

Amending The Rules Of Order Of The Ulster County Legislature To Establish A Procedure For Removing The Chairman Of The Ulster County Legislature

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

Legislators Rodriguez and Loughran offer the following:

WHEREAS, in order to establish a procedure for any and all resolutions regarding the removal of the Chairman of the Ulster County Legislature, it is hereby necessary to amend the following Rule and Section of the Rules of Order of the Ulster County Legislature: Rule 9., and

WHEREAS, Rule 9 of the Rules of Order of the Ulster County Legislature, entitled “ORGANIZATION OF THE LEGISLATURE—CHAIRMAN, MAJORITY, MINORITY LEADERS.” is set forth as follows, as adopted March 2, 2010 and/or updated by the Ulster County Legislature:

RULE 9. ORGANIZATION OF LEGISLATURE – CHAIRMAN, MAJORITY, MINORITY LEADERS.

- A. *The organizational meeting of the County Legislature shall be conducted on or before the second Tuesday of January in each year, at the time and place designated in a written notice to be given each Legislator by the Clerk of the County Legislature not later than five days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability or failure to act in accordance with the provisions of this section, notice shall be given by the County Clerk. In that event, the County Clerk shall determine the time and place designated in a written notice to be given by the of the County Legislature, and the County Attorney not later than three days prior to such meeting. Public notice to such meeting shall also be given by the County Clerk at the same time written notice is given to the public officials referenced herein.*
- B. *At this organizational meeting, the members of the Legislature shall select a Chairman at the call of the Clerk of the Legislature in each year. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.*

Resolution No. 120 May 15, 2012

Amending The Rules Of Order Of The Ulster County Legislature To Establish A Procedure For Removing The Chairman Of The Ulster County Legislature

- C. The Chairman within 10 days of having been elected as Chairman of the Legislature shall appoint a Vice Chairman. The Vice Chairman shall, in the absence of the Chairman, preside over each duly constituted meeting of the Legislature and have and exercise all of the powers and duties of the Chairman at any meeting over which the Vice Chairman is called to preside. The Vice Chairman, except as herein limited and/or provided, shall have and exercise those additional powers and duties as may be authorized by resolution of the Legislature, provided that such resolution shall specify the dates during which the Vice Chairman may exercise such powers and duties, and that the powers and duties authorized to the Vice Chairman shall not be exercised by the Chairman during the designated time period. The Vice Chairman shall at no time appoint a person to an office or position of employment with the County, nor appoint the Chairman or members of any committee of the Legislature, except as specifically authorized by the Legislature as provided herein. The Vice Chairman may in the absence of the Chairman from the County, or upon the Chairman's authorization, execute all agreements on behalf of the County which the Legislature authorized the Chairman to execute.
- D. *In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman within 30 days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year.* In the case of a vacancy in the office of Chairman, the Clerk of the Legislature shall call a meeting within the 30 day period provided for herein or above of the members of the Legislature upon like notice as provided in subdivision A herein, at which a successor who shall be a member of the Legislature shall be elected Chairman. The person so selected shall serve as Chairman of the Legislature for the unexpired term of the previous Chairman. Until such time as a new Chairman is chosen, the Vice Chairman shall act in the place and stead of the Chairman, and shall have all the powers vested in the Chairman of the Legislature.

Resolution No. 120 May 15, 2012

Amending The Rules Of Order Of The Ulster County Legislature To Establish A Procedure For Removing The Chairman Of The Ulster County Legislature

- E. Annually, the members of the two political parties, which shall have polled the largest vote in the last general election for the County, shall elect a leader of their respective parties. The leader of the political party whose membership of the Legislature constitutes a majority of the Legislature shall be known as the Majority Leader. The leader of the other political party shall be known as the Minority Leader.
- F. For the purpose of complying with the provisions of Section 200, Subdivision 1 of the County Law, in the event that neither of the members of one party nor the other constitute a majority of the members of the County Legislature, then, in said event, the Chairman of the County Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader. In all other matters, they shall be known as the Leaders of their respective parties.

NOW, THEREFORE, BE IT RESOLVED, Rule 9. of the Rules of Order of the Ulster County Legislature, entitled "ORGANIZATION OF THE LEGISLATURE—CHAIRMAN, MAJORITY, MINORITY LEADERS," be amended as follows by adding a Paragraph to be known as G.:

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- C. The Chairman within 10 days of having been elected as Chairman of the Legislature shall appoint a Vice Chairman. The Vice Chairman shall, in the absence of the Chairman, preside over each duly constituted meeting of the Legislature and have and exercise all of the powers and duties of the Chairman at any meeting over which the Vice Chairman is called to preside. The Vice Chairman, except as herein limited and/or provided, shall have and exercise those additional powers and duties as may be authorized by resolution of the Legislature, provided that such resolution shall specify the dates during which the Vice Chairman may exercise such powers and duties, and that the powers and duties authorized to the Vice Chairman shall not be exercised by the Chairman during the designated time period. The Vice Chairman shall at no time appoint a person to an office or position of employment with the County, nor appoint the Chairman or members of any committee of the Legislature, except as specifically authorized by the Legislature as provided herein. The Vice Chairman may in the absence of the Chairman from the County, or upon the Chairman's authorization, execute all agreements on behalf of the County which the Legislature authorized the Chairman to execute.
- D. *In the event of vacancy in the office of Chairman, the County Legislature shall fill that office in the manner provided by its rules. Should the County Legislature fail to select a Chairman within 30 days after that office shall become vacant for any reason, the County Executive shall appoint a member of the County Legislature to serve as Chairman for the balance of the calendar year.* In the case of a vacancy in the office of Chairman, the Clerk of the Legislature shall call a meeting within the 30 day period provided for herein or above of the members of the Legislature upon like notice as provided in subdivision A herein, at which a successor who shall be a member of the Legislature shall be elected Chairman. The person so selected shall serve as Chairman of the Legislature for the unexpired term of the previous Chairman. Until such time as a new Chairman is chosen, the Vice Chairman shall act in the place and stead of the Chairman, and shall have all the powers vested in the Chairman of the Legislature.

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- F. For the purpose of complying with the provisions of Section 200, Subdivision 1 of the County Law, in the event that neither of the members of one party nor the other constitute a majority of the members of the County Legislature, then, in said event, the Chairman of the County Legislature shall designate one party leader as the Majority Leader and the other as the Minority Leader. In all other matters, they shall be known as the Leaders of their respective parties.
- G. The Legislature, by three-fifths vote of the Legislature, may remove the Chairman of the Legislature at any time during a meeting of the Legislature.

and be it further

RESOLVED, that these changes to the Rules of Order of the Ulster County Legislature shall take effect upon an affirmative vote of this body subsequent to two consecutive readings,

and move its adoption.

FIRST READING: MAY 15, 2012
SECOND READING: JUNE 19, 2012

ADOPTED BY THE FOLLOWING VOTE:

AYES: NOES:

FINANCIAL IMPACT:
NONE

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WITHDRAWN BY SPONSOR