or vice versa, Mr. Rodgers indicated this referenced the point that the Warren County Board of Supervisors had adopted their Standing Rules of the Board which they were supposed to follow and was expected of them. He mentioned in Chapter 20 of Robert's Rules of Order regarding "Discipline of Members and Guests" it indicated the Chair was the enforcer of the Rules and typically if someone was outside of the Rules they were provided a warning by the Chair, but the Board could also decide to take action and remove the individual from the meeting. He stated if it was the will of the Board to allow for more time to debate a motion could be made to suspend the Rules of the Board or if their desire was to have more flexibility in the long-term they

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could amend the rules to allow more time for discussion. Supervisor Wild questioned whether he could call for a vote if he called for a point of order, but did not agree to the ruling and Ms. Butler replied affirmatively. Ms. Butler explained it was possible to appeal the Chairs decision following which a motion, a second and a majority vote of the Board was required in order to overrule the Chairs decision. Mr. Rodgers stated following this they were at the point where they could address what they wanted to speak to through a motion and a second.

Chairwoman Seeber requested that Mr. Rodgers speak to the Parliamentary process and how he had indicated to her that it was a conflict of interest for the Chair of the Board to serve in that capacity. Mr. Rodgers advised he did not believe the Parliamentary should be the Chair of the Board and in fact should be someone who was impartial. As an example when the United States Senate and what they did for reconciliation when they had to go to the Parliamentary to rule, Mr. Rodgers pointed out it would be inappropriate for Senator Schumer, who was the Senate Majority Leader, to also serve as the Parliamentary, same as it would be inappropriate for Senator McConnell, who was the Minority Leader, to serve as the Parliamentary, as there should be a separate individual serve in this capacity. He suggested the Board appoint someone other than the Chair who could be impartial on matters and Ms. Butler concurred. Ms. Butler added typically for most municipalities the Clerk served as the Parliamentary and was included as part of all of their trainings; she noted she served as the Parliamentary for her Board.

Chairwoman Seeber indicated she would like to touch on whether or not Committee Chairs could engage in debate and vote on matters and she asked Ryan Moore, *County Administrator*, to expound upon what the County Attorney had determined regarding this matter. Mr. Moore stated the County Attorney had referenced a Section of Robert's Rules of Order that appeared to indicate in order to preserve impartiality the Chair of a Committee should not vote on matters unless the Chairs vote changes the outcome i.e. if a matter was deadlocked without the Chairs vote. Ms. Butler advised this was true for a normal meeting; however, she noted, according to Section 49-2-1 of the latest edition of Robert's Rules of Order the Chair of a Committee had full rights and could start debate, vote on matters and do everything all other Committee members could do. Chairwoman Seeber apprised the Workshop training they had with their County Attorney had provided them with a different direction than that and it was important to them to ensure they were adhering to the correct rules and the Rules of the Board did not speak to this resulting in them deferring to Robert's Rules of Order on this. She asked that they expand upon this topic because this was a scenario where many of the Board members had interpreted the rules regarding this differently and they wanted to ensure their understanding was correct. Ms. Butler explained according to the Section 49-2-1 on the latest version of Robert's Rules of Order the Committee was considered to be the same as a small Board and it indicated in a Board Meeting when there were about a dozen members present some of the formality that was necessary in a large assembly would hinder business. She continued, the rules governing such meetings were different from the rules that hold assemblies in the following respects: members may raise a hand instead of standing when seeking to hold the floor and may remain seated while making motions or speaking; motions need not be seconded; there was no limit to the number of times a member could speak to a debatable question; appeals however were debatable under the regular rules; informal discussion of a subject was permitted while no motion was pending; when a proposal was perfectly clear to all present a vote could be taken without a motion to having been made to introduce it unless agreed to by unanimous consent, however, all purpose actions must be approved by vote under the same rules as in larger meetings except that a vote could be taken initially by a show of hands which was often a better method in smaller meetings; the chair may not rise while putting a question to a vote; and if the Chair was a member they may without leaving the Chair speak in formal discussion and in debate and vote on all questions.

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Chairwoman Seeber noted unless the Board decided to amend their Standing Rules of the Board they currently did not speak to the Chair of Committees and whether it was permissible for them to participate in debate and vote on matters.

Supervisor Conover apprised as a point of reference that the Standing Rules of the Board referred to Robert's Rules of Order and Section 50-25 of Robert's Rules of Order pertained to Standing and Special Committees referred back to small Boards and Committees, informing the section referenced by Ms. Butler and Section 50-25 were tied together. He stated some of the Supervisors had been confused by the emails that were exchanged and believed the topic concerned Board Meetings when it really related to Standing and Special Committees and what was permissible by them. He reiterated the point he was making was the relation between those two sections of Robert's Rules of Order. Mr. Rodgers pointed out there was a difference between Not-for-Profit Board's and elected Board members, who were chosen to represent their constituents; he added it would be difficult to state that an elected official could not voice their opinion on an issue. As an example, he advised Robert's Rules of Order indicated Chairs of Not-for-Profit Board's would not inject themselves in the line of debate and would yield the gavel in order to participate in discussion; however, he noted, this was not practiced in elected Board's. He indicated what typically occurred with elected Board's was the Chair of the Board would wait until everyone else had the opportunity to speak before they weighed in on a matter. He added Chair was also permitted to motion or second a motion, but it was custom for them to try not to do this. He indicated if the Chair of the Douglas County Nebraska Board of Commissioners wanted to debate a matter and there was no motion they would make that motion or if there was no second they would do so to bring it to the floor for debate. He remarked he believed it would be hard push for someone to attempt to have it written into the Standing Rules of the Board that the Chair, who was an elected member, could not debate matters. Supervisor Conover informed he believed Mr. Rodgers had made a good point because the Warren County Board of Supervisors would be considered as a large Board, Standing Rules of the Board made the viewpoint that the elected official, who was the Chair, could vote, but they made no reference to Committee Chairs because Robert's Rules of Order already indicated they could vote and the custom here was for the Chair of Committees votes to be recorded. Chairwoman Seeber apprised her understanding was because they were following Robert's Rules of Order the Chair of a large Board could vote on matters, but they were not permitted to participate in debate and in a small Board and Committees the Chair was allowed to vote and debate matters and she asked for clarification that this was correct. Mr. Rodgers responded his point was the Chair of a Not-for-Profit Board may make points of information to indicate certain things, but they did not engage in debate; however, he noted, he did not believe elected Board's should have a rule preventing the Chair from debating, but they should yield the floor to allow everyone else to comment before they voiced their opinion unless they were specifically asked a question by someone because they had to govern the meeting. Ms. Butler apprised she fully concurred with that statement, as this was how her Board acted, as well. Mr. Rodgers informed because the Chair was elected they had to represent their constituents and be permitted to speak on matters. Supervisor Beaty questioned whether their recommendation was for the Chair of Committees to hold off making comments until the remainder of the Committee members had been able to speak and Ms. Butler replied this was the case for the larger assemblies. She explained in smaller Committees the Chairs were permitted to start debate and had more flexibility.

Chairwoman Seeber asked for clarification whether a second to a motion was required in Committee and Ms. Butler replied a second to a motion was not required in these instances. Chairwoman Seeber asked Ms. Butler to speak to why that was in place and Ms. Butler replied she was unsure of them because all of the Committees she dealt with were small and were purely recommending bodies which was significantly different than what was in place in

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Warren County. Mr. Rodgers apprised in these cases there was no formal vote and the Committee recommended a matter would go before the Board or not. He stated the Committee meetings were open meetings that were managed in the same fashion as a Board meeting in respect to the open meetings act, but there were no votes and only recommendations that matters go before the governing body. Ms. Butler added the Cities Committees were closed to the public because they were below the quorum and their Chair organized all of the Committees. Chairwoman Seeber requested clarification that according to Robert's Rules of Order there was no requirement for a second to a motion in Committee and Ms. Butler replied there was no requirement, but in the Committees for the City of Omaha seconds to motions were made; she added although it was not required it was whatever they felt comfortable with. Mr. Rodgers noted in the Douglas County Nebraska Board of Commissioners Committee meetings they did not obtain seconds to motions. Chairwoman Seeber advised it appeared as if the custom in Committee meetings for Warren County was for them to obtain a second to a motion, but it was not required as per Robert's Rules of Order. Mr. Douglas pointed out if an item was to come out of Committee and go before the Board they technically did not need a motion or a second to the motion because more than two people had agreed to it then it was assumed they already had the motion and the second to the motion. Ms. Butler added while this was correct, they still did call for a motion and a second at the Board Meeting. She noted their rules specified they had to have a motion and a second for every item on their agenda.

In regard to the question of what a point of order really meant. Mr. Douglas responded his interpretation was that it was used if a member thought there had been a violation of a rule. He stated in these cases the individual did not have to be recognized, they addressed the Chair and asked for point of order following which the Chair recognized that point of order. He noted this could not be used in an abusive manner where point of order was repeatedly called for. Ms. Butler advised it was also important to note the public could not call for a point of order and only the elected officials who were serving on that elected Board had the right to call for this. Mr. Douglas indicated his Board used to permit members of the public to place items on the agenda for their meetings, but this has since ended, as the Board needed to be in control of its meeting agendas and as per State Law the public was permitted to ask questions. Ms. Butler added her City Council had the same practice, as well with only the Council Members and the Mayor being authorized to add items to their meetings agenda.

Chairwoman Seeber requested that they touch on the difference between lay on the table and postpone indefinitely, as well as what the restrictions for debate were surrounding that. Ms. Butler advised the Warren County Standing Rules of the Board indicated any supervisor may request a resolution to lay on the table to enable the assembly to lay the pending question aside temporarily when something else of immediate emergency has arisen and then return to the item when the other matter has been addressed, informing this was the appropriate use for laying something on the table. She stated as an example if the individual who was going to speak to an item was running late to the meeting then they could lay that item on the table and return to the matter later in the meeting; she noted the matter should be addressed at the same meeting. She informed when you postponed an item indefinitely it basically killed the item, apprising her City Council withdrew matters from the agenda rather than postponing them indefinitely. She mentioned if they would like to hold off on discussing an item until a future meeting the appropriate action to take would be to postpone the item until the specific date of the meeting it would be discussed at. Chairwoman Seeber inquired how to handle matters that required more work and needed to return to Committee or be referred to a different Committee and Ms. Butler responded she would refer this item back to the Committee. Supervisor Braymer asked for clarification that the motion would be to refer the item back to Committee rather than making a motion to table it and Mr. Butler replied affirmatively. Chairwoman Seeber questioned what the restrictions were

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regarding debate in instances when something was being tabled and Ms. Butler responded there were none, with the exception of the motion to lay on the table which was not debatable. Ms. Butler stated the motion to postpone the item indefinitely was debatable because it was essentially killing the item.

In regard to a question posed by Supervisor Driscoll regarding how the discussion had changed the intent of what the language was in the motion, Mr. Rodgers explained unless someone had the floor and wanted to propose an amendment to the prior motion, the Chair had the authority to call for them to stay within the realm of the motion. He stated in the case of his Board often times the Chair would allow individuals to discuss items that did not pertain to the motion for a time period that was less than one minute, but once they exceeded that they would call for them to return to the original point of the discussion. Mr. Rodgers apprised the rules for the Douglas County Nebraska Board of Commissioners provided the Chair with the authority to move matters on the agenda around, such as in instances when a matter involved an individual who was running late for the meeting resulting in that item being discussed later in the meeting when that individual was in attendance. Ms. Butler asked if the Warren County Board of Supervisors approved their agenda and Chairwoman Seeber replied the Standing Rules of the Board did not speak to the Chair moving things around on the agenda. Ms. Butler apprised if the Board approved their agenda then they would have to vote on moving matters around. Mr. Rodgers added they could also ask for unanimous consent to move things around on the agenda. Ms. Butler informed because the Omaha City Council did not approve their agenda, the Chair had the ability to shift items on the agenda. Chairwoman Seeber indicated the County did not approve the agenda at each meeting, but rather as part of their Standing Rules of the Board and she questioned whether this meant they had the ability to move matters around on the agenda. Supervisor Braymer replied she believed this was one of the Board's customs, as there were occasions when a speaker was present and the Chair asked if things could be moved around to allow that individual to speak before addressing other matters and no one objected and this would be considered unanimous consent. Chairwoman Seeber questioned whether the Board should be approving the agendas as every meeting and Ms. Butler replied in the negative, indicating this was not a requirement.

In regard to instances when the motion was rejected could the membership bring the same motion forward and could discussion on the motion continue if the motion was defeated, Ms. Butler indicated if a motion was rejected it could be brought back through a motion referred to as renewing the motion at a future meeting. She stated her Council had written its own rule for reconsideration because when a motion was defeated at a meeting Robert's Rules of Order indicated it had to be reconsidered at that same meeting, but this may not necessarily provide them with enough time to reconsider things. She stated their rules indicated someone on the prevailing side could reconsider something at the same or next meeting and would require a majority vote. She added the item could still be reconsidered beyond that; however, she noted, it would require a super majority vote to be deliberated on again. She restated items could be brought back through a renewal or reconsideration.

Supervisor Conover questioned if a majority vote was required to bring something before the Committee that the Board had referred to them and Mr. Rodgers replied the tabling motion should not be used to refer something back to Committee, but rather a motion was required in these instances. He added if a Board tabled a motion they had to be the ones to remove the matter from the table. Ms. Butler advised typically when something was tabled to postpone it there was a specific date and time that it would be brought back. Supervisor Conover asked for clarification that when a matter was referred back to Committee they were essentially requesting that the Committee act on that and Ms. Butler replied affirmatively.

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In regard to the question posed regarding whether the discussion could continue on an item once the motion was defeated, Ms. Butler replied in these cases the Board had decided to cease discussion on the topic and they moved forward to the next item on the agenda. Ms. Butler suggested the Board of Supervisors look into what the State law indicated regarding whether voting could occur during an executive session because Nebraska State Law indicated every vote taken had to be during an open session; however, she noted, Robert's Rules of Order stated votes were permitted during executive sessions.

Supervisor Conover inquired whether debate ceased when a motion was made to refer a matter back to Committee or when a motion was made to table an action until the next Board Meeting and Ms. Butler responded when a motion was made to refer a matter back to Committee it was debatable, but only one whether it should go back before the Committee and not on the item. She advised if the motion before them was to postpone the matter until a specific time that motion was debatable, but the motion to lay something on the table to discuss an item later in that same meeting was not arguable. Chairwoman Seeber inquired whether a motion was required to remove something from the table if it was laid on the table to allow another matter to be addressed beforehand and Ms. Butler replied affirmatively. Mr. Rodgers informed the exception to this was if a matter was laid on the table until a specific time in the meeting and then it would automatically go before them at that time.

A discussion ensued during which Mr. Moore explained the County's weighted voting system to Mr. Rodgers and Ms. Butler.

Chairwoman Seeber thanked Mr. Rodgers and Ms. Butler for taking the time today to provide their guidance and expertise on Robert's Rules of Order which had been very helpful. Ms. Butler encouraged the Board to contact her or Mr. Rodgers with any questions they may have, as they would be happy to provide guidance on any future scenarios that may come to fruition.

Proceeding with the agenda review, Chairwoman Seeber offered privilege of the floor to Mr. Moore to discuss the re-opening of Warren County Buildings. Mr. Moore stated prior to reviewing the re-opening process he would like to discuss a few matters. He informed they were fast approaching the date the County recorded its first death as a result of the pandemic which was on April 13, 2020 and in order to mark that solemn occasion, as well as the fifty-five other County residents who had passed away as a result of COVID-19 since then they decided to plant a tree in a prominent location to honor those individuals. He added this would provide a place where individuals could visit if they wanted to contemplate their loved one and all of the sacrifices everyone had made throughout the pandemic. He stated a location had been identified on the Municipal Center Campus that was facing State Route 9 where this sugar maple tree that was graciously donated by the Warren County Soil & Water Conservation District. He said the plan was to plant the tree on April 13<sup>th</sup>, which again was the date the first death of a Warren County resident was announced, indicating additional details would be distributed to the Board regarding this tree planting as things came together.

In regard to the re-opening of County Buildings, Mr. Moore indicated there had been Executive Orders in place since March 19, 2020 that restricted access to County Buildings which had since gone through several revisions as the COVID-19 situation transpired and the State guidelines were modified as the statistics improved. He informed Local Emergency Order No. 4 limited the access to Warren County premises which was set to expire on Sunday, April 11<sup>th</sup> and would not be renewed. He said as per the Executive Order the Department Heads had the option to

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resume all work activities on County premises and to direct County personnel to resume those activities on County premise provided that remote work would be encouraged wherever possible and practicable and work activity shall be completed in a manner that complied with all New York State Phase re-opening guidelines. He mentioned nothing much would change in regard to this because the County had a Remote Work Policy in place where there were remote work agreements in place between Department Heads and employees to ensure that if those who were working from home rather than the office setting were getting the work done. In terms of the guidelines for when employees were working in the office. Mr. Moore apprised every Department had a Safety Plan place since last June when the County workforce began returning to work and those safety plans were well understood and everyone was accustomed to adhering to them.

Mr. Moore advised the next part of the re-opening guideline concerned the meetings of the Board of Supervisors and its respective Committees which the County still had authority from the Governor through the end of April to hold meetings remotely utilizing the Zoom platform. He stated the County would continue the remote meeting practice as long as it was permissible by the State to do so; however, he noted, the members of the public and media who would prefer to attend the meetings in person could do so. He said the departments who had to allow access to the public and had been operating on an appointment basis would continue to do so, but they would also begin allowing walk-ins, as well. He informed the signs indicating the buildings were closed would be removed. He noted because the Employment & Training Administration operated out of a New York State Department of Labor office located in the City of Glens Falls they were unable to re-open until the State took the necessary action required to authorize their re-opening, but when they did he would ensure they were operating under the same protocol the other County departments were functioning under. He stated WIC (*Women, Infants and Children*) was also unable to reopen. He apprised an important one to note was the NYS DMV (*New York State Department of Motor Vehicles*) remained open by appointment only as per the Executive Order through April 30<sup>th</sup> and a press release would be released to ensure the public understood this. He mentioned the appointment process had been working well thus far for the DMV and when individuals came to the building with no appointment they had to check in with security to inquire if it was possible for them to obtain an appointment today and security would look into this for them. In regard to service at the County Clerk's Office, Mr. Moore indicated there would be one staff member who visitors had to check in with to prevent congestion in the areas with limited space, such as the Records Room. He said the County Clerk was working on developing a protocol to go over with her staff which would be distributed to the Supervisors as soon as the plan was finalized. He remarked although this was not a return to the way the County operated prior to the pandemic, it was a step in the right direction as County residents continued to be vaccinated and the COVID-19 positive rates dwindled.

Mr. Moore provided an overview of the six points the addendum to each Departments Safety Plan that must be included that was due by Friday which included the following: face masks; social distancing; disinfection; visitor logs; health screening; and public health notification.

Supervisor Dickinson asked how big the sugar maple tree was that had been donated by Warren County Soil & Water Conservation District and was going to be planted in memory of the residents who had passed away from COVID-19 and Mr. Moore responded he believed it would be between ten to fifteen feet tall.

Proceeding with the agenda review, Chairwoman Seeber offered privilege of the floor to Mike Colvin, *Director, Information Technology*, to discuss the Chromebook Training. Mr. Colvin apprised the main objective of the

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Chromebooks was to ensure they had a camera view of everyone displayed in full size for those who were watching the meeting on Youtube. He noted the most important thing to remember was that both the speaker and the microphone had to be muted or it would cause feedback. He stated he had provided everyone with a cheat sheet which was in draft form pertaining to their operation and what they could be used for, adding additional items would be added to this when it was determined what issues may occur with them. He requested that they keep him informed of any issues so that he could continue to improve upon the process.

A brief discussion ensued regarding the sound in the Board Room. Ms. Seeber expressed her appreciation for Mr. Colvin and his staff for their efforts during the pandemic.

Next, Amanda Allen, *Clerk of the Board*, and Mr. Colvin provided a brief tutorial of the new County website and how to access Board/Committee meeting documents during which they answered questions posed by the Board members.

Continuing with the agenda review, Chairwoman Seeber indicated Don Lehman, *Director of Public Affairs*, would be providing a brief overview on how to access the livestream of the Board and Committee meetings which they hoped would continue beyond April 30<sup>th</sup> when the Executive Order was set to expire. She stated going forward once the building was re-opened the public comments would be handled in a different manner because instead of being read into the record the public would be invited to attend the meetings in person. She said the questions/comments received on Youtube would be forwarded to the appropriate department to answer. She offered privilege of the floor to Mr. Lehman who proceeded to provide an overview of the livestream of the meetings and how it was functioning. During the overview Mr. Moore noted the Governor's Executive Order permitted a public body to meet and take action without necessarily being in person, adding the County's process had worked so well it may be desirable for them to continue on with the process even if the Executive Order was not extended further. He explained what would occur at such time the Executive Order was no longer applicable was that the Supervisors who attended meetings remotely would no longer be able to vote on matters. He said it was possible the State would permit public bodies to continue to take action on a remote basis, but they would have to wait and see what the determination was on this. Chairwoman Seeber advised it was important to note that it was more difficult to ensure confidentiality when they were conducting executive sessions on a remote basis and this was one of the items that may change when the Executive Order was no longer valid.

A discussion ensued.

Concluding the agenda review, Mrs. Allen proceeded with a review of frequently asked questions and helpful hints to conduct Committee meeting. She stated the process for making and approving a motion which had changed since the training that was conducted earlier on Robert's Rules of Order, as they had learned there did not necessarily have to be a second to the motion because one was not required; however, she noted, the Board the custom practice of the Board had been to acknowledge them. She noted when something was being approved it was helpful for her and her staff if the Chair names the individuals who they were accepting to make that motion and second because those were reflected in the minutes. She mentioned after the motion was made the Chair of the meeting should always ensure to call for those all in favor and whether any was opposed or abstentions before announcing the outcome of the vote to provide everyone with the opportunity to vote in the manner in which they desired. She indicated another question she received often was whether one motion could be made to approve more than one item, apprising she

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believed there was a misconception that if items were not related they could not be moved together, but this was not the case. She explained since the motion was to approve the agenda items it did not matter what the agenda items concerned and if someone wanted to approve a number of agenda items together regardless of whether they were referrals to Finance, resolution, etc. they could do so because they would still follow their proper course. She noted the Chair may want to outline the items that were being approved when multiple items were being approved together prior to approving all of them for the benefit of the Supervisors and/or members of the public who attended the meetings remotely and may not have the agenda in front of them. In regard to the question pertaining to whether a Committee meeting could begin early, Mrs. Allen informed when Committee meetings were advertised to begin at a specific time they could not begin beforehand, adding typically this was not an issue because the meetings were running behind schedule, but on the occasions when the prior meeting ended early they could not jump head to calling the meeting to order because they had to hold off until the advertised time of the meeting. Mrs. Allen advised the notice requirement for a meeting consisted of advertising the meeting seventy-two hours before a meeting could be held and if this was not possible then the meeting could not be held as per the Open Meetings Law. In regard to who schedules the meeting, Mrs. Allen stated regular Committee meetings were scheduled on those set dates that were predetermined in those calendars that she had distributed to the Board members for the year, all of which were scheduled when they were requested by the Department Head. She said typically the Department Head would notify their Committee Chair that they would be submitting a request to her to schedule some time. She apprised each Department Head was responsible for producing an agenda for their respective Committee meeting and the Chair of their Committee would meet with them in advance to review business and ensure they had a solid understanding of what was being requested before these items were presented to the Committee. She pointed out this was relevant because if there was something controversial it was imperative for the Committee Chair and Department Head to be on the same page regarding those requests. She added it was also beneficial in instances when questions occurred and the Committee Chair could provide support to the Department Head regarding why these items should be approved. In regard to when Committee Chairs should be meeting with Department Heads to discuss agenda items, Mrs. Allen indicated the current schedule was established in such a manner where Department Heads were supposed to provide all of their agenda items to Committee Chairs on the Thursday of the week before the Board Meeting to allow the Committee Chairs to review those requests with Department Heads and resolve any questions they may have. She mentioned the final agenda was distributed to the County Administrator and the Clerk of the Board on the Tuesday the week of the Board Meeting following which the County Administrator typically took about twenty-four hours for purposes of review and then he signs off on them so they could be distributed to the full Board. In regard to helpful hints, Mrs. Allen suggested they allow the Department Head to present and explain their request and then the Committee Chair could call for the motion and second of applicable to bring it to the floor for discussion of the Committee and then move on to approve it. She stated a Department Head may be able to explain their request better because they have a better idea about what they were seeking, adding this also took out some of the redundancy from the Committee Chair reading the request and then the Department Head explaining it. She restated it was the privy of the Committee Chair as to how the Committee Chair would review the agenda.

Chairwoman Seeber commented she hoped those who had attended the meeting find this Board Workshop to be helpful and she requested those who were not in attendance to review the video of the meeting to ensure they were all on the same page with their training. She stated she believed this was important because one of the points she took away from the training today pertained to respecting the Rules of the Board which they were required to adhere to and would follow them as they were trained to do. She stated she was looking forward to that consistency for the remainder of the year. She indicated she was working on a time sensitive project and she asked those Supervisors

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in attendance to stay for a brief period following the conclusion of the meeting; however, she noted, she would be reaching out to those who attended the meeting remotely shortly.

There being no more business to discuss, Chairwoman Seeber closed the meeting at 11:56 a.m.

Respectfully submitted,  
Sarah McLenithan, Deputy Clerk of the Board