

**OTSEGO COUNTY
BOARD OF REPRESENTATIVES**

RULES OF ORDER

AS AMENDED IN 2019

Effective February 6, 2019
Resolution No. 83-20190206

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RULES OF ORDER

OTSEGO COUNTY BOARD OF REPRESENTATIVES

RULE 1. ANNUAL MEETING

The Board of Representatives shall meet annually on the first Wednesday in January of each year at 10:00 a.m. in the Representatives' Chambers, County Office Building, 197 Main Street in the Village of Cooperstown, New York, for the purpose of organization of the Board and the transaction of any other business which may be properly brought before it. At this meeting the Clerk of the last Board shall call the members to order. The Board by majority weighted vote of its members shall elect a temporary Chairman who shall then seek nominations for a permanent Chairperson. The Board shall then by a majority weighted vote elect a Chairperson and Vice Chairperson who will serve during the ensuing year and until a successor is duly elected.

RULE 2. REGULAR MEETINGS

Regular meetings of the Board shall be held at 10:00 a.m. on the first Wednesday of each month. All regular and special meetings of the Board shall be held at the Representatives' Chambers in the Village of Cooperstown, New York, except that upon approval of the affirmative weighted vote of at least three-fourths of the total membership of the Board, the time and meeting place of the Board may be changed to any city, town or village in the county.

Whenever it shall appear that the Representatives' Chambers is not adequate to accommodate members of the public who wish to attend a meeting of the Board or whenever security or other concerns dictate a change of meeting place, the meeting may be held in the Otsego County Courthouse located in the Village of Cooperstown. If the Courthouse is not available, the meeting may be held in the Town of Middlefield at the County facility located at the County Highway 33W known as the Meadows.

RULE 3. HOLIDAY

When the date fixed for a regular meeting of the Board falls on a legal holiday, the meeting shall be held on the day following.

RULE 4. SPECIAL COUNTY BOARD MEETINGS

Pursuant to Section 152 of the County Law, Special County Board Meetings shall be held at the call of the Clerk of the Board upon direction of the Chairperson or upon written request signed by a majority of the members of the Board. Notice in writing stating the time, place and purpose of the special County Board 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 any member may waive the service of the notice for such meeting by a written notice signed by him/her. Only business specified in the notice thereof may be transacted at a special meeting. The media will

also be notified, pursuant to the Freedom of Information Law.

RULE 5. QUORUM

A majority of the whole of the members of the Board of County Representatives shall constitute a quorum for the transaction of business, but a less number may adjourn. Members representing a majority of the total weighted votes are necessary for a quorum.

RULE 6. FILLING OF VACANCIES ON THE BOARD

When a vacancy occurs on the Board of Representatives for reasons other than expiration of term, the Board has the authority to fill the vacancy within 30 days by appointment of a resident elector of the district where such vacancy exists (Local Law No. 4 of 1976). Each county political committee may send a written recommendation for the vacant position to the Chairperson. The Administration Committee sponsors the resolution of appointment. The Board may then decide by a majority weighted vote as to who shall be appointed to the vacant position. The person appointed shall hold office until the December 31st following the first annual election at which the vacancy can be filled by election.

RULE 7. CHAIRPERSON OF THE BOARD

The Chairperson shall preside at all meetings of the Board during the year. In the case of absence of the Chairperson at any meeting, the Vice Chairperson will preside as temporary Chairperson. In the absence of the Chairperson and Vice Chairperson, the members present shall choose one of their members as temporary Chairperson. In all cases in the absence of a quorum, the members present shall take such measures as shall be necessary to procure the attendance of absent members.

RULE 8. APPOINTMENT AND CREATION OF COMMITTEES

The standing committees of the Board shall be appointed by the Chairperson at the regular January session of the Board or anytime during the year due to unforeseen vacancies, such as illness or death. The committees so appointed shall constitute such standing committees during the ensuing year and until their successors shall be appointed. Special committees shall be appointed by the Chairperson for terms as specified by law or resolution.

The Chairperson may create special committees at any time, subject to approval of the Administration Committee and by resolution of the Board of Representatives. The resolution creating the special committee shall define its duties and responsibilities, its term and designate a standing committee to which said special committee shall report.

Termination of membership on the Board shall terminate membership on a committee.

RULE 9. STANDING AND SPECIAL COMMITTEES

All standing committees shall have the functions, powers and duties herein enumerated and such other functions, powers and duties as shall from time to time be conferred upon or assigned to them by the Chairperson of the Board. Every standing committee shall have implied authority to do whatever is necessary or incidental to carry out the main purposes of the committee. RULES 13 through 19 describe the responsibilities and functions of the standing and special committees.

RULE 10. COMMITTEE STRUCTURE

Standing and special committees shall consist of not less than three (3) members.

Any formal action taken by any committee requires a majority weighted vote of the committee members.

RULE 11. EX-OFFICIO COMMITTEE MEMBER

The Chairperson of the Board shall be a member ex-officio of all committees of the Board.

RULE 12. REPORTS AND RECORDS OF COMMITTEES

Committees on making reports shall return to the Clerk all the papers relating thereto, and all standing committees will report to the Board monthly.

All standing and special committees shall keep written records of all committee proceedings. The original copy shall be filed with the Clerk of the Board.

RULE 13. COMMITTEE ON ADMINISTRATION

1. Shall be responsible for the audit of all claims.
2. Shall review the tentative budget.
3. Shall review all amendments and transfers for the adopted budget.
4. Where there is no authorized committee to approve or disapprove the same, the Administration Committee shall approve or disapprove expenditures for all equipment and all repairs, supplies or services where the amount of the proposed purchase shall exceed \$10,000.
5. Shall study and make recommendations to the Board of all appropriations for any or all purposes.
6. Shall be responsible for the Board of Representatives, Clerk of the Board's Office, County Auditor's Office, County Fair, GIS, Department of Information Technologies, Personnel Department, Purchasing Department, Real Property Tax

Services, Treasurer's Office and Youth Bureau.

7. Shall be referred all matters pertaining to Civil Service.
8. Shall be referred all matters of insurance pertaining to county property, affairs, government and personnel.
9. Shall be responsible for all county policies.
10. Shall be responsible for all matters relating to records management.
11. Shall be responsible for periodic review of the Board of Representatives' Rules of Orders.
12. Shall be responsible for lands owned by the county not under the specific control of another committee or county officer, but including lands owned by the county on account of unpaid taxes.
13. Shall be responsible for all matters relating to county officers and compensation not under the specific control of other committees.
14. Shall be responsible for all matters pertaining to the Mutual Self-Insurance Plan of Otsego County for Workers' Compensation.
15. Shall be responsible for general assistance to all members of the County Board in the fulfillment of their responsibilities.
16. Shall be responsible for oversight of:
 - Audit
 - Budget
 - Board of Representatives
 - Civil Service
 - Clerk of the Board
 - County Auditor
 - County Fair
 - Geographic Information Systems (GIS)
 - Information Technologies (IT)
 - Insurance
 - Personnel Department
 - Policies
 - Purchasing
 - Records Management
 - Real Property Tax Services
 - Rules of Order
 - Taxation
 - Treasurer
 - Wages and Salaries
 - Workers' Compensation
 - Youth Bureau

RULE 14. COMMITTEE ON HEALTH AND EDUCATION

1. Shall be responsible for all matters pertaining to the Cooperative Extension Service.
2. Shall be responsible for all matters pertaining to animal diseases (public health), addiction recovery services , children with special needs, mental health and public health.
3. Shall be responsible for all matters pertaining to the coroners, the Office for the Aging and the Office of Employment and Training.
4. Shall be responsible for all matters pertaining to education.
5. Shall be responsible for oversight of:

Animal Diseases
Addiction Recovery Services
Children with Special Needs
Cooperative Extension
Coroners
Education
Public Health
Mental Health
Office for the Aging
Office of Employment and Training

RULE 15. COMMITTEE ON HUMAN SERVICES

1. Shall be responsible for all matters pertaining to the Commissioner of Social Services and all programs and matters pertaining to the Department of Social Services.

RULE 16. COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

1. Shall be responsible for all matters pertaining to the arts.
2. Shall coordinate with the Election Commissioners the operation of the Board of Elections.
3. Shall be responsible for: Economic Development, Historian, Planning, Sealer of Weights and Measures and Veterans Service Agency.
4. Shall be referred all legislative matters not specifically assigned to one of the other committees.
5. Shall be responsible for all matters pertaining to reapportionment.
6. Shall be responsible for all matters pertaining to tourism and promotion.
7. Shall be responsible for all matters relating to governmental affairs not

specifically assigned to one of the other committees.

8. Shall be responsible for oversight of:

Arts
Board of Elections
Economic Development
Historian
Legislative Matters
Planning
Promotion & Publicity
Reapportionment
Sealer
Tourism
Veterans' Affairs

RULE 17. COMMITTEE ON PUBLIC SAFETY AND LEGAL AFFAIRS

1. Shall be responsible for the Alternatives to Incarceration Office, the Code Enforcement Office, the Communications Center, E911, the Office of Emergency Services, the Probation Department and the Stop DWI Program.

2. Shall be responsible for the County Attorney's Office and the Public Defender's Office.

3. Shall coordinate with the County Clerk the operation of the County Clerk's office and the Department of Motor Vehicles.

4. Shall coordinate with court officials the operation of County Court, Family Court, Supreme Court, Surrogate Court and the Law Library.

5. Shall coordinate with the District Attorney the operation of the District Attorney's Office.

6. Shall be responsible for all matters pertaining to security.

7. Shall coordinate with the Sheriff the operation of the Office of the Sheriff and the County Correctional Facility.

8. Shall be responsible for all matters pertaining to the Traffic Safety Board.

9. Shall be responsible for oversight of:

Alternatives to Incarceration
Code Enforcement
Communications Center
County Attorney
County Clerk
Courts
Department of Motor Vehicles
District Attorney

E911
Emergency Services
Probation
Public Defender
Security
Sheriff
Stop DWI
Traffic Safety Board

RULE 18. COMMITTEE ON PUBLIC WORKS

1. Shall be responsible for the Building Services Department.
2. Shall be responsible for all buildings, facilities and properties belonging to or leased by the county, including new construction and renovations, and for the use of these buildings for both County business and by the public.
3. Shall be responsible for the programs in the Forestry Department and all County Parks.
4. Shall be responsible for all matters pertaining to the county highways and bridges, including their construction, reconstruction, repair and maintenance.
5. Shall be responsible for all matters pertaining to the Highway Department.
6. Shall be responsible for the purchase of all real property.
7. Shall be responsible for all Rights-of-Way.
8. Shall be responsible for oversight of:

Building Maintenance
County Buildings
County Facilities
County Forests
County Land
County Parks
Highway and Bridge Construction
Highway and Bridge Repair
Highway and Bridge Maintenance
Purchase of Real Property
Rights-of-Way

RULE 19. COMMITTEE ON SOLID WASTE AND ENVIRONMENTAL CONCERNS

1. Shall be responsible for all agricultural matters.
2. Shall be responsible for all environmental matters, the Soil and Water Conservation District and sustainability matters.
3. Shall be responsible for all matters pertaining to the management and disposal

of solid waste and recyclables.

4. Shall be responsible for oversight of:

Agriculture
Environmental Concerns
Soil and Water Conservation District
Solid Waste, including Recycling
Sustainability

RULE 20. SPECIAL COMMITTEES

1. Negotiations

a). Shall be responsible for contract negotiations with all the employee labor unions, including CSEA and the Sheriff's Department bargaining units.

2 Performance Review and Goal Setting

a). Shall be responsible for the performance review and goal setting of all appointed Department Heads.

b). When conducting a performance review of a Department Head, the Chair of the Department Head's parent committee shall be a member of the PRGS Committee.

RULE 21. ORDER OF BUSINESS

The order of Business of each session of the Board shall be as follows:

ORDER OF BUSINESS

1. Roll call of members
2. Pledge of Allegiance
3. Privilege of the floor
4. Approval of minutes of Board meetings
5. Presentation of petitions, communications and notices
6. Special presentations
7. Reports of standing committees
8. Reports of special committees
9. Consent agenda
10. Regular agenda-resolutions and motions
11. Late resolutions and motions
12. Unfinished business
13. Special order of the day

RULE 22. PRIVILEGE OF THE FLOOR

The purpose of Privilege of the Floor is to give the public an opportunity to make a

statement on any issue or to ask a question in a public forum to the Board of Representatives. The public or any Board member may stand or raise his/her hand, be acknowledged by the Chairperson, and then address the board. The Clerk or her Deputy will record the names and addresses of all who speak. The Board shall not respond to questions or statements during Privilege of the Floor. All speakers, except members of the Board of Representatives, shall speak from the podium provided. Any person desiring an answer to a question must present their name, mailing address, and the question in writing in addition to verbally addressing the board. Answers to written questions will be provided by a committee chair or another appropriate person, sent to the questioner and posted on the county website. Questions which the same individual has asked in the past and for which he/she has received a written response will not receive an additional response. The Chairperson shall have the authority to place a time limit on how long and how many times an individual may speak.

RULE 23. APPROVAL OF MINUTES

In the absence of objection or correction, the minutes shall stand approved without formal motion.

The daily minutes of the Board shall be available for inspection at all times and may be corrected at any time upon motion and approval of the Board. Such minutes shall constitute and be certified as the record of the proceedings of the session without further reading by the Chairperson or Clerk.

RULE 24. READING OF CLAIMS

Upon request of a member of the Board, any bill or claim presented shall be read in full.

RULE 25. MANNER OF PRESENTING PETITIONS

Any Representative, previous to presenting a petition, shall endorse on the same the subject to which it relates and add his/her name. The Clerk shall put the question as to the disposition of the said petition.

RULE 26. RESOLUTIONS

All petitions, reports, resolutions and local laws shall be reduced to writing by members offering the same. The Clerk of the Board shall assign an introductory number to each resolution and make each resolution or local law or a copy of it available to the Board members. The Clerk of the Board shall present to the Board for action all resolutions and local laws filed with the Clerk before 10:00 a.m. of the third working day previous to a Board meeting excluding Saturday, Sunday and holidays. All resolutions timely filed with the Clerk of the Board shall be placed on the consent agenda, subject to the right of any representative to remove a resolution(s) from the consent agenda so that it can be acted upon separately at any time until the vote on the consent agenda is taken.

The consent agenda may be presented at any regular session of the Board for consideration as a single piece of legislation. Prior to presentation of the consent agenda

for consideration, the Chair shall inquire if any representative wishes to remove a resolution(s) from the consent agenda. The consent agenda must be moved and seconded, and a roll call vote taken, but no discussion of same is permitted.

All local laws and removed resolutions shall be considered individually and shall be opened to discussion after a second is made. Upon the request of any member an amendment to a resolution, motion or local law shall also be reduced to writing. Any resolution or local law not timely filed with the Clerk of the Board or any resolution or local law offered from the floor shall be laid on the table until the next meeting date.

However, any member may offer a late resolution(s) or local law(s) for action by the membership as long as same have been reduced to writing and copies provided to the Board members. In that event, said late resolution(s) or local law(s) shall be voted upon, unless a Board member objects. If there is an objection, the late resolution(s) or local law(s) will be considered separately and the member offering same may explain the necessity of immediate action on the resolution(s) or local law(s). If the Chairperson determines that two-thirds of the weighted vote of the membership of the Board is favorable, the Chairperson shall open debate and action shall be taken on the proposed resolution(s) or local law(s).

RULE 27. APPROVAL OF RESOLUTIONS

All resolutions within the purview of any standing or special committee must, prior to action by the Board, be approved by the appropriate committee.

RULE 28. EXPLANATION OF RESOLUTIONS

An individual member of the Board or the Chairperson of a committee introducing a resolution may make an oral explanation of the resolution, its purpose and the reason for introducing the same immediately after such resolution is read by the Clerk.

RULE 29. RESOLUTIONS APPROPRIATING COUNTY FUNDS

No expenditure in excess of \$20,000 shall be made without a resolution duly adopted by a majority of the weighted vote of the Board of Representatives, which authorizes such expenditure.

All resolutions or other proceedings involving the appropriation or payments of money within the authority of the Board shall be taken by ayes and noes through a roll call vote. It shall require a majority weighted vote of all of the members of the Board to adopt a resolution involving such appropriation or payment. Each resolution involving an appropriation of funds shall contain a paragraph stating the impact on the current county budget.

RULE 30. PRIORITY OF BUSINESS

All matters relating to the priority of business, that is, the priority of one question or subject matter over another under the same order of business shall be decided without debate by the Chairperson.

RULE 31. CHAIRPERSON TO PRESERVE ORDER

The Chairperson shall preserve order and decorum, shall decide all questions of order, and his/her decision shall be final unless an appeal is taken to the Board, in which case his/her ruling may be overridden by a two-thirds weighted vote of members present. On appeal from the decision of the Chairperson, he/she shall have the right to give his/her reason for his/her decision.

RULE 32. ORDER

When the Chairperson is putting a question, no member shall walk about or out of the room.

RULE 33. ORDER OF SPEAKING

A member wishing to debate, to give a notice, to make a motion or to present a petition or other paper or communication shall address the Chairperson and shall not proceed until recognized by him. No motion shall be debated or put unless it is seconded.

RULE 34. MEMBERS ENTITLED TO SPEAK

No member shall speak more than once on any question until every member choosing to speak shall have spoken nor more than twice without approval of the Board.

RULE 35. WITHDRAWAL OF MOTION

After a motion is stated by the Clerk of the Board at the Chairperson's direction, it shall be deemed to be in the possession of the Board, but may be withdrawn by consent of a majority of the weighted vote of the Board at any time before a decision is made or an amendment adopted.

A motion may be withdrawn by the consent of a majority weighted vote of the sponsoring committee before it is in possession of the Board.

The sponsoring committee may bring back a withdrawn motion at any time without approval of the Board.

RULE 36. DIVISION OF QUESTIONS

If the question in debate contains several distinct propositions, the same may be divided by the Chairperson at the request of any member to the end that a vote may be taken on each proposition, but a motion to strike out or insert shall be indivisible.

RULE 37. MOTION WHEN RECEIVABLE

When a question is under debate, no motion shall be entertained unless for

adjournment of the Board, for the previous question, to postpone indefinitely, to postpone to a day certain, to lay on the table, to commit it or to amend it. These several motions shall have precedence in the order on which they are here stated.

RULE 38. TO LAY ON THE TABLE

A motion to lay a question on the table shall be decided without amendment or debate; and a motion to postpone the question indefinitely or to adjourn to a day certain, until it is decided, shall preclude all amendments to the main question.

All reports, resolutions and other matters laid on the table may be called therefrom by any Board member with approval of a majority weighted vote of the Board.

RULE 39. PREVIOUS QUESTION (CALL THE QUESTION)

The "previous" question shall be as follows: "Call the question?" and until it is decided by a two-thirds weighted vote shall preclude all subsequent amendments or debates. When a motion is made to "Call the Question", all discussion shall stop and a vote shall be taken on whether or not to vote on the passage of the resolution or other matter under consideration. If the vote to "Call the Question" is approved by a two-thirds weighted vote of the Board, then the main resolution or motion with all previously approved amendments included shall then be voted on immediately and without further discussion. If the vote to "Call the Question" is disapproved, then the main resolution or motion with all the previously approved amendments included shall be considered as still remaining under discussion.

RULE 40. MOTION TO RECONSIDER

No motion for reconsideration shall be in order unless made on the same day or the next two (2) sessions of the Board succeeding that on which the decision proposed to be reconsidered took place. A session is defined as a regular or special meeting or the reconvening of a recessed regular or special meeting held on a date subsequent to said original regular or special meeting date.

A motion to reconsider must be made by a member who voted with the majority on the decision of the motion or resolution proposed to be reconsidered. When a motion to reconsider has been decided, it shall not again be submitted to the Board.

If the vote on the decision being reconsidered was lost due to the failure of a majority on the question, the majority, for purposes of this Rule 43, shall be considered the ayes or noes with the greater number of votes participating. If both are equal, then motion may be made by either side.

RULE 41. ENTRIES ON MINUTES

In all cases where a motion or resolution shall be entered on the minutes, the Clerk shall also enter the names of the persons offering and seconding the same and how each Board member voted.

RULE 42. ROLL CALL

The method of taking a roll call vote shall be by ayes and noes. A roll call shall be taken on any question when required by statute, demanded by any member of the Board, appropriating county funds or determined by the Chairperson.

RULE 43. VOTE OF THE CHAIRPERSON

The Chairperson shall have the right to vote on all questions. When the Board is equally divided, including the vote of the Chairperson, the question shall be deemed to be lost.

RULE 44. EXCUSE FROM VOTING

Every member excusing himself/herself from voting may make a brief and verbal statement of the reason for his/her request. A Board member is not required to offer an explanation.

RULE 45. MAJORITY VOTE

Except where otherwise prescribed herein or by local law or statute, a majority vote of the whole number of the members of the Board shall be required to carry any question, motion, proposition, resolution or other matters. The terms "majority", "majority vote of the members of the Board" and "majority vote of the whole number of the members of the Board" as used herein shall be construed to mean a majority of the total number of weighted votes which the Board of Representatives would have if there were no vacancies and if none of the County Representatives were disqualified from acting. When the Board shall be equally divided on any question, including the Chairperson's vote, the question shall be deemed lost.

RULE 46. RULES FOR THE COMMITTEE OF THE WHOLE

1. In accordance with Article 7 of the Public Officers Law, a committee of the whole in executive session may be called upon a majority vote of the total membership of the Board taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, which may be for the below enumerated purposes:

- A. Matters which may imperil the public safety if disclosed.
- B. Any matter which may disclose the identity of a law enforcement agent or informer.
- C. Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed.

- D. Discussions regarding proposed, pending or current litigation.
- E. Collective negotiations pursuant to Article 14 of the Civil Service Law.
- F. The medical, financial, credit or employment history of a particular person or corporation or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
- G. The preparation, grading or administration of examinations.
- H. The proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.

2. The rules of the Board shall be observed by this committee as far as they may be applicable except limiting the number of times of speaking and except also that the motion to rise and report progress shall always be in order and decided without debate.

RULE 47. ADJOURNMENT

A motion to adjourn shall always be in order and decided without debate.

RULE 48. COUNTY BUDGET PROCESS

Following the presentation of a preliminary budget by the Administration Committee, a minimum of one (1) budget workshops for the full Board of Representatives shall be conducted. The Board of Representatives reserves the right to hereafter amend the budget process by further resolution in order to improve the communications among all involved in the process, the integrity of the process, and the completion, presentation and adoption of the annual budget. (Last amended by resolution 310-2011)

RULE 49. SUSPENSION AND AMENDMENTS OF RULES

None of these rules of order shall be suspended except by consent of two-thirds of the weighted vote of the members nor shall any rule be amended or added except by a two-thirds weighted vote of all members elected to the Board after one day's notice accompanied by a written copy of the proposed amendment.

RULE 50. PARLIAMENTARIAN

The Chairperson shall appoint a parliamentarian to advise him/her as to procedure and interpretations of these rules. The parliamentarian must be a member of the Board or the County Attorney. However, the Chairperson shall not be bound by the parliamentarian's advice and shall take responsibility himself/herself for his/her rulings.

RULE 51. ROBERT'S GENERAL RULES OF ORDER

Any matter coming before the County Board for which these rules do not provide shall be controlled by Robert's General Rules of Order.