

## RESOLUTION NO. 267

### AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER IN RELATION TO PUBLIC FORUM

Introduced: 6/12/17

By Mr. Dawson:

WHEREAS, The Albany County Legislature has adopted “*The Legislative Rules of Order*” in order to provide an orderly and consistent process for the Legislature to conduct business in a fashion that affords all members respect and equality, and

WHEREAS, The Legislature holds a monthly public forum at its regular legislative meetings as well at special meetings. This is in addition to public hearings on specific pieces of legislation as required by law, and

WHEREAS, The current *Rules of Order* provide for a one hour period for members of the public to speak at public forum. The Legislature has from time-to-time suspended the one-hour rule when the legislation being considered garnered a large number of members of the public, and

WHEREAS, The Chair of the Legislature has recently instituted an ad hoc mechanism to make time available to continue the public forum following the Legislature’s meeting for speakers who were not permitted to speak during the regular public forum to accommodate as many members of the public as possible, and

WHEREAS, The privilege to speak before the Albany County Legislature should be extended only to Albany County residents in order to maximize their opportunity to speak to their Legislature so that their legislators have an opportunity to hear from their constituents and taxpayers. Other persons (non-residents) wishing to address this body before a meeting can be afforded an opportunity to do so as time permits and at the discretion of the Legislature. Such other persons should not be extended the privilege to address the Legislature during the one hour public forum if doing so deprives county residents – our constituents – of the opportunity to address their elected representatives, and

WHEREAS, Some members of the public currently speak, often repeatedly, on issues that are not on the Legislature’s meeting agenda. This reduces the amount of time that Legislators have to listen to comments concerning legislation they may be voting on that evening, and

WHEREAS, These amendments establish new rules to reserve public forum for members of the public speaking on matters to be voted on by the County Legislature that night following the conclusion of the Public Forum. It also

establishes that residents of Albany County should speak before non-residents and provides additional opportunities for public comment generally.

RESOLVED, By the Albany County Legislature that “Rule 2 – Regular Meetings” of the Albany County Legislative Rules of Order is amended to read as follows:

## RULE 2 – REGULAR MEETINGS

PUBLIC FORUM -- From 6:30 p.m. until its conclusion, and in no event shall the Public Forum continue past 7:30 p.m. on the night of each monthly meeting, special meeting, or annual meeting and adjournment thereof, members of the public shall have the right to address the members of the Legislature [on matters pertaining to the County of Albany]. Each member of the public who desires to address the Legislature shall personally give their name, home address, if applicable the organization on whose behalf they are requesting permission to speak, and agenda item or issue to be addressed to the Clerk of the Legislature from 6:15 p.m. to 6:30 p.m. on such evening. The Clerk shall [maintain such list from month-to-month in a continuous fashion] order such list by county residents addressing agenda items, non-county residents addressing agenda items, county residents addressing non-agenda items, and finally, non-county residents addressing non-agenda items. The Chairperson of the County Legislature shall allow each member of the public whose name is reached five (5) minutes to address the Legislature. Members of the public wishing to speak that are not allowed prior to the end of the Public Forum, may sign up to speak during the Post Meeting Public Forum. No member of the Legislature shall question any speaker nor shall any speakers be allowed to question members of the Legislature. The Public Forum shall be recorded and made available to the public in the same manner as the meeting of the Legislature.

POST MEETING PUBLIC FORUM – Following the adjournment of a regular monthly meeting and after a short recess, the Chairperson of the Legislature may provide an opportunity for residents of the county and other persons to address the Legislature on matters pertaining to the County of Albany which were not considered by the Legislature at such meeting. Members of the public who wish to speak during the Post Meeting Public Forum shall personally give their name, home address, and if applicable the organization on whose behalf they are requesting permission to speak to the Clerk of the Legislature prior to the start of the forum. The Clerk shall maintain the list of speakers, giving priority to residents of the County. The Chairperson may exercise discretion as to length of speaking times, the number of topics speakers may address in their remarks, and the duration of the Post Meeting Public Forum.

At the Post Meeting Public Forum, members of the Legislature may question speakers with permission of the Chairperson. The Forum shall be recorded and made available to the public in the same manner as the meetings of the Legislature.

and, be it further

RESOLVED, By the Albany County Legislature that “Rule 3 – Special Meeting” of the Albany County Legislative Rules of Order is amended to read as follows:

Special meetings shall be held at any time at the call of the Clerk of the [County] Legislature upon written direction of the Chairperson or upon written request signed by a majority of the [M]members of the [County] Legislature, or upon written request of the majority and minority leaders.

No Special Meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. 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 at least forty-eight (48) hours before the date fixed for holding the meeting by writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting. In accordance with the Rule 2 governing the Public Forum, except as provided below, [M]members of the public [shall have the right to] may address members of the Legislature on the resolution(s) or local law(s) to be considered at a Special Meeting for a period of one-half hour immediately preceding the commencement of the Special Meeting. Each member of the public who desires to address the Legislature shall personally give their name, their home address, the resolution or local law on the Special Meeting agenda (or the subject of such resolution, law or budget item) on which they wish to be heard, and, if applicable, the organization on whose behalf they are requesting permission to speak to the Clerk of the Legislature for the period of fifteen (15) minutes immediately preceding the public forum period. The Clerk shall order such list by county residents addressing Special Meeting agenda items and then non-county residents addressing Special Meeting agenda items. [The Clerk shall maintain such lists from month-to-month in a continuous fashion. The Chairperson of the County Legislature shall allow each member of the public whose name is reached five (5) minutes to address the Legislature. No member of the Legislature shall question any speaker nor shall any speakers be allowed to question members of the Legislature.]

and, be it further

RESOLVED, By the Albany County Legislature that “Rule 21 – Standing Committees” of the Albany County Legislative Rules of Order is amended to read as follows:

The following standing committees, to consist of nine members for each committee, shall be appointed by the permanent Chairperson of the County Legislature from the membership of the County Legislature within twenty (20) days after said Chairperson's election, and a list thereof shall be filed with the Clerk of the Legislature, and each committee shall perform the duties as hereafter set forth.

Within thirty (30) days of the listing of the committee assignments, each

Committee Chairperson shall assign and officially list a time and a day for the regular monthly committee meetings. No Standing Committee of the Albany County Legislature shall meet on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. The Committee Chairperson may cancel any meeting if there is no business for the Committee. In the event a member cannot attend a rescheduled regular meeting and to the extent it is legally permitted, such member may submit to the Chairperson a written statement of their opinion on business items which are on the Committee's agenda and those written opinions shall become part of the Committee's minutes.

Each and every Committee Chairperson shall, to the extent practicable, submit a copy of the Committee Agenda no later than twenty-four (24) hours prior to the scheduled Committee meeting. Every committee meeting shall be open to the public, however, this provision shall not preclude the right of the Chairperson to call for an executive session.

Commencing with standing committee meetings held after the organizational meeting in January of 2018 and pursuant to guidelines set forth by the Chairperson of the County Legislature, in consultation with the majority and minority leaders, all committees of the Albany County Legislature may provide for a public forum of no more than fifteen (15) minutes on agenda items before the committee as part of their regular monthly meeting.

and, be it further

RESOLVED, By the Albany County Legislature that “Rule 39 –Public Hearings/Meeting Times” of the Albany County Legislative Rules of Order is amended by adding the following paragraph to read as follows:

Following the organizational meeting held in January of 2018 and pursuant to guidelines set forth by the Chairperson of the County Legislature, in consultation with the majority and minority leaders, the Legislature and/or one or more of its standing or special committees, may hold Special Legislative Hearings for the purpose of examining issues of critical public concern and to aid in the formulation of effective legislative policymaking. All such Special Legislative Hearings shall be held according to legal public notice requirements, shall be held at such times as to maximize the convenience to potential speakers including respecting official holidays and days of religious observance as set out in these rules, and shall be held in various locations at municipal facilities throughout the county.

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

*Referred to Law Committee. 6/12/17*