

Annual Report of the Broome County Legislature and Office of the Clerk of the Legislature for the year 2007

LEGISLATIVE BRANCH

The Broome County Legislature and the Office of the Clerk of the Legislature comprise the Legislative branch of government of the County of Broome, New York. Following the form of government set forth in the Constitution of the United States, the Constitution of the State of New York, and the Broome County Charter, the annual budget, contracts, agreements, leases, the acquisition or sale of county property and other assets, and other matters require approval by the Legislature in order for the County Executive and the County's department heads and employees to execute them.

Broome County is divided into nineteen districts and one Legislator is elected by the voters of each district to serve a two-year term. Subsequently, the Clerk of the Legislature and the Legislative Assistant are appointed by the Legislature. The Clerk of the Legislature appoints the remaining staff in the office.

In 2007, the staff of the Legislature consisted of the following.

Clerk of the Legislature	Eric S. Denk (*)
Deputy Clerk of the Legislature	Nancy S. Herko (*)
Second Deputy Clerk of the Legislature	Carol L. Hall
Third Deputy Clerk of the Legislature	Jennifer K. Royer (*)
Legislative Assistant	Christopher H. Marion

*=Notary Public, State of New York

The County Comptroller, who is also appointed by the Legislature submits a separate annual report.

LEGISLATION

In order for an item to be considered by the Legislature, a "Request for Legislative Approval" must be submitted to the Office of the Clerk of the Legislature along with appropriate accompanying documentation to enable staff to draft a "Resolution" for consideration.

Upon receipt of a Request for Legislative Approval, hereinafter "Request", a log is created to track the item from the time it is received through the drafting and distribution to Legislators of the final draft, to the assignment to committee, to the assignment to the floor of the Legislature, to its final disposition: adoption and enactment, adoption and veto, or defeat.

The Office of the Clerk of the Legislature reviews the Request and accompanying documentation in order to produce a draft resolution. This review may include a search of indexes, files, or Journals of Proceedings for past related Resolutions and/or contacting the originating department for additional information or clarification. The Clerk and staff use the information gathered to draft the Resolutions. Drafted Resolutions are sent to the Department of Law for review by counsel.

Once the Resolutions are prepared in their final form, including committee assignments, the staff produces committee meeting agendas and ultimately the Agenda for the Legislative Session.

The completed package of resolutions and agendas is then reproduced and distributed to Legislators and all appropriate department heads in preparation for the committee meetings and the Legislative Session.

The Legislative staff processed a total of **826** resolutions in 2007. A five-year history of the resolutions follows:

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Legislative Staff	602	577	688	674	752
Law Department	46	31	35	30	18
Budget Office	33	35	27	50	56
Total	681	643	750	754	826

LEGISLATIVE/COMMITTEE MEETINGS

The above mentioned resolutions are prepared for review and action through the committee system before they are acted upon by the full Legislature. A five-year history of committee meetings and Legislative Sessions follows.

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Regular Committee Meetings	118	119	119	118	107
Special Committee Meetings	16	11	15	16	13
Committee of the Whole Meetings	0	1	7	4	2
Total	134	131	141	138	122
Regular Legislative Sessions	15	15	16	15	15
Special Legislative Sessions	6	4	3	5	5
Total	21	19	19	20	20

Preparation for the committee cycle and legislative sessions requires special attention:

- Resolutions are copied and distributed to all Legislators and other affected units of County Government prior to committee week
- Agendas for each committee are prepared for each committee and distributed with the resolutions
- A clerk is assigned to cover specific committee meetings, taking notes, recording votes, and preparing minutes of the committee meetings
- Special meetings require special notices to be posted and sent to Legislators as well as the news media at least 48 hours prior to the meeting to comply with the Open Meetings Law

During the Committee meetings, resolutions are either defeated, deferred, or approved. Resolutions approved in committee are assigned to the Floor of the Legislature at the ensuing Legislative Session. Following the committee meetings, the Legislative Session Agenda is produced.

Following the Legislative session, all adopted resolutions are signed by the Clerk of the Legislature and presented to the County Executive for his or her signature. Resolutions that are returned to the Clerk signed by the County Executive are officially enacted and are then distributed to all appropriate units of the County. Resolutions returned unsigned are effective 10 days after they were presented to the County Executive. If a Resolution is returned with a Veto, the Legislature may act to override said veto and, with a super majority of 15, approve the Resolution over the objection of the County Executive.

Minutes of the Legislative Session are prepared for approval by the Legislature at its next regular session.

In 2007, the Transportation Committee was renamed the Transportation and Rural Development Committee. Also, in 2007, the Legislature merged the Health Committee and the Human Services Committee into the Health and Human Services Committee, making nine standing committees compared with ten in 2006.

JOURNAL OF PROCEEDINGS

The Clerk of the Legislature is required by State statute to prepare and publish an annual Journal of Proceedings. Generally speaking, the Journal is published each year for the preceding calendar year. In 2007, the Journal for the year 2006 was prepared for publishing and published in 2007. The 2006 Journal of Proceedings contains **895** pages. The information in the Journal includes:

- Minutes of all Legislative sessions
- The County's Operating Budget (2007)
- The Operating Budget for Broome Community College (2006-2007)
- Excerpts of the Operating Budgets for each Town in the County
- Current Financial Report of the County
- Current County Salary Schedule
- Schedule of County Real Property Taxes

LOCAL LAWS

Local Laws are handled and presented to the Legislature in Resolution form. If the Local Law is adopted, a public hearing is scheduled before the County Executive following said adoption by the Legislature. After the County Executive conducts the public hearing he or she can sign the Local Law or exercise one of the other alternatives. Once the County Executive signs the Local Law, it is filed with the County Clerk and the Secretary of State. Upon verification of receipt and recording by the Secretary of State, the Local Law becomes effective and it is distributed to the appropriate departments. A five-year history of local laws follows:

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Local Laws drafted and presented to the Legislature	9	18	8	9	12
Local Laws defeated/withdrawn	1	6	2	0	4
Local Laws adopted by the Legislature	8	8	6	7	10
Local Laws passed by the Legislature and scheduled for public hearing the following year	1	1	2	2	0
Local Laws filed with the Secretary of State	10	9	8	8	10
Local Laws adopted for Public Referendum (see Note)	0	2	0	0	0

Note: The two local laws in 2004 were defeated in a Public Referendum.

FREEDOM OF INFORMATION REQUESTS

“The Freedom of Information Law (FOIL), effective January 1, 1978, reaffirms an individual’s right to know how government operates. It provides the right of access to records reflective of government decisions and policies that affect the lives of (citizens). The law also preserves the Committee on Open Government, which was created by enactment of the original Freedom of Information Law in 1974.” (From the booklet “**Your right to know. New York State’s Open Government Laws**”)

The Clerk of the Legislature was designated by Resolution 201 of 1986 as the Records Access Officer for all County agencies with the exception of the County Clerk, the Board of Elections and the Department of Social Services. In order to be supported by FOIL, a request must be submitted in writing. In order to assist people seeking public documents, the office developed an “application for public access to records”. FOIL requests are acknowledged in writing and the request is forwarded to the appropriate County agency for response. When the agency responds, the applicant is notified of any charge that may be due. There is a fee, as allowed by Statute, for providing records on paper or other media. Those fees are as follows 25 cents per page for paper records (waived for records that are four pages or fewer), \$2.00 for CD’s or Diskettes, \$2.00 for photographs, \$2.00 for maps. Once the fee is collected, the requested information is provided to the individual seeking the information. A log of all requests is maintained, including the applicant’s name, the date, the agency involved and what action was taken.

In 2006, New York State mandated that local governments accept FOIL requests via email. Additionally, a FOIL request that is submitted electronically must be replied to electronically. And, if the information that the applicant requests is available electronically, it must be provided electronically. Electronic records, as stated by state law, if provided by email, are provided at no expense to the applicant.

A five-year history of FOIL requests and the generated revenue follows:

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Paper FOIL Requests					467
Email FOIL Requests					88
Total FOIL Requests Processed	396	428	365	418	555
FOIL Requests Revenue	\$1,488.25	\$1,699.00	\$1,714.25	\$1573.46	\$998.25

In 2007, we created a dedicated email address for submitting FOIL requests (foil@co.broome.ny.us) and a new page on the County’s web site (<http://www.gobroomecounty.com/legis/LegisFOIL.php>) explaining how to apply for Broome County records. The FOIL page not only provides detailed instructions on how to submit a FOIL request by fax, on paper, or via email, it also provides downloadable forms in both Word format and Adobe Acrobat format. The page also includes a link to the New York State Committee on Open Government’s web site to assist people with questions and appeals.

All of this has been done to make Broome County government more open and friendly to its constituents.

CODE OF ETHICS

The Office of the Clerk of the Legislature serves as the support unit for the County's Board of Ethics. The Clerk handles correspondence for the Board of Ethics as well as the distribution of the Financial Disclosure Forms. In 2007, **168** forms were distributed to all elected personnel and others who are required to complete the forms as specified in the Broome County Charter and Code.

When the completed forms are returned to the Clerk, they are logged in and made available **only** to the Board of Ethics.

COUNTY GUIDE

The Clerk of the Legislature compiles and publishes annually a Guide to County, City, Town and Village Officials. Each municipality in the County is contacted and asked to review their information for changes and updates. The Real Property Tax Director provides the statistical information for each municipality and the Clerk's staff reviews and updates all other information.

The first copy of the Guide is free. Pursuant to Resolution 319 of 1996 (Local Law Intro. 10) a \$2 fee was instituted to cover the cost of printing and distribution to non-government requesters.

This information is now also made available on the County's web site **WWW.GOBROOMECOUNTY.COM** under Community (Municipalities).

A five-year history of the Guide and the generated revenue follows:

	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Copies Published	1,300	1,300	1,300	1,300	1200
Revenue from Sale of Guide	\$98	\$94	\$94	\$60	\$42

DESK DIRECTORIES

The Desk Directories are published annually by the Clerk of the Legislature. The directory contains the names of all department heads and the calendar of sessions for both the Board of Acquisition and Contract and the County Legislature. The names of all elected officials, from the County to the Federal Government, are also included and verified annually for correctness. Included are the names, addresses and telephone numbers for the following:

- All elected County Government officials
- All County Departments/Divisions
- County Court Judges and their Clerks
- State Supreme Court Judges and their Clerks
- Law Library Trustees
- Jury Board
- Board of Elections Commissioners and Deputy Commissioners
- United States Senators
- Congressional Representatives covering Broome County
- New York State Senator covering Broome County
- Members of the Assembly covering Broome County

In 2007, the Desk Directory was co-sponsored by the International Brotherhood of Electrical Workers (I.B.E.W.), Local 325, and the Plumbers and Pipe Fitters, Local 112, of the United Association of Journeyman and Apprentices of the Pipefitting Industry of the United States and Canada.

About 500 copies of the Desk Directory are distributed free to County and State agencies and, if available, to other interested parties.

AGRICULTURAL DISTRICT PROGRAM

In 1971, The New York State Legislature enacted the Agricultural Districts Law, which created the Agricultural District program, a tool for maintaining lands in agriculture and assuring New York's position as an outstanding agricultural state. Rather than seeking to "preserve" agricultural lands, the Agricultural Districts Law seeks to create an economic and regulatory climate which will encourage farmers to continue farming. Relying primarily on the initiative of landowners and local governments with state oversight, the law provides agricultural landowners with a number of benefits and protections.

Agricultural Districts are initiated by landowners and ultimately adopted or rejected by the county legislative body, the elected representative of all citizens in the county. Once a district is approved or modified, the information must be sent to the New York State Department of Agriculture and Markets, which assures that the district plans conform with the requirements of the Law.

AGRICULTURAL DISTRICTS – EIGHT YEAR REVIEW

The County Legislature must reconsider each Agricultural District every eight years. The Legislature can vote to discontinue the district, or continue the district with or without changes.

In 2007, Broome County conducted the eight year review of Agricultural District No. 3. As a result of said review, 19 parcels were added and 58 parcels were removed from the District. Following the review, the district contained 381 parcels.

AGRICULTURAL DISTRICTS – ANNUAL INCLUSION

The Agriculture and Markets Law was amended by the 2003 New York State Legislature to provide farmers with viable farm land parcels within a certified agricultural district to add those parcels to an existing agricultural district annually instead of waiting until the agricultural district's eight-year review is conducted.

Pursuant to Law, the Broome County Legislature, by Resolution 496 of 2004, established an annual 30-day period during which land owners can submit proposals to include viable farm land within a certified agricultural district. The 30-day period runs annually from December 1 through December 31.

At the end of this 30-day period, all requests for inclusion are referred to the County Agricultural and Farmland Protection Board (AFPB). The Board determines if each request for inclusion in an agricultural district consists of predominately viable agricultural land and would serve the public interest by helping to maintain a viable agricultural industry within the district.

The recommendations of the Farmland Protection Board to include parcels in an agricultural district are made to the County Legislature. Following a public hearing, the County Legislature adopts or rejects a resolution to include the parcels into an existing agricultural district.

A public hearing by the County Legislature and adoption/rejection of a Resolution including the parcels in an agricultural district was held in early 2007. At that time, **19** parcels were added to existing agricultural districts. The list of these parcels along with the required Resolutions and maps of the affected districts were filed with, and accepted by, the New York State Department of Agriculture and Markets.

INTERNSHIP PROGRAM

In 2007, this office instituted the "Legislative Internship Program" targeted toward college students for multiple purposes. The program offers practical learning opportunities in the Office of the Legislature, which are tailored for college students and graduate students. At the beginning of the program, each intern receives an orientation manual, which includes information about county government in New York State, and a substantial amount of information about Broome County and its municipalities. At the student's option, it is the student's responsibility to arrange for academic credit from his or her college or university. In 2007, more than half of the traditional students who completed the program sought and received academic credit from their respective colleges or universities for their participation in the program.

Participants in the Internship program assist the Legislative Assistant with research, data compilation and analysis, and other projects as required. The Student Interns also assist the Chair and Legislators with public relations, constituent service matters, and other support services and occasionally assist the Clerk and staff with limited tasks. Intern projects are designed in consultation with the Chair of the Legislature, who receives periodic updates of project status.

The first Internship "class" in the summer of 2007 included nine undergraduate students from various colleges and universities and one post-graduate of Binghamton University. Of the nine undergraduates, five sought and received academic credit from their respective colleges or universities and two, who were non-traditional students, left the program early because they obtained full-time employment. The one post-graduate intern became a full-time employee of Broome County. During the summer of 2007, Legislative Assistant Chris Marion was in pre-deployment training with the National Guard. As a result, Third Deputy Clerk Jennifer Royer assisted substantially with supervision of the interns and their projects.

The second Internship class in the fall of 2007 consisted of six undergraduates and one graduate student, a candidate for the Master of Public Administration at Binghamton University, Michael J. Hanbury III. Of the six undergraduates, three sought and received academic credit from their respective colleges or universities. The MPA candidate, Mike Hanbury, worked very closely with Legislative Assistant Chris Marion on conducting an energy cost analysis and on preparations for the Chairman's GASB-45 Citizen Task Force, which is to be formed in 2008. His internship was completed in partial fulfillment of the degree requirements of the MPA Program at Binghamton University's College of Community and Public Affairs.

Upon completion of the Internship Program each intern receives a letter of completion from the Clerk of the Legislature and a letter from the Chairman thanking him or her for the services rendered.

LEGISLATIVE ACCOMPLISHMENTS

In, 2007, the Legislature conducted a complete review and overhaul of the County's Code of Ethics, which had not been significantly changed since the early 1990's.

Also in 2007, Chairman Whalen instituted a travel policy designed to save the taxpayers money on frivolous and unnecessary travel by Legislators and staff of the Legislative Branch including the Department of Audit and Control, by limiting the travel budget and mandating car-pooling.

CONCLUSION

With four of the five employees in this office starting on January 1st, 2007, this year was a transitional year. We would not have made the transition nearly as smoothly without the continual guidance and assistance of Second Deputy Clerk Carol Hall as well as the support of Chairman Whalen and all of the Members of the Legislature.

Respectfully submitted, July 9, 2008



Eric S. Denk