

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed the attached Resolution repealing and replacing Chapter 960 of the Laws of Westchester County.

Your Committee notes that, by Resolution 4-1985, your Honorable Board enacted Chapter 960 and established the Rules of the Board. By Resolution No. 26-1992, your Honorable Board repealed those rules and enacted new Rules of the Board. Those rules, on occasion, have been amended to, among other reasons, reflect changes in law, further the principles of inclusivity, transparency, and accountability, as well as improve operations. These amendments have been done through a series of resolutions, including Resolutions 195-1992, 101-1998, 155-1999, 51-2000, 6-2004, 7-2004, 13-2010, 1-2011, and 170-2011.

Your Committee now proposes to make additional changes to the Rules of the Board through the attached resolution. These changes touch upon almost every rule contained in Chapter 960, and add new rules. As such, your Committee proposes to repeal the existing Chapter 960 and replace it with a new Chapter 960.

Your Committee notes the state Open Meetings Law was recently amended by adding § 103-a, which allows public bodies to authorize the use of videoconferencing when an extraordinary circumstance renders a member of the body unable to attend a public meeting in-person. To leverage the flexibility afforded by 103-a, among other things, a Local Law and written procedures must be adopted authorizing the use of videoconferencing under extraordinary circumstances. While your Honorable Board is currently considering the required Local Law, the amendments to the Board Rules include a new Rule Thirty, which will serve as the required written procedures. The new Rule Thirty will only take effect if and when Local Law Intro No. 2022-302 is enacted by the County. Further, while the Open Meetings Law has permitted the use of videoconferencing in non-extraordinary circumstances, the Rules of the Board did not address procedures for videoconferencing in these situations. The new Rule 1-A, and amendments to Rule 7.2 now provide these procedures.

Your Committee also finds the Rules of Board are not written in a gender neutral manner. The use of gender neutral language is a tool to promote equality. The purpose of making the Rules of the Board gender-neutral is to avoid word choices which may be interpreted as biased, discriminatory, or demeaning. The Resolution eliminates the use of predominantly masculine pronouns throughout the Rules in favor of gender neutral language.

Finally, your Committee finds the Clerk of the Board, under the current Rules, cannot fully embrace the efficiencies of the digital age. Rule 10 requires the Clerk of the Board to “mail or deliver a copy of the calendar for the next regular meeting” to each member of the Board, the County Executive and the County Attorney.” Rule 11 requires the Clerk to “place” a copy of the special item calendar “in the box” of each Legislator and deliver a copy to the County Executive.” Rule 14 requires that items submitted to the clerk consist of an original and 10 copies. The Resolution will amend Rules 10 and 11 to allow the Clerk to deliver the relevant items by email. The Resolution will also amend Rule 14 so that items submitted to the Clerk consist of an original, a hard copy, and an electronic copy.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act (“SEQRA”). The proposed resolution does not meet the definition of an action under New York State Environmental Quality Review Act and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.”

Your Committee, after careful consideration, recommends the adoption of this Resolution.

Dated: _____, 2022

White Plains, New York

COMMITTEE ON

RESOLUTION NO.

-2022

A Resolution Repealing and Replacing Chapter 960 of the Laws of Westchester County.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 960 of the Laws of Westchester County, entitled RULES OF THE WESTCHESTER COUNTY BOARD OF LEGISLATORS (Amended as of October 17, 2011) is hereby repealed.

Section 2. A new Chapter 960 of the Laws of Westchester County is enacted to read as follows:

RULES OF THE COUNTY BOARD OF LEGISLATORS

RULE ONE

1. Annual and regular meetings. The annual meeting of the County Board of Legislators shall begin with the first meeting in January of each calendar year and shall continue until the final meeting of that calendar year. The County Board shall meet at such times as such Board shall determine. Meetings shall be held on Monday, except that the County Board may determine to meet on any other day or date when desirable and when a holiday falls on any such Monday.

2. Special meetings. Special meetings may be called at any time by the Chair of the County Board, by the Clerk of the Board on the written request of a majority of the members of the Board, or by the County Executive in their discretion, by providing notice to all of the County Legislators in any one (1) of the following ways:

a. Upon not less than twenty-four (24) hours' written notice served personally, by e-mail address designated by the County Legislator, by facsimile or delivered to the residence of a County Legislator; or

b. Upon five (5) days written notice duly mailed to the address of each member as given to the Clerk.

The presence of any board member at a special meeting shall be conclusive evidence without other proof of due notice to them of such meeting. Such notice shall state the subjects to be considered unless by unanimous consent of the whole membership of the Board.

3. Adjournment of meetings. Meetings of the County Board may be adjourned from time to time, and all meetings of the Board shall be public.

4. *Night meetings.* The Board shall, at the discretion of the Chair, hold no fewer than seven (7) night meetings per year.

5. *Roll call.* The Chair, or in the Chair's absence, the Vice Chair shall take the chair at the hour appointed for the Board to meet, and shall immediately call the members to order. The roll shall then be called by the Clerk of the Board, who shall enter in the minutes of the meeting the names of the members present. In the absence of a quorum at the time appointed for a meeting, the members present may, by a majority vote of those present, take a recess or recesses, and direct the Clerk to procure the attendance of absent members.

6. *Vacancy in the office of Chair.* If a vacancy occurs in the office of Chair, the office of Chair shall be filled by the County Board, from among its own members, at a regularly scheduled meeting of the Board to take place within sixty (60) days of such vacancy. Until such time as such new Chair is chosen, the Vice Chair shall act in the place and stead of the Chair. In the event, but only in the event, the Board selects the Legislator previously denominated as Vice Chair to serve as the new Chair, then the County Board shall also choose a new Vice Chair from among its own members.

7. *Temporary Chair.* In the case of the absence of the Chair and Vice Chair, the Clerk shall call the Board to order and call the roll of the members. If a quorum is found to be present, the Board shall proceed to elect, by majority vote of those present, a Chair Pro Tempore of the meeting to act until the Chair or Vice Chair appears at which time the Chair Pro Tempore shall surrender the chair.

8. *Appeals from decision of the Chair.* The Chair shall preserve decorum and decide all questions of order, subject to appeal to the Board. Once a motion for an appeal from a decision of the Chair (i.e., a challenge to a ruling of the Chair) is made, no further dialogue or debate may take place. An appeal from a decision of the Chair shall be carried by a majority of the Board.

9. *Chair or presiding officer leaving chair.* The Chair or other presiding officer at a meeting may call any other member to take the place of the Chair, but the substitution shall not extend beyond adjournment.

10. *Addressing Chair.* Every member speaking to a question or making a motion shall gain attention by raising their hand, and the Chair shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Board shall address the Chair and confine themselves to the question under debate. The Majority and Minority Leaders shall have preference in speaking. A member addressing the Chair may be interrupted only upon a motion to limit debate or by the Chair, Majority Leader or Minority Leader.

11. *Debate.* No member shall be allowed to speak more than once upon any one (1) subject until every other member choosing to speak thereon shall have spoken. Debate may be extended by a majority vote of the Board.

12. Public Record. All Board meetings shall be recorded by either stenographic, or electronic means (including by tape recorder, videotape apparatus, digital recording or other means), in order to create a public record of the Board's proceedings.

13. Advance calendar. Within fifteen (15) days after the selection of a Chair and Vice Chair of the Board, there shall be established an advance calendar of all the meetings of the entire Board of Legislators for the entire year.

14. Notice to Clerk of appointments of Majority and Minority Leaders and Whips. By the first Monday in January of each even numbered year, the newly elected/re-elected Majority and Minority Leader shall certify, in writing, to the Clerk of the Board that they were selected as Majority/Minority Leader at a duly convened caucus by a vote of a majority of all caucus members and the name of the Majority/Minority Whip who was selected at a duly convened caucus by a vote of a majority of all caucus members.

RULE 1-A

Remote Participation at Regular and Special Meetings absent Extraordinary Circumstances. Members who do not meet the parameters of Rule 30 may attend and participate in regular and special meetings of the Board via videoconference, provided:

- a. When members become aware they will not be able to attend a regular or special meeting of the Board at its primary location, such member shall, as soon as practicable, submit written notice to the Clerk of the Board of Legislators to attend such meeting via videoconference.
- b. Notification pursuant to this Rule 1-A shall (i) state that videoconferencing will be used, (ii) identify the locations for the meeting and (iii) state that the public has the right to attend the meeting at any of its locations.
- c. Members participating remotely via videoconferencing shall be audible, visible and identifiable while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. The name(s) of member(s) participating remotely shall be visible on the videoconferencing screen and/or on a visibly placed placard stating the member's first and last name.
- d. Members videoconferencing pursuant to this Rule 1-A shall not be permitted to participate from a private residence
- e. A member who attends by videoconference pursuant to this Rule 1-A may be included in determining whether a quorum is present and may vote on any question, proposition, resolution, motion or any other matter before the Board.

RULE TWO

Quorum. A majority of all the members of the County Board shall constitute a quorum for the transaction of its business, except that a lesser number may adjourn, provided that only members who are either physically present or who are attending via videoconference pursuant to Rule 1-A are included in determining whether a quorum exists.

RULE THREE

Majority of vote necessary. A majority vote of the entire membership of the Board shall be necessary to carry any question, proposition, resolution, motion or any other matter, except where it is otherwise provided herein or by statute or Charter that a two-thirds, three-fourths or unanimous vote is required.

RULE FOUR

General conduct of the meetings. After the meeting is called to order a prayer may be said, the flag of our country shall be saluted, the roll* shall be called, the journal of the preceding meeting(s) shall be approved, and the order of business shall be as follows:

1. Public comment session lasting no more than one-half (1/2) hour.
2. Unfinished business.
3. Communication from government officials, departments and agencies and members of the general public, if said inclusion on the Board's agenda is so requested in the body of their written correspondence. With reference to said communications, there shall be no debate on the substance of the item itself. Debate with regard to the disposition of the item shall be permitted, but may be limited by the Chair.
4. Notices and petitions.
5. Reports of standing committees.
6. Reports of special committees.
7. Special orders.
8. Motions and resolutions and call of the districts. With reference to the call of the districts, said call shall be according to order of seniority, except that the Majority Leader and Minority Leader shall be called first and second, respectively. In addition, the Chair of the Board shall be the last of the members of the Board to be called. (*NOTE: Unless otherwise specified in the Rules of the Board, the roll shall be called for attendance, voting and any and all other purposes in the following order: Majority Leader, Minority Leader, members (alphabetically) and Chair of the Board.)

RULE FIVE

Manner of accepting minutes. The Chair having taken the chair at the hour to which the County Board shall have adjourned, and a quorum being present, the journal of the preceding day or meeting, if available, shall be approved by a motion made and carried.

RULE SIX

Duties of the Chair.

1. The Chair shall preserve order and decorum, and no person other than the members of the Board and employees shall be allowed inside the rail while the Board is in session without the consent of the Chair, except the County Executive, County Attorney, Commissioner of Public Works and Transportation and members of the press, to whom seats will be assigned by the Chair. The Chair shall decide all questions of order, which decision shall be final, unless an appeal is taken to the Board.
2. The Chair shall appoint the Committee on Budget and Appropriations, the Committee on Legislation and all other standing and special committees, as well as the members and chair thereof. In addition, the Chair may designate special committees as deemed necessary.
3. Except as otherwise provided in § 107.81 of the County Charter with reference to the Clerk of the Board, each County Board, during its term, may delegate to the Chair of the County Board the power to appoint other necessary board employees within the appropriations available therefore and the power to perform the administrative duties related to Board personnel. This power of the Chair may be exercised only after consultation with the Rules Committee.

RULE SEVEN

Committees of the Board.

1. The standing and special committees of the Board shall conduct all items of their business open to the public and press, except where executive sessions are mandated or authorized under the law. Notices of all committee meetings shall be made available to the public and press by the Clerk of the Board, and the weekly committee meeting agendas, where available, shall be posted in a public place.
2. The standing and special committees shall keep a record of all meetings including the date and time of meeting and committee members in attendance. Committee members may attend and participate in a meeting via videoconference, provided that the public is given the proper notice and an opportunity to attend, listen and observe at any site at which a member participates, in accordance with the provisions of the Open Meetings Law. A member who attends by videoconference pursuant to this Rule 7.2 shall be included in determining whether a quorum is present and shall be permitted to vote on matters pending before the committee. Committee members may also attend and participate in a meeting via telephone conference call but only if a quorum of members is physically present at the meeting (or present by videoconference). Furthermore, a member who participates via telephone conference call is not qualified to vote on any issue pending before the committee nor can said member's participation be included in determining whether a quorum exists.

- a. When members become aware they will not be able to attend a committee meeting at its primary location, such member shall, as soon as practicable, submit written notice to the Clerk of the Board of Legislators to attend such meeting via videoconference.
- b. When members participate by videoconference pursuant to this Rule, except in the case of executive sessions, all members shall be audible, visible and identifiable while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. The name(s) of member(s) participating remotely shall be visible to the public on the videoconferencing screen and/or on a visibly placed placard stating the member's first and last name.
- c. Notification pursuant to this Rule 7.2 shall (i) state whether videoconferencing will be used, (ii) identify the locations for the meeting and (iii) state that the public has the right to attend the meeting at any of its locations.
- d. Members videoconferencing pursuant to this Rule 7.2 shall not be permitted to participate from a private residence
- e. This Rule 7.2 applies only if there are not extraordinary circumstances pursuant to Rule 30.

3. The original of the committee report shall be filed with the Clerk of the Board as soon as possible after the committee meeting. The Clerk of the Board or their designee shall maintain an official record of each committee's agenda items. This official record shall include the disposition of each agenda item, including individual votes of committee members who are physically present or who are attending via videoconference on each item.

4. Each committee may establish its own quorum, which need not be a majority thereof, and make such rules as may be necessary and proper to effectuate its duties. Only committee members who are either physically present or who are attending via videoconference pursuant to Rule 7.2 are included in determining whether a quorum exists.

5. Committees may hold public hearings on issues pending before them.

6. Committees shall not be limited to considering matters referred to them, but may study and/or initiate resolutions, etc., that fall within the general parameters of each committee's respective subject matter and refer same to the Board for action.

7. It shall be the duty of each of the several standing committees to inquire into the matters submitted to them under their supervision and to report thereon to the Board any information which the members thereof may deem conclusive of the public good.

8. Matters referred to committees will be promptly considered by the committee. All resolutions, acts and local laws pending before a committee for more than ninety (90) days shall automatically be discharged on the 91st day and placed upon the written agenda of the next meeting of the Board so that the resolution, act or local law can be considered by the

full Board. As to any other items before the committee, if action has not been taken within ninety (90) days, the committee minutes shall be annotated to reflect same and the reason thereof.

9. Matters referred to more than one (1) committee shall require discharge of the matter from each committee prior to the return of the matter to the agenda.

RULE EIGHT

The Budget Committee.

1. The Budget and Appropriations Committee shall consist of members as assigned by the Chair and shall include the Chair of the Board as a member thereof.

2. The proposed county budget, when filed with the Board, shall be referred to said Committee.

3. The said Committee shall prepare all appropriate acts and resolutions and shall have power to revise, alter, increase or decrease the items of the current plan contained in the proposed county budget, in the manner provided by law.

4. All requests, recommendations and reports requesting an appropriation of funds by the Board shall be referred to the said Committee for investigation and report.

5. Every county office, department and committee of this Board shall furnish to the Budget and Appropriations Committee such information as the said Committee may, from time to time, request, and the Clerk of the Board or any employee of said Committee, when duly authorized, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers or records of any such office, department or committee.

RULE NINE

Presentation of Matters before the Board.

1. Each member presenting a petition, account, report of resolution, resolution or other paper shall sign their name thereon. Such petition, account, report of resolution, resolution, once presented before the Board may not be withdrawn, nor may the sponsor or sponsors withdraw same without approval of a majority of the Board. All items seeking Board action must be accompanied by a standard Legislative Memorandum clearly stating in separate paragraphs:

a. Purpose.

b. Intent.

c. Justification.

d. Present Law.

2. The Chair of the Board, the Majority Leader or the chair of the respective Board committee may return to committee any item on the agenda after stating the reason for said withdrawal.

3. The respective committee chair may accept or reject an amendment to an item that they are presenting to the full Board from their committee.

4. One (1) minority report may be included with a committee action whenever requested by members of the committee.

RULE TEN

Calendar; duties of the Clerk of the Board.

1. The Clerk of the Board shall make up the calendar, including all items received pursuant to these rules.

2. All local laws, acts, resolutions, reports and other matters proposed and to be placed upon the calendar for a regular or special meeting of the Board shall be submitted to the Clerk of the Board of Legislators.

3. All local laws, acts, resolutions, reports and other matters proposed to be placed upon a calendar must be delivered to the Clerk of the Board before 1:00 p.m. of each Wednesday, five (5) days before a regular meeting in order to be placed on the calendar for that meeting.

4. In making up the calendar, the Clerk of the Board shall group items in the following order unless otherwise directed by the Board:

Public comment session

Unfinished business

Communications from governmental officials, departments and agencies

Notices and petitions

Reports of standing committees

Reports of special committees

Special orders

Motions and resolutions

and the calendars shall be numbered consecutively each year and shall have the items thereon separately numbered beginning with number one (1) for each calendar and continuing consecutively through to the last number and shall contain the title of each item.

5. At least four (4) days before each regular meeting, the Clerk shall mail or deliver a copy of the calendar for the next regular meeting to each member of the Board directed to an address specified by each member, and shall deliver a copy of said calendar to the office of the County Executive and the office of the County Attorney in the County Office Building. Such delivery and communication may be by email.

6. A list of unfinished business, special orders to be acted upon by the Board and the Calendar for the next regular meeting of the Board and a schedule of all committee meetings shall be kept posted by the Clerk in a conspicuous place in the Clerk's office.

RULE ELEVEN

Special items of business.

1. Any local law, act, resolution, amendments to matters pending before the Board or other matters proposed may be made a special item of business and placed on the special item calendar (blue sheet) at the request of any member of the Board with the unanimous consent of the Chair of the Board, the Majority Leader and Minority Leader, provided that such item shall be filed with the Clerk of the Board by 1:30 p.m. on the day of a regular evening meeting or 1:30 p.m. on the last business day preceding a regular morning meeting for which the calendar has been prepared.

2. The Clerk of the Board shall make up a special item calendar which shall include all items received pursuant to this rule and Rules 11 and 12. A copy of the special item calendar shall be delivered to each member, the County Executive, and the office of the County Attorney as soon as practical before the scheduled time of the regular meeting for which the special item calendar prepared. Such delivery may be by email.

RULE TWELVE

Communication from County Executive. Any communication, recommendation or other matter received from the County Executive with a message requesting immediate consideration and filed with the Clerk of the Board no less than two and one-half (2½) hours before the regular meeting shall be placed upon the calendar for such meeting date as a special item of business, and copies shall be provided for the Chair of the Board, the Majority Leader and Minority Leader.

RULE THIRTEEN

Communication from County Attorney and committees.

1. Any communication, recommendation, report or other matter received from the County Attorney with a message requesting immediate consideration and filed with the Clerk of the Board no less than two and one-half (2 1/2) hours before the regular meeting shall be placed upon the calendar for such meeting date as a special item of business, and copies shall be provided for the Chair of the Board, the Majority Leader and the Minority Leader.

2. Any communication, recommendation, report or other matter received from any standing or special committee of the Board and filed with the Clerk of the Board no less than two and one-half (2 1/2) hours before the regular meeting shall be placed upon the calendar for such meeting date as a special item of business, and copies shall be provided for the Chair of the Board, the Majority Leader and the Minority Leader.

RULE FOURTEEN

Number of copies to be filed. Each item submitted to the Clerk of the Board, pursuant to Rules 11, 12 and 13, shall be submitted in not less than an original, a hard copy, and an electronic copy.

RULE FIFTEEN

Motions to be stated to the Board; exceptions. Every motion shall be stated by the Chair or read by the Clerk of the Board before debate and before the question is taken. Commendatory or memorial resolutions placed on the agenda by members shall not be read unless requested by a member of the Board.

RULE SIXTEEN

Voting procedures.

1. Leave of absence may be granted by the Chair, upon the application of any member.

2. Any member may demand the ayes and nays upon any question, and the names of those who voted for and those who voted against the questions shall be entered upon the minutes.

3. A member must vote on every question before the Board, unless excused by the Chair or, should the Chair refuse, by a majority of the members on the basis of a conflict of interest. If requested by any member, the nature of the conflict of interest must be explained by the member seeking permission to abstain.

4. Once the question has been put and the vote is being taken, members shall confine themselves to voting and not resume discussion or debate or make further comments on the question.

5. Short roll call. At the Chair's discretion and instruction, the Clerk may conduct a short roll call. Every member present at the time of a vote on any agenda item shall be recorded in the affirmative after the call of the names of the Majority Leader, Minority Leader, the chair of the committee from which the item originated and the Chair of the Board, unless a member publicly requests to be recorded in the negative.

RULE SEVENTEEN

Motion for immediate vote.

1. The motion "previous question", which shall terminate debate and demand a vote on any matter or matters then under debate or consideration before the Board, shall be taken only after each member of the Board has had at least one opportunity to speak to the issue before the Board.

2. If there shall be amendments pending, the question shall first be taken upon such amendments, in reverse order, and then upon the main question, without further debate or amendment.

RULE EIGHTEEN

Motion to lay over.

1. Any matter on the Board's agenda giving rise to debate, except matters before the Board as unfinished business or special order, and except a motion to make a main motion a special order, shall, upon request of any member, lay over for consideration and come up at the next meeting day under the order of unfinished business, except that, when a main motion has been laid over before being acted on, a motion to reconsider said motion may not be laid over.

2. Such a request to lay over, as herein defined, may be made at any time prior to the commencement of debate therein and shall not be subject to debate, and a recognition thereof by the Chair shall not be subject to appeal by the Board.

3. A request to lay over as herein provided shall not apply to the last day of the annual meeting or at a special meeting.

4. A request to lay over under the rules shall be a matter of privilege as a point of order.

RULE NINETEEN

Motion to lay on the table. A motion to lay on the table until it is decided shall preclude amendments and debate on the main question. There is no debate on such a motion to lay on the table, and the matter shall immediately be put to a vote.

RULE TWENTY

Special order of business. Any communication, resolution, act, local law or subject before the Board may be referred or made a special order by a majority vote of the members of the Board, or by the Chair of the Board and set down for a specific date for consideration.

RULE TWENTY-ONE

Motion to reconsider.

1. A motion for the reconsideration of a vote on any local law, act or resolution may be made by any member having voted on the prevailing side. In the case of a local law or act, this must be while such is still in the possession of the Board, either by not having been transmitted to the County Executive, or by having been returned by the County Executive without approval.
2. No such motion for reconsideration shall be in order, however, unless made on the same meeting day when passed by the Board, the next meeting thereafter, or the meeting day following that on which the local law or act was returned by the County Executive, with their approval, or unless by unanimous consent.
3. A motion for reconsideration; having been put and lost, shall not be renewed unless the act or local law has been returned by the County Executive as aforesaid.
4. No subject or vote, except as aforesaid, shall be a second time reconsidered without unanimous consent.

RULE TWENTY-TWO

Motion to divide the question. If any question contains more than one (1) distinct proposition, it shall be divided by the Chair at the request of any one (1) member.

RULE TWENTY-THREE

Motion to adjourn. A motion to adjourn is always in order (except when a vote is being taken), and such motion shall be decided without debate.

RULE TWENTY-FOUR

Change of the rules.

1. No standing rule of the Board shall be changed, suspended or rescinded, except as provided therein, unless upon written notice by any member filed with the Clerk of the Board pursuant to these rules and upon a vote of a majority of the members of the Board.

2. The Board may, by unanimous vote of those present and voting, waive or suspend any rule of the Board so long as it does not conflict with any Charter provisions; except that a motion to take a matter cut of order and advance it or delay it on the agenda shall need only a majority vote.

3. The rules of the County Board for a preceding year shall remain in force and effect at the first meeting of each year and until the formal adoption of the rules for the current year.

RULE TWENTY-FIVE

Procedures not covered. Mason's Manual of Legislative Procedure shall govern the procedure of the Board in all cases when not inconsistent with the foregoing rules.

RULE TWENTY-SIX

Consent calendar communication referrals. Items referred to the Board as a communication may be referred to committee on a single roll call vote on motion of the Majority Leader as part of a Consent Calendar agreed to by the Vice Chair, Majority Leader and Minority Leader, or their designee, and be available for inspection by all Board members prior to the start of the Board meeting. Use of a Consent Calendar shall not abridge each member's right to remove a communication item from the Consent Calendar, lay over an item pursuant to Rule 18, or request committee referral additional to or different from the Consent Calendar.

RULE TWENTY-SEVEN

Activities prohibited during political campaigns for county office.

1. County Board Newsletters. During an election year for County Legislative office, the following blackout dates will apply to the distribution of County Board Newsletters:

a. Primary Election. The mailing of County Board newsletters must be postmarked no later than May 1st. The blackout period will remain in effect up to and including the 4th Tuesday of June (Primary Election Day). This applies to all Legislators even if they do not have a Primary Election.

b. General Election. The mailing of County Board newsletters must be postmarked no earlier than the day following the 4th Tuesday of June (Primary Election Day) and no later than the first Friday after Labor Day. This applies to all Legislators even if they are unopposed in the General Election.

2. In the event that a member of the County Board of Legislators is a candidate for another County-wide elective office in a nonelection year for County Legislative office, the restrictions on mailing of County Board newsletters

contained in Section 1, subdivisions a. and b. of this Rule shall apply.

3. No member of the County Board of Legislators who is a candidate for any County-wide office in a special election may mail a County Board Newsletter during the period from when the special election date is set until the date the special election is held.

4. There will be no blackout dates for Electronic Newsletters {"e-news"} which are emails with a Legislator's banner containing county-related, non-political information.

5. Golden Apple Pin Cards. During an election year for County Legislators, the following blackout dates will apply to the distribution of certain Golden Apple Pin Cards that display a Legislator's name and/or district on it:

a. Primary Election. The distribution of County Board Golden Apple Pin cards that display a Legislator's name and/or district on it, will be prohibited from May 1st up to and including the 4th Tuesday of June (Primary Election Day). This applies to all Legislators even if they do not have a Primary Election.

b. General Election. The distribution of County Board Golden Apple Pin cards that display a Legislator's name and/or district on it, will be prohibited from the Friday after Labor Day up to and including the General Election. This applies to all Legislators even if they are unopposed in the General Election.

6. In the event that a member of the County Board of Legislators is a candidate for another County-wide elective office in a nonelection year for County Legislative office, the restrictions on the distribution of County Board Golden Apple Pin cards that display a Legislator's name and/or district on it, contained in Section 5, subdivisions a. and b. of this Rule shall apply.

7. No member of the County Board of Legislators who is a candidate for any County-wide office in a special election may distribute a County Board Golden Apple Pin card that displays a Legislator's name and/or district on it during the period from when the special election date is set until the date the special election is held.

8. There will be no blackout dates for the distribution of generic County Board Golden Apple Pin cards (no Legislator names and/or district displayed on the pin cards).

9. In a nonelection year for County Legislative office, no restrictions on the mailing of County Board newsletters or the distribution of Golden Apple Pin Cards that display a Legislator's name and/or district on it shall apply to any member of the County Board of Legislators who is not a candidate for County-wide elective office.

RULE TWENTY-EIGHT

Any matter requiring immediate consideration.

If, in the opinion of the Chair of the County Board of Legislators, a particular matter not currently before the County Board of Legislators requires immediate consideration by the County Board, said matter shall be placed on the legislative agenda of the County Board if submitted to the County Board no less than two and one-half (2 1/2) hours before any meeting of the County Board for any immediate action which the County Board deems appropriate.

RULE TWENTY-NINE

Subpoenas. Pursuant to the authority contained in the Laws of Westchester County § 107.21(12) to issue subpoenas and § 209.71 to fix the powers and duties of all the committees of the County Board of Legislators and notwithstanding any provision of law to the contrary, the County Board of Legislators shall issue subpoenas in accordance with the following procedures:

1. if the Chair of the County Board of Legislators determines that a subpoena is necessary, then the Chair may place the subpoena request as a Special Order for a regularly scheduled meeting or a special meeting of the County Board of Legislators; if a majority of the total membership of the County Board of Legislators approves by resolution, the subpoena shall be issued by the Chair of the County Board of Legislators; or
2. if the Chair of the County Board of Legislators or the chair of any committee of the County Board of Legislators determines that a subpoena is necessary, then the question of the issuance of a subpoena shall be considered by the appropriate committee; if a majority of the total membership of the committee of the County Board of Legislators approves, then the subpoena shall be issued by the chair of the committee.

RULE THIRTY

Remote Participation at Board and Committee Meetings due to Extraordinary Circumstances. This Rule 30 shall fulfill the requirement of “written procedures” pursuant to Section 103-a of Article 7 of the New York Public Officers Law (the “Open Meetings Law”) and shall expire and be deemed repealed if and when Section 103-a of the Open Meetings Law expires and is deemed repealed.

1. The Board and any of its committees may use videoconferencing to conduct its meetings, provided that a minimum number of members needed to fulfill the applicable quorum

requirement are present in the same physical location or locations where the public can attend. This Rule 30.1 applies only if there are extraordinary circumstances as hereinafter set forth.

2. (a) Except as provided in this Rule 30 and Rules 1-A and 7, members shall be physically present at any Board or committee meeting. Pursuant to this Rule 30, members may participate remotely if such member is unable to be physically present due to extraordinary circumstances.

(b) Pursuant to the Open Meetings Law, in-person participation requirements shall not apply during a state disaster emergency declaration by the Governor or a local state of emergency proclaimed by the County Executive, if the Chair of the Board of Legislators determines that the circumstances necessitating the emergency declaration would affect or impair the ability of the Board of Legislators to hold an in-person meeting. When such a declaration is made, requests by members under subdivision 3 of this rule for remote participation shall be considered duly submitted, granted, and deemed an extraordinary circumstance.
3. When members become aware they will not be able to attend a Board or committee meeting at its primary location due to extraordinary circumstances, such member shall, as soon as practicable, submit written notification to the Clerk of the Board of Legislators to attend such meeting via videoconference, along with a self-certification such extraordinary circumstances exist, as provided below.
 - a. Self-certification shall consist of a written or email statement by the member requesting to participate remotely, which identifies the extraordinary circumstance which precludes such member's in-person attendance.
 - b. Extraordinary circumstances include disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.
 - c. In the absence of a written denial by the Chair of the Board of Legislators, a member's request to participate remotely due to extraordinary circumstances shall be deemed granted.
4. A member's written request and any written denial shall be filed with the Clerk of the Board of Legislators.
5. Where members are participating pursuant to this Rule 30, except in the case of executive sessions, all members shall be audible, visible and identifiable while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. The name(s) of member(s) participating remotely shall be visible to the public on the videoconferencing screen and/or on a visibly placed placard stating the member's first and last name.
6. Members participating via videoconference pursuant to this Rule 30 shall not count toward a quorum.

7. Members participating via videoconference pursuant to this Rule 30 shall be permitted to vote only if there is a quorum of members at one or more physical location(s) open and accessible to the public.

PUBLIC HEARING RULES

1. Anyone may submit a written statement in advance which will be included in the record.
2. Line formation begins at 6:15 p.m. or 45 minutes before a public hearing scheduled at a time other than 7:30 p.m.
3. Numbered speaker cards will be given out at 6:30 p.m. or 30 minutes before a public hearing scheduled at a time other than 7:30 p.m.
4. Only one numbered speaker card per person shall be given out.
5. Speakers shall be limited to three (3) minutes. At the discretion of the chair, a speaker may be given the opportunity to appear a second time after everyone has had the opportunity to speak once.
6. Remote speakers are permitted to participate in public hearings provided they register with the Clerk of the Board of Legislators in accordance with instructions published on the website of the Board of Legislators and provided in the public notice of the meeting.

Section 3. This resolution shall take effect immediately, except that Rule Thirty shall take effect only upon enactment of Local Law Intro. No. 2022-302.