

Warren County Board of Supervisors

RESOLUTION NO. 145 OF 2022

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, CONOVER, BEATY, FRASIER, WILD, BRAYMER AND RUNYON

RESOLUTION ALTERING THE STANDING RULES OF THE BOARD OF SUPERVISORS, AS ADOPTED BY RESOLUTION NO. 32 OF 2022, AND FURTHER AMENDED BY RESOLUTION 68 OF 2022, TO MAKE CHANGES TO THE POLICY FOR HIRING AND FILLING EXISTING AND VACANT POSITIONS WITHIN COUNTY DEPARTMENTS

RESOLVED, that pursuant to a majority vote of the Warren County Board of Supervisors required to alter the standing Rules of the Board of Supervisors, the Rules are hereby altered to delegate authority, under certain circumstances, for Committees and Departments to fill existing employment positions which become vacant, and be it further

RESOLVED, that pursuant to a majority vote of the Warren County Board of Supervisors, the Rules of the Board were further amended to change the date of the April Board meeting to Thursday April 14, 2022 in order to avoid the Good Friday holiday, and be it further

RESOLVED, that the aforementioned changes are reflected in the revised Rules of the Board of Supervisors, attached hereto as Schedule "A."

SCHEDULE "A"

RULES OF THE BOARD OF SUPERVISORS

A. Organization Meeting of Board of Supervisors

1. At the Regular Meeting of the Board of Supervisors held in December of each year the Board shall by resolution fix the date for the organizational meeting of the Board for the ensuing year, which date shall not be later than the second business day of the year, and the place and hour of such organization meeting. A total of 502 weighted votes, as allocated among the elected Supervisors pursuant to Local Law No. 9 of 2021 (enacted by Resolution No. 511 of 2021), shall constitute a quorum for the transaction of business. A quorum being present, the Clerk of the last Board shall call the meeting to order and the members present shall by roll call vote, by a majority of the total weighted voting power of the members of the Board, select one of their number Chair, who shall preside at such meeting and at all meetings during the year. As provided by Local Law No. 1 of 1968, the Chair shall appoint the Finance Chair who, in case of the absence, incapacity or inability of the Chair to act during the term, shall perform the functions, powers, and duties of the Chair, within the limits of statute.
2. In addition to the foregoing, the Board at the annual organization meeting may transact the following business: the appointment of any officers required by law or desired by the Board; adopt the Rules of Procedure by majority vote for the current year; other matters that the Chair wishes to bring before the meeting; and any such other and further business as may properly come before such meeting.

B. Regular Meetings of the Board of Supervisors

1. The Board shall convene in Regular Meeting at 10:00 o'clock in the forenoon on the third Friday of each month for the public meeting of the Board, except for the April Regular Meeting, which will be held on Thursday April 14, 2022 at 10:00 a.m., and the June Regular Meeting, which will be held on Wednesday June 15, 2022 at 6:00 p.m., unless a different time was scheduled during a previous meeting. The Regular Meetings for the year 2022 are scheduled as follows:
 - i) January 21, 2022
 - ii) February 18, 2022
 - iii) March 18, 2022
 - iv) April 14, 2022
 - v) May 20, 2022
 - vi) June 15, 2022 - 6:00 p.m.
 - vii) July 15, 2022
 - viii) August 19, 2022
 - ix) September 16, 2022
 - x) October 21, 2022
 - xi) November 18, 2022
 - xii) December 16, 2022

The Board shall also gather for a second monthly Board Meeting to be held on the date of the regular Personnel and Finance Committee meetings, beginning following the Regular March

Board Meeting; such meetings will be cancelled when not necessary.

The Board shall also gather for bi-monthly workshop sessions to be called at the discretion of the Chair for the purpose of receiving presentations and/or training at which no action of the Board will be taken. Such workshop sessions will be subject to the requirements of the Open Meetings Law and shall be open to the public.

Regular Meetings shall be called to order as soon thereafter as a quorum is present. Regular Meetings of the Board may be adjourned by motion adopted by a majority vote of the membership present.

The Board shall convene in special meeting upon call of the Chair (or, if appropriate, the Finance Chair) or upon written request for a special meeting signed by a majority of the total membership of the Board. At the direction of the Chair (or Finance Chair) or upon receiving such a written request, notice in writing stating the time, place and purpose of the special meeting shall be served personally or by mail upon each member by the Clerk of the Board at least forty-eight hours before the date fixed for holding the meeting or a member may waive the service of the notice for such meeting by a writing signed by him/her.

2. Business conducted at Regular Meetings of the Board shall be transacted in the following order:

10:00 A.M.	Call to Order Salute to Flag Roll Call Motion to approve the Minutes of previous meeting, subject to correction by the Clerk of the Board Introduction and welcome to guests Privilege of the floor and public comment Report by Chair of the Board Reports by Committee Chairs Report of County Administrator Report of County Attorney Call for reading of communications Call for reading of resolutions Discussion/public comment on resolutions Requests for roll call votes Vote on resolutions Privilege of the floor and public comment Announcements Adjournment
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3. All resolutions shall be in writing and filed with the Clerk before close of business on the Tuesday preceding the Regular Meeting on Friday of each month and at least three days prior to any adjourned or special meeting of the Board. The Clerk shall distribute all resolutions to the members of the Board of Supervisors and post same to the Warren County website on each Tuesday prior to a Regular Meeting and for any adjourned Regular Meeting or special meeting of the Board, 72 hours prior to the noticed time for such adjourned or special meeting when practicable, but no less than the time period proscribed by Public Officers Law Sec. 103(3).

All resolutions timely filed with the Clerk shall be considered by the Board at the next Regular Meeting, as set forth above. Any resolution timely filed with the Clerk, but not approved through the established Committee structure in advance of a Board meeting, shall require a majority vote of the Board to be considered during the Regular Meeting, aside from those resolutions which are considered to be administrative or procedural, or of an emergency nature, and are authorized by the Board Chair, Standing Committee Chair, County Administrator, County Attorney and Clerk of the Board. Any member of the Board may make a motion to Lay on the Table any resolution to enable the Board to lay the pending question aside temporarily when something else of immediate of emergency has arisen or when something else needs to be addressed before consideration of the pending question is resumed (*in accordance with Robert Rules of Order*). A majority of the total weighted vote of the Board shall be necessary to take item off the table.

C. Conduct of All Meetings of Board of Supervisors and Committees

1. All questions relating to the priority of business shall be decided without debate.
2. The Chair shall preserve order and shall decide all questions of order, subject to the appeal of the Board.
3. The Chair in all cases shall have the right to vote, and when his/her vote makes an equal division the question shall be lost.
4. Any member desiring to speak or present any subject matter shall address the Chair and shall not further proceed until recognized by the Chair and granted the floor.
5. No debate shall be in order until the pending question shall be stated by the Chair or read by the Clerk.
6. No member shall speak more than once on any question until every member choosing to speak shall have spoken. If the Chair of the Board or the Chair of any Committee wishes to enter into debate, he/she may do so only after he/she excuses himself/herself from the Chair and a Temporary Chair is appointed by the Chair.
7. Upon any member raising a point of order, all members shall remain seated and silent until the Chair determines the point raised. The Chair shall sustain or deny their point. Any member may appeal the decision of the Chair on the point of order to the full body for a vote.
8. No business shall be transacted by the Board, as such, while a Committee or Committees are out at work, except to adjourn.
9. All motions and resolutions shall be presented in open regular meeting. The Chair will state to what Committee the motion or resolution shall be referred unless such reference is objected to in which case the Board shall decide.
10. While a member is speaking no member shall entertain any private discourse or pass between him/her or the Chair.
11. A motion to adjourn shall always be in order, and shall be subject to debate.

- 12. When a question is under debate no motion shall be entertained, unless for adjournment of the Board, for the previous question, to place on the table indefinitely; to place on the table for a certain day; to hold; to amend it. These several motions shall have precedence in the order in which they are here stated and shall be subject to debate.
- 13. The minutes of this Board shall be distributed to members of the Board and posted to the County website within two weeks of the date of such Regular or Special Meeting of the Board, except that minutes taken during executive session of any action which is taken by formal vote shall be posted to the County website within one week from the date of the executive session, by the Clerk of the Board.

D. Committees of the Board of Supervisors

- 1. Standing Committees consisting of at least five (5) members, and Special Committees consisting of at least three (3) members, shall be appointed by the Chair at the Organization Meeting or not later than the first regular meeting following the Organization Meeting, upon the following subjects, to wit:

Standing Committee Name	Number of Members
Budget	7
County Facilities - <i>Airport; Buildings & Grounds; Fire Prevention & Building Code Enforcement; Weights & Measures</i>	7
Criminal Justice & Public Safety - <i>Assigned Counsel; Courts; District Attorney; Office of Emergency Services; Probation; Public Defender; Sheriff & Communications</i>	7
Economic Growth & Development - <i>Economic Development Corporation; Employment & Training Administration; Planning & Community Development</i>	7
Environmental Concerns & Real Property Tax Services	7
Finance - <i>County Administrator; County Treasurer</i>	7
Legislative, Rules & Governmental Operations - <i>Board of Elections; County Auditor; County Clerk/DMV; Information Technology, Purchasing; Self-Insurance</i>	7
Health Services - <i>Mental Health; Office for the Aging; Public Health</i>	7
Human Services - <i>Countryside Adult Home; Department of Social Services; Veterans' Services; Youth Programs</i>	7
Occupancy Tax Coordination	7
Personnel, Administration & Higher Education - <i>Civil Service; Clerk of the Board; County Attorney; Human Resources; SUNY Adirondack</i>	7

Public Works - DPW; Parks, Recreation & Railroad; Solid Waste & Recycling; Warren County Sewer	7
Tourism	7

Special Committees

EMS (Emergency Medical Services)	7
Park Operations & Management (O&M)	4 <i>plus 1 alternate</i>
National Association of Counties/New York State Association of Counties	5
Extension Services	5
Proposed Septic Inspection at Transfer	7
ARPA Advisory	13

2. Special Committees may be created at a Regular Meeting of the Board. They shall, unless otherwise ordered and directed by a majority vote of the Board, be appointed by the Chair. The period of time that a special committee shall serve shall be designated when it is created, and may be extended to a future date at a Regular Meeting of the Board.
3. The first member appointed to each Standing and Special Committee shall be and act as the Chair of such committee. The Chair of each Committee shall appoint both the Vice Chair and 2nd Vice Chair, who shall serve in the event that both the Committee Chair and Vice Chair are absent. The Vice Chair and 2nd Vice Chair designations must be submitted to the Clerk of the Board of Supervisors no later than the date of the first regular Board Meeting of the year, to be held on the third Friday of January, so that the Clerk may update the Standing Committee List appropriately. The Committee Chair may elect not to make the Vice and 2nd Vice Chair appointments, in which case the Chair of the Board shall do so.
4. The meetings of each committee shall be held upon call by the Chair thereof, except as hereinafter provided. The Chair of each committee shall give or cause to be given by the Clerk of the Board of Supervisors notice in person, by telephone, or by email at least two days in advance of the day, hour and place of each meeting of the committee except that no advance or prior notice shall be required when the committee meeting is held on a day when the Board shall be in session. A meeting of any committee may be called and shall be held at any time that a majority of the members of a committee sign a written notice to conduct a meeting, which notice shall clearly state the day, hour and place of such meeting, provided that such notice shall be served in person or emailed to the Chair of such committee and the Chair of the Board of Supervisors at least three days in advance of the day specified in such notice.
5. Members of the Board may attend any Regular or Special Committee meeting as a member of the general public, but no member of the Board, except the Chair of the Board, shall sit as part of a Committee for which they were not appointed, or participate in a Committee meeting as a voting member of the Committee, unless appointed to that Committee as a member. Board members shall

be permitted to attend and participate in executive sessions for Committees on which they are not a member.

6. The Chair of the Board of Supervisors shall be an ex-officio member of a standing committee when: a) a quorum is not present at any regularly or specially scheduled committee meeting; b) if such membership will provide a quorum as herein specified; and c) the Chair is available to attend. The total membership of the committee as established by Board Rules shall not change or be increased by the presence and availability of the Chair in determining whether a majority of members are present to allow the conduct of business, rather the Chair shall be considered an alternate or substitute for a non-present committee member. Once the Chair becomes a member by virtue of the criteria set forth above (whether at the start of or during a meeting), the Chair shall be a voting member and shall continue as a member of the committee until a quorum is established or reestablished by appointed Committee members at the subject meeting or subsequent meetings. If an executive session is called for during a Committee meeting after the Chair becomes a member by virtue of the criteria set forth above, then the Chair's vote shall count towards the total needed for a majority vote of the entire Committee. The Finance Chair of the Board may exercise the duties described in this paragraph in the Chair's absence.
7. When any Standing or Special Committee of the Board of Supervisors is acting on any matter affecting a single Municipality or is engaged in seeking or obtaining rights of way in a particular municipality, the Supervisor(s) of the affected municipality shall be provided with an opportunity to make a presentation or otherwise be heard by the Committee.

E. Voting by Members of the Board of Supervisors

1. All members present shall vote upon each question.
2. If a resolution contains items that can be voted on separately, and a request is made by any member to do so, each item contained in the resolution shall be subject to a separate vote.
3. All questions shall be decided by a majority of the total weighted voting power of the Board unless otherwise required by law or as required herein. All questions shall be decided by weighted vote in accordance with the terms of Local Law No. 9 of 2021, as it may be amended from time to time. Whenever in these Rules of Order there is reference to a majority vote or a 2/3rds vote of the Board, it means a majority of the voting power of the members of the Board or 2/3rds of the voting power of the members of the Board as defined in Local Law No. 9 of 2021.
4. The following resolutions shall require a roll call vote: fixing or altering salaries, or establishing salary and wage classifications; adoption of the budget; any appropriation or expenditure of public funds; transfers to and from .1 salary codes within the authorized budget and transfers between funds, including Capital and Road Fund Projects; levying of taxes; bond resolutions; any authorizations to fund or refund indebtedness; legalizing informal acts of a town meeting, village election, town or village officer; legalizing municipal obligations incurred through error or mistake wherein a 2/3rds vote is required; alteration of the boundaries of a town; local laws; any sale or conveyance of county property, either real or personal or for amending the Occupancy Tax spending guidelines.
5. A roll call vote upon any resolution or other proceeding shall be taken upon request of any member.

6. All resolutions adopted by the Board of Supervisors shall become effective upon their adoption or as otherwise provided by law or as specified in the resolution.

F. Filling Employment Positions.

1. Creating and Filling Employment Positions: No department or department head shall create and fill a new position not provided in the current budget, absent the prior approval of the County Administrator, Budget Officer, appropriate oversight committee, and by resolution adopted by the Board of Supervisors by a 2/3 vote.
2. Filling Existing Vacant Positions:
 - a. For Departments in which the Department Head is an elected official (*hereby defined as the County Clerk, County Treasurer, District Attorney and Sheriff*), the Department Head may authorize the filling of a vacant position, without the need for further approvals, provided that the appropriations necessary to fully fund the salary/wages for the existing and vacant position being filled is budgeted and the required funding for salary/wages are available to the Department for the remaining fiscal year within the appropriate object code and without the need to transfer from a different object code.
 - b. For Departments in which the Department Head is not an elected official, the Department Head seeking to fill an existing and vacant position for which the appropriations necessary to fully fund the salary/wages for the existing and vacant position being filled is budgeted and the required funding for salary/wages are available to the Department for the remaining fiscal year within the appropriate object code and without the need to transfer from a different object code, shall submit a written request to fill the position and such request must be approved by the County Administrator, Budget Officer, and the majority vote of the appropriate oversight committee for that department, prior to filling the vacant position. No further approval by the Board of Supervisors is required.
 - i. In the event a Department in which the Department Head is not an elected official, has an urgent operational or financial need to fill an existing and vacant position for which appropriations necessary to fully fund the salary/wages for the existing and vacant position being filled is budgeted and the required funding for salary/wages are available to the Department for the remaining fiscal year within the appropriate object code and without the need to transfer from a different object code, then if the appropriate oversight committee for the Department: 1) Has not voted to deny filling the existing and currently vacant position; and 2) Will not convene again for one week or more, the Chair of the oversight Committee, in their sole discretion, may:
 - (1) Call an emergency Committee meeting on a date and time other than the once monthly committee meeting date to decide whether to fill the position prior to the next monthly committee meeting; or
 - (2) The Committee Chair may approve the filling of the position and shall report such approval to the Committee at its next scheduled meeting.
 - ii. The decision by the Committee during an emergency committee meeting or by the Chair to not fill the existing and vacant position on an emergency basis shall not prohibit the Committee from further reviewing the Department Head's request to fill the existing and vacant position at the next monthly committee meeting.
 - c. For all Departments seeking to fill an existing and vacant position for which the appropriations necessary to fully fund the salary/wages for the existing and vacant position are not budgeted and/or the required funding for salary/wages are not available to the Department for the remaining fiscal year within the appropriate object code, and/or

the Department is required to transfer from a different object code the necessary funding, then the Department Head shall submit a written request to fill the position, stating the source of funding to pay unbudgeted salary/wages for the remainder of the fiscal year, and such request must be approved by the County Administrator, Budget Officer, a majority vote of the appropriate oversight Committee for the Department, and approved by resolution and vote of the Board of Supervisors.

- d. All existing and vacant positions filled in accordance with the procedures set forth above in paragraphs F(2)(a) and F(2)(b) shall be reported each month to the Personnel Committee by the Director of Human Resources, and placed upon the monthly agenda.
- e. If filling the existing and vacant position is denied by any of the above processes, except a denial to fill a position under paragraph F(2)(b)(i), then the existing and vacant position may only be filled by resolution adopted by the 2/3rds vote of the Board of Supervisors.
- f. All notices of intent to fill vacancies approved pursuant to paragraphs F(1) and F(2) shall remain in effect for six (6) months from the date of approval.

G. General

- 1. Upon the request by any member of the Board of Supervisors, the Clerk of the Board shall draft a Proclamation of acknowledgment, congratulations, commendation or otherwise recognizing a particular person(s), achievement(s), cause(s) or event(s) on behalf of the Board and for execution by the Chair, upon approval by the Board of Supervisors.
- 2. During 2022, no standing rule of the Board shall be rescinded, suspended or amended, or any additional rule or order added thereto, unless it be by majority vote (as majority vote is defined under Local Law No. 9 of 2021). In the event a rule is suspended, such suspension shall apply only to that matter which is before the Board at the time of such suspension.
- 3. All questions not covered in the rules shall be decided according to Robert's Rules of Order-Revised.
- 4. The rules of the Board shall be published in the Proceedings in the year first adopted and whenever amended.
- 5. The Rules of the Board for 2022, along with any amendments or additions thereto, shall continue in full force and effect until the end of the Organization Meeting for the ensuing year, or any adjourned Organization Meeting, upon the ensuing Board enacting Rules of the Board by majority vote for that ensuing year. Absent the ensuing Board adopting Rules of the Board for the ensuing year, the 2022 Rules of the Board shall sunset and expire on January 31st of the ensuing year.