

LEGISLATIVE, RULES & GOVERNMENTAL OPERATIONS COMMITTEE

LEGISLATIVE AGENDA

MARCH 23, 2023

***Committee Members: Supervisors Strough, Conover, Frasier, Geraci, Thomas, Driscoll and Wild
Chair of the Board shall serve as an Ex-Officio member when needed in accordance with
Section C(4) of the Rules of the Board***

- I. Committee meeting called to order by Committee Chair
- II. Approval of minutes of prior Committee meeting - *February 23, 2023*
- III. Privilege of the Floor/Public Comment
- IV. Action Agenda/New Business Items:
 - 1) Amend Resolution No. 338 of 2020 "*Approving the Warren County Policy Against Discrimination and Harassment which Replaces the Warren County Plan and Program on Workplace Harassment*"
 - 2) Amend standing Rules of the Board to address statutory discrepancies relating to the creation and filling of vacant positions.
- V. Discussion Items: None.
- VI. Referrals/Pending Items:

LEGISLATIVE:

 - 1) The matter of considering the creation a separate position, whose sole duty would be to address FOIL (*Freedom of Information Law*) requests would be worked on and brought back to Committee for discussion at a future meeting. (03.22.22) Update: It was determined this would be discussed the FOIL Officer position would be discussed at a later meeting once the Committee adopted an updated FOIL Policy. The County Attorney advised he would distribute a model policy at a later date with his recommendations. (08.23.22)
 - 2) Reimbursements to Supervisors for non-education related expenses. County Administrator and County Attorney to draft a listing of "official duties" for Supervisors to be presented for consideration at a future meeting. (05.17.22) Update: Additional information to be distributed relative to State law or regulations regarding reimbursements to elected officials at the next meeting. (08.23.22)
 - 3) Consideration of adding Juneteenth as an official County holiday. (05.17.22) Update: Information to be obtained regarding how other Counties were handling the holiday, as well as contact made to NYSAC on the subject for further discussion at the next Committee meeting. (08.23.22)
- VII. Privilege of the Floor to discuss any additional items to come before the Committee
- VIII. Motion to adjourn

Attachments:

- 1) *Proposed amendment to Resolution No. 338 of 2020 - amending Warren County Policy Against Discrimination and Harassment (Action Agenda/New Business Item 1)*
- 2) *Proposed amendments to the Rules of the Board (Action Agenda/New Business Item 2)*

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

****Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.***

DEPARTMENT NAME: COUNTY ATTORNEY'S OFFICE

DATE: March 23, 2023

(a) Purpose of Request: **To amend Resolution 338 of 2020 entitled "APPROVING THE WARREN COUNTY POLICY AGAINST DISCRIMINATION AND HARASSMENT WHICH REPLACES THE WARREN COUNTY PLAN AND PROGRAM ON WORKPLACE HARASSMENT"**

(b) Details: **Modify as follows:**

DELETE last two words of the first sentence of Section 1(A), to wit: "OR VISITORS.";

ADD language to Section 1(A) definition of "employees" to clarify that member of general public is not an "employee" under policy; and

ADD language to Section 4(A)(2) which clarifies that "only employees shall be permitted to file Complaints." This refers back to the clearer definition of an "Employee" excluding members of the general public.

(c) Previous Resolution Number: **338 of 2020**

(d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount: **Not Applicable**

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

WARREN COUNTY POLICY AGAINST DISCRIMINATION AND HARASSMENT

SECTION 1: PURPOSE

Warren County believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, Warren County, (hereinafter “County”), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without being subject to harassment or discrimination in the workplace. It is our County’s policy to provide an employment environment free from harassment for any reason and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation), citizenship, domestic violence victim status or any other characteristic protected by applicable federal, state or local law.

A. **Scope of Policy** This Policy applies to all County employees and all personnel in a contractual or other business relationship with the County including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), independent contractors, vendors, consultants, volunteers ~~or visitors~~. In the remainder of this Policy, the term “employees” refers to this collective group **and does not cover or include members of the general public**. This Policy applies with equal force on County property as well as at County-sponsored events, programs, and activities that take place off County premises.

B. **Policy Objectives** By adopting and publishing this Policy, it is the intention of the County’s governing body to:

- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- (2) Inform employees about the complaint procedures that enable any employee who believes they are the victim of harassment or discrimination to submit a complaint which will be investigated;
- (3) Clearly advise all supervisory staff, managers, and employees that harassment and discrimination is strictly prohibited; and
- (4) Notify all employees that the County has appointed Compliance Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive and investigate complaints are listed below in Section 11 of this Policy. Any change in the designated Compliance Officers shall be distributed in writing to all current employees and shall be posted.

Any employee who feels discriminated against or harassed should report that conduct so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

SECTION 3: POLICY

The County prohibits harassment and discrimination for any reason and will not tolerate any form of unlawful discrimination or harassment. The County will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, County officials and supervisory personnel, are responsible for ensuring a work environment free from harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, manager, or one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, managers and supervisors must take immediate and appropriate corrective action when suspected instances of harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the Municipality's designated Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns about discrimination or harassment, the employee should immediately contact one of the designated Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making a good faith complaint of harassment or discrimination, or for opposing in good faith any practices forbidden by applicable anti-discrimination laws or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws, shall be subject to discipline, up to and including termination of employment. Any employee who believes he/she has been retaliated against in violation of this policy should report violations to one of the Compliance Officers listed in *Section 11* of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in *Section 11* of this Policy.

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Employees

1. Notification Procedure

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination should contact his or her supervisor, Department Head or a Compliance Officer. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to his or her supervisor, Department Head or a Compliance Officer.

2. Making a Complaint

Only employees shall be permitted to file Complaints. Complaints ***shall be*** accepted verbally and in writing. All employees are ***strongly*** encouraged to use the County's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy.

Warren County Board of Supervisors

RESOLUTION NO. OF 2023

RESOLUTION INTRODUCED BY SUPERVISORS

RESOLUTION ALTERING THE STANDING RULES OF THE BOARD OF SUPERVISORS, AS ADOPTED BY RESOLUTION NO. 1 OF 2023 AND SUBSEQUENTLY AMENDED BY RESOLUTION NO. 119 OF 2023, TO DELETE SECTION E(7) RELATING TO THE FILLING OF VACANCIES AND THE CREATION OF NEW POSITIONS

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 amended to delete Section E(7), relating to the filling of vacancies and the creation of new positions, 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. 2 of 2023 (enacted by Resolution No. 50 of 2023), 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 June Regular Meeting, which will be held on Wednesday June 14, 2023 at 6:00 p.m., unless a different time was scheduled during a previous meeting. The Regular Meetings for the year 2023 are scheduled as follows:
 - i) January 20, 2023
 - ii) February 17, 2023
 - iii) March 17, 2023
 - iv) April 21, 2023
 - v) May 19, 2023
 - vi) June 14, 2023 - 6:00 p.m.
 - vii) July 21, 2023
 - viii) August 18, 2023
 - ix) September 15, 2023
 - x) October 20, 2023
 - xi) November 17, 2023
 - xii) December 15, 2023

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
EMS (Emergency Medical Services)	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 - <i>DPW; Parks, Recreation & Railroad; Solid Waste & Recycling; Warren County Sewer</i>	7
Tourism	7

Special Committees

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
ARPA Advisory	11

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. 2 of 2023, 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. 2 of 2023.
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.
7. ~~Filling of existing vacant positions (not new positions, these can only be created by a 2/3rds majority vote of the Board) will only be authorized with the following approvals: County Administrator, Budget Officer, and majority vote of appropriate oversight committee. In the event a Department has an urgent operational or financial related need to fill a vacant position and the oversight committee 1) has not voted to deny filling the position, and 2) will not convene again for one week or more, the Chair of the oversight committee, in his/her sole discretion, may call a~~

~~special committee meeting or approve the filling of the position and report such approval to the Committee at its next meeting. In the case where the Chair may approve the filling of the position, a vote by the oversight committee will not be necessary. All vacant positions authorized to be filled in accordance with the procedures set forth in these rules shall be reported each month on the Personnel Committee agenda. If filling of the existing vacant position is denied by any of the above processes, only 2/3rds vote of the County Board of Supervisors can fill the existing vacant position.~~

87. The Warren County Sheriff is authorized to fill positions that become vacant in the uniform correctional staff to maintain mandated staffing levels at the Warren County Correctional Facility providing those staffing levels not exceed the following:

Correction Officers - 76	Correction Lieutenants - 2
Correction Sergeants - 9	Correction Captain - 1

All notices approved shall remain in effect for six (6) months from the date of committee approval only to allow department heads to properly evaluate probationary employees and take appropriate action when necessary.

F. 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 2023, 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. 2 of 2023). 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.