

SUFFOLK COUNTY LEGISLATURE

ORGANIZATIONAL MEETING

FIRST DAY

January 3, 2011

VERBATIM TRANSCRIPT

*THE ORGANIZATIONAL MEETING WAS HELD AT THE
WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK*

Minutes Taken By:

Alison Mahoney - Court Stenographer

Minutes Transcribed By:

Denise Weaver - Legislative Aide

(The meeting was called to order at 1:04 P.M.)

ACTING CHAIRMAN LINDSAY:

Okay. Could I have all Legislators to the horseshoe please? Okay. Mr. Clerk, would you call the roll, please?

*(*Roll Called by Mr. Laube - Acting Clerk*)*

LEG. ROMAINE:

Present.

LEG. SCHNEIDERMAN:

Present.

LEG. BROWNING:

Here.

LEG. MURATORE:

Here.

LEG. VILORIA-FISHER:

Present.

LEG. EDDINGTON:

Here.

ACTING P.O. LINDSAY:

Here.

LEG. MONTANO:

Present.

LEG. CILMI:

Here.

LEG. BARRAGA:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. HORSLEY:

Here.

LEG. GREGORY:

Here.

LEG. STERN:

Here.

LEG. D'AMARO:

Here.

LEG. COOPER:

Here.

MR. LAUBE:

Seventeen.

ACTING P.O. LINDSAY:

Could everyone rise for the Presentation of the Colors by the Veterans of Foreign Wars, Post 9486 in Lake Ronkonkoma, New York. Our two flag bearers are Phil Laredo and Jerry Ferrara.

(Presentation of Colors)

And our Pledge this morning is going to be said by James Vazzana who is a veteran of the US Marine Corps and a Vietnam-era vet. James?

(Salute to the Flag)

If everybody could remain standing, we have a very special treat this morning. We have a beautiful young lady, Alexandra Rose Meli is going to sing the Star-Spangled Banner. Alexandra is the granddaughter of Marge Acevedo who works in the Presiding Officer's Office.

(Star-Spangled Banner performed by Alexandra Rose Meli)

(Applause)

Very good, Alexandra. Very good.

Okay. If everyone would remain standing, our opening prayer this morning is going to be said by Pastor Gregory A. Wilk from Abundant Life Church of God in Holbrook. He's been a resident of Suffolk County since 1952. He graduated from Suffolk Community College in 1967 and attended Oswego State University and taught in Brentwood and Connetquot before he joined the ministry in 1980 and he began the Abundant Life Church of God in Holbrook. Welcome, Pastor Wilk.

PASTOR WILK:

Thank you so much, Legislator Lindsay. Amen. It's a great day for Suffolk County. It's a great day. As 2011 indicates, I believe the 11/11 indicates an indication of agreement, that we come into agreement for great things that God wants to do in this County. Will you bow your head with me, please?

Heavenly Father, we thank you for this ruling body. We ask, oh, God, that you keep them personally in good health, their families safe and sound. And let what they put their hands to, that you would bless or give them the wisdom that only comes from above in tough decisions, I pray. And may great things continue to be legislated out of this County, in this County, Father, for your glory. Amen and amen. Thank you.

"Amen" said in unison

ACTING P.O. LINDSAY:

Thank you very much, Reverend. Would everybody remain standing as we retire our colors.

(Colors Retired)

As the colors exit the room, and I should have said this after Pastor Wilk said his prayer, let us also remember in our prayers all the men and women that are in harm's way as we speak today. Thank you.

Okay, everybody be seated. The first order of business today is we have two County-wide officials that are about to -- that will be taking the Oath of Office. First is Suffolk County Clerk, Judith Pascale, is going to be sworn in by Judge Emily Pines of the Supreme Court.

HONORABLE JUDGE PINES:

By the way, to the Presiding Officer and the members of the Legislature and to everybody here, Happy New Year, especially to Alexandra; she was wonderful. Her singing was wonderful.

LEG. VILORIA-FISHER:

Happy New Year to you.

HONORABLE JUDGE PINES:

I just want you all to know how thrilled and honored I am to be here to swear in Judith Pascale. And I want you to know that the County Clerk is a very, very valuable officer. Not only is she, at her office, the repository of all of the documents and deeds, etcetera, of the County, but the County Clerk is the Clerk of the Courts; remember that, that's very, very important. So, let's go; please raise your right-hand and repeat after me.

***Oath of Office Administered to
Judith Pascale, Suffolk County Clerk,
by The Honorable Judge Emily Pines***

MS. PASCALE:

Thank you, Judge.

(Applause & Standing Ovation)

Thank you very much. Thank you, Judge. I would just like to thank this Legislative body. In my four years as County Clerk and prior to that as the Chief Deputy for the then County Clerk, Ed Romaine, I've gotten to work with all of you, and I just want to tell you how grateful we are for the support that you've given our office. And many of the improvements that we've been able to make in our office was through the support of this body. So I consider all of you my friends and I thank you and wish you all a healthy, happy new year.

And I'd also like to recognize the Treasurer, Angie Carpenter, and the District Attorney, Tom Spota, who are here with us, as well as --

(Applause)

As well as the gentleman that's coming up next to be sworn in. Thank you again.

ACTING P.O. LINDSAY:

Okay. And next to be sworn in is our County Comptroller, Joe Sawicki, who will be sworn in by Federal Judge Denis Reagan Hurley who is a former Legislator. The Honorable Denis Hurley was a Legislator here from 1978 to 1979, and I met him before and I congratulated him, thanked him for coming today and said to him, "I'm very happy to see one of us made good," you know.

(*Laughter*)

HONORABLE JUDGE HURLEY:

Firstly, I would like to reiterate Justice Pines, and I want to wish all of you a very Happy New Year. As Presiding Justice Lindsay has indicated, I was a member of this body in the late 70's, and when I ran, it was an interesting campaign, But one of the people that really helped was Joe Sawicki. At that time, he had just gotten out of college, it goes back a lot of years.

*(*Laughter*)*

So it's very -- well, that will tell you I'm a little long in the tooth at this point, which I must admit I am. But it is a great honor for me to swear in Joe today. So, Joe, if you would raise your right-hand and if you would repeat after me.

*Oath of Office Administered to
Joseph Sawicki, Suffolk County Comptroller
by The Honorable Judge Denis Reagan Hurley*

MR. SAWICKI:

Thank you, Judge, very much.

HONORABLE JUDGE HURLEY:

Very good, Joe. Good luck.

(Applause & Standing Ovation)

ACTING P.O. LINDSAY:

Judy, do we have to do the book?

MS. PASCALE:

We did that already.

ACTING P.O. LINDSAY:

Okay. The first order of business of the day is the election of the Presiding Officer. I would like to recognize Legislator Horsley for the purpose of a nomination.

LEG. HORSLEY:

It is my pleasure -- no, it is my honor to nominate the Honorable William J. Lindsay to be the Presiding Officer for the unprecedented sixth year.

As they once described Ben Franklin, that so fits Bill, he had a vast imagination; he had a wit at will; he had a humor that, when he pleased, was delicate and delightful. He had a satire that was good-natured or caustic; he had the talents for irony, allegory and fable that he could adapt with great skill to the promotion that moral and political truth. He was a master of that infantile simplicity which the French call *naivete*, which never fails to charm.

Bill Lindsay, the lion of our Legislature. Bill Lindsay, the lion that roars when we are attacked, who protects our house and our independence. The lion that has never forgotten that government can create fairness, who believes in a level playing field for all of our constituents. Governor Cuomo said in his Inaugural Speech that, "Without trust in government, there is nothing." Bill Lindsay is an embodiment of that trust. Bill, who governs with fairness and understands that members can act independently and not be disloyal, who governs by persuasion and not by the hammer. As once stated; "I love the man that can smile in trouble, that can gather strength in distress and grow brave by reflection. 'Tis the business of the little minds to shrink; but he whose heart is firm and whose conscious approves his conduct will pursue his principles until death"; Thomas Paine. Let me place a nomination; our lion, Bill Lindsay.

(Applause)

ACTING P.O. LINDSAY:

Thank you very much, Legislator Horsley. I think it was President Eisenhower, after a very flowery speech like that, that said, "My mother would believe it and my father would appreciate it."

*(*Laughter*)*

I'm going to recognize Legislator Browning for the purpose of a second.

LEG. BROWNING:

Yes, Bill. It certainly is -- as Wayne said, it is my honor to second your nomination. You know, Suffolk County residents want a representative in County government who understands their needs. From the wealthiest to the poorest, you treat everyone with the utmost respect. As a union leader, you worked hard for your members to provide them with what they needed to be able to live here in Suffolk County. As a Legislator, you have taken your skills and fought hard for the residents of Suffolk County. One example is making sure that this County enforces the local preference laws to make sure that Suffolk County residents do any work contracted by Suffolk County.

I'm eternally grateful for your support of the residents of John J. Foley Skilled Nursing Facility, and that you stood with me to protect the least fortunate of my district. You know the importance of preserving the nursing home for Suffolk County residents who have been rejected by private nursing homes, because sometimes patients are not profitable. That group includes our HIV residents, 37 year-old Chris Barnes, and a 50 year-old resident with MS who needs 24/7 care, and the countless Suffolk County residents who may be in need to be there in the future. Do they not have a right to stay in Suffolk County? Should they be forced to move many miles away from their loved ones because private homes don't want them?

Bill, you've been a committed leader for many years and, as the Presiding Officer, you have been a strong leader. You make sure our Budget Working Groups are bipartisan. You know how to compromise for the good of the County and when there are differences of opinion. As the Presiding Officer, you respect all of us no matter what the party affiliation is. You fought so hard to protect the integrity of this Legislature and to keep Suffolk County government open and accountable. If all of the par goes to one branch of government, the residents of Suffolk County will suffer.

Thank you, Bill, for what you have done for the past six years, and you have my wholehearted support as Presiding Officer of this Legislature.

ACTING P.O. LINDSAY:

Thank you, Legislator Browning. Is there any other nomination? Hearing none, Mr. Clerk, would you call the roll.

*(*Roll Called by Mr. Laube - Acting Clerk*)*

LEG. HORSLEY:

Yes.

LEG. BROWNING:

Yes.

LEG. ROMAINE:

Pass.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Abstain.

LEG. VILORIA-FISHER:

Yes.

LEG. EDDINGTON:

Yes.

ACTING P.O. LINDSAY:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Pass.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Abstain.

LEG. NOWICK:

Pass.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Abstain.

LEG. COOPER:

Yes.

LEG. ROMAINE:

Yes.

LEG. CILMI:

Abstain.

LEG. NOWICK:

Yes.

MR. LAUBE:

Twelve (Opposed: Legislator Barraga - Abstentions: Legislators Muratore, Kennedy, D'Amaro & Cilmi).

***Oath of Office Administered to
Presiding Officer William Lindsay by
Suffolk County Clerk Judith Pascale***

(Applause & Standing Ovation)

P.O. LINDSAY:

I just want to have a few brief comments. First of all, and of most importance to me, I'd like to thank my colleagues for bestowing on me this honor of being the Presiding Officer and what I believe to be the premier Legislative body in the United States for the sixth year in a row.

At times there are lively debates and we don't always agree with each other, never mind the County Executive, but that's how a democracy should work. We have four different political parties represented at this horseshoe with not one having a clear majority. You see very infrequent, straight, party-line votes; these are all good things because our differences are based on issues, not on politics.

2010 was, without a doubt, the most difficult year in my tenure as a Legislator, and 2011 looks even more challenging. In spite of these challenges, I think we can be successful as a Legislative body if we continue to ask ourselves whether we're doing the right thing for the citizens we represent.

Again, I thank you for this honor. And I pledge to you, I will do my very best to run this Legislative body fairly and honestly for the betterment of the citizens of Suffolk County. Again, thank you.

(Applause)

Introductory Resolution No. 1-2011 - The Election of the Deputy Presiding Officer (Presiding Officer Lindsay). I'm going to recognize Legislator Browning for the purpose of a nomination.

LEG. BROWNING:

Thank you, Bill. I would -- I also have the honor to nominate Legislator Viloría-Fisher as the Deputy Presiding Officer. Why I'm honored to do it is being that Vivian is only one of the three women at the Legislature, and not just -- we are a minority here at the Legislature, but you are also a minority, a Hispanic woman. And I think that it's important that we make sure that we are well represented here at the Legislature and for the benefit of Suffolk County residents.

Vivian, you fought very hard, also, for John J. Foley, which is near and dear to my heart, and I know it is to you. Victims of domestic violence, the Public Health Nurses who help many of the poorest people here in Suffolk County. You're very passionate and principled in your leadership and you have a strong passion for the environment. And I know this is your last year and you will be very much missed with your expertise and knowledge.

So with that, it is my pleasure to nominate you as Deputy Presiding Officer.

P.O. LINDSAY:

Thank you, Legislator Browning. I recognize Legislator Gregory for the purpose of a seconding.

LEG. GREGORY:

Thank you, Mr. Presiding Officer. It is, too, my pleasure and honor to second the nomination of Vivian Viloría-Fisher as Deputy Presiding Officer. I think her time here in the Legislature has been admirable, more than admirable. She's a great advocate not only for her district, but for this body as a whole. I am proud to work along with her, as I'm sure her colleagues are. She is a well-spoken advocate for the things that she believes in, protecting the environment and other issues,

health care issues.

I look in admiration upon her when I see her stand up for her constituents in some of the votes that she has taken a lead on -- difficult votes, issues and not backing down to forces of opposition and standing up as not only a woman, but a Latino woman with great pride and intelligence to march forward in the face of opposition. And I think that's something that all of us as leaders certainly look to achieve and you have shown that time and time again. It is my pleasure to second your nomination as the Deputy Presiding Officer.

P.O. LINDSAY:

Thank you, Legislator Gregory. Are there any other nominations? Seeing none, roll call.

*(*Roll Called by Mr. Laube - Acting Clerk*)*

LEG. BROWNING:

Yes.

LEG. GREGORY:

Yes.

LEG. ROMAINE:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

LEG. MURATORE:

Abstain.

LEG. VILORIA-FISHER:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Abstain.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Abstain.

LEG. NOWICK:

Abstain.

LEG. HORSLEY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Abstain.

LEG. COOPER:

Yes.

MR. LAUBE:

Nine. Oh, I'm sorry. Legislator Lindsay?

*(*Laughter*)*

I had to change the sheet around because when -- never mind. Ten, Legislator Lindsay?

P.O. LINDSAY:

I just thought maybe I wasn't here, I don't know.

*(*Laughter*)*

Yes.

MR. LAUBE:

That's ten. (Opposed: Legislator Barraga - Abstentions: Legislators Romaine, Muratore, Cilmi, Kennedy, Nowick & D'Amaro).

(Applause)

*Oath of Office Administered to
Deputy Presiding Officer Vivian Vilorio-Fisher
by Suffolk County Clerk Judith Pascale*

P.O. LINDSAY:

Okay. The next part of our agenda is ***Introductory Resolution No. 2-2011 - Adopting Rules of the Legislature of the County of Suffolk (Presiding Officer Lindsay)***. It is in your packet and it has a few rule changes, and I'm going to ask our Counsel to review them with everybody.

LEG. MONTANO:

A few changes, they're minor.

MR. NOLAN:

Okay. What is in the packet, Resolution No. 2, is really the rules as they existed at the end of 2010. What's been also put in your folder is a memorandum from me to you explaining some proposed rule changes. And as we've done in past years, procedurally, as we vote on the proposed amendments and we take up or down votes on those proposed amendments, and then when we're done we take an up or down vote on the 2011 rules as amended. I'll just briefly describe what the proposed changes are. And I should state that I've spoken with Legislator Montano and he has tweaked the language in a couple of his proposed rule changes and I'll explain that as well.

The first one is amending Rule 2-A(6) which has to do with the public portion of our meetings. And what we are proposing, or Legislator Montano is proposing, is to add a sentence at the end of the existing rule which would state -- and this is one of the changes, so I'd like to put -- make sure this is on the record, that the new sentence would read "Elected or appointed County officials,

department heads and their representatives shall not be permitted to address the Legislature on official business under the public portion." So basically that just would mean that -- just what it states, that County department heads and County Executive representatives would not be able to come here and speak to us under public portion, would speak to us under the section of the meeting which is reserved for comments from public officials.

The second proposed rule change is requested by Legislator Lindsay, and what this is proposing to do is also amend Rule 2 to move that section of the meeting which is dedicated to statements by elected officials, department heads, the County Executive, move that up in our agenda. Right now we have that section after public hearing, and what Legislator Lindsay is proposing is to move that to right after the public portion is complete so that people could speak to us in the morning on their business, could answer questions and then go about their business if they need to.

The third proposed rule change is really, really a technical one in nature; it would delete a second sentence in Rule 5-A which has to do with the timeliness of filing bills in order to get them laid on the table at the next meeting. Right now our rule says you have to -- it has to be four business days that you have to file the resolution, then the second sentence states that if there's a holiday in that four day period, then it's five business days. We don't need that second sentence because we're talking about business days, if there's a holiday that's not a business day, so it automatically would go to the -- to Tuesday rather than the Wednesday as normal. So that's really a technical change just to get rid of the redundancy.

Fourth, also requested by Legislator Lindsay, would amend Rule 8-F, and this proposal came up because we had a question during the year where we had -- the Ethics Investigative Committee had a meeting and there was a question, could people fill out cards and testify during the public portion -- during a public portion before the committee began its business. At that time, I rendered an opinion that, no, it was a special committee, that that rule about people testifying before the committee started its business only applied to standing committees, the ones that do regular business.

So because it was -- it wasn't clear-cut, Legislator Lindsay is proposing to make it clear that for non-standing committees, ad hoc committees, there is not a requirement that people who fill out a public portion get recognized before the business of the committee starts.

The fifth change is one I actually suggested to Legislator Lindsay, it has to do with the closing or recessing of public hearings. People have asked me for a couple of years, what happens if there's only nine votes to close a hearing and then there's nine votes to recess, there's not a majority for either. And I really couldn't answer that question, so I suggested that we have a rule that says that if there are -- there is not a majority to close a hearing, it's automatically recessed to the next General Meeting.

The sixth and seventh changes are requested by Legislator Montano. There is some overlap between these two rules, they're existing rules. And the intent behind the rules, and I think that it's important to lay out, is if somebody comes before the Legislature while we're doing our business, we're considering legislation and they're recognized by the Presiding Officer to come up to speak to us while we're in session, that they can make a statement, these people can make a statement, they can answer questions but not debate the merits of the legislation with Legislators. So that's the intent behind the change.

So the first proposal is to amend rule 11-C to state that any State, Federal or municipal officer may be heard by the Legislature on official business at the request of any member of the Legislature upon being recognized by the Presiding Officer, or if majority approval of the entire membership of the Legislature, for the purposes of making a statement and answering questions.

And then the second, which would be our seventh change, would amend Rule 11-D to read, "The County Executive, the County Attorney or any elected County official or their representatives may address the Legislature upon matters which concern the respective offices and answer questions from Legislators upon being recognized by the Presiding Officer." And those are the changes.

P.O. LINDSAY:

Okay. Legislator Nowick had a question.

LEG. NOWICK:

George, just to go back to number two. Do I understand it where the County Executive's commission, village, town, etcetera; they would speak after the public portion; is that what you're saying?

MR. NOLAN:

Correct. Right now we have a section of our agenda for Federal officials, State officials, County officials to make presentations to us and answer questions, but it's after the public hearing, so that could be quite late in the day. So the thinking by the Presiding Officer was to move that up in the meeting to right after the public portion.

LEG. NOWICK:

And I'm just going to throw it out there; do you think -- and actually, Presiding Officer Lindsay, since this is yours. Would it maybe be a better idea to have that group speak before the public portion? And the only reason I'm saying it is our public portions can go on and on and on, and my thought is the Commissioners, the State officials, particularly the County officials that we pay, will sit here for hours waiting to speak. And I just want to throw it out, that maybe it wouldn't be a bad idea to let them go, since they're all being paid by taxpayers, let them go speak and then get out and go back to their jobs.

P.O. LINDSAY:

Counsel is going to answer for me on that, okay.

MR. NOLAN:

No, the only reason -- because a couple of years back, the Presiding Officer made that very suggestion, was to move that before the public portion, but a majority of the Legislators at that time did not want to delay the public portion. They wanted to give the public the first opportunity to speak, and it was a fear, I think, on the part of the Legislators that we might end up delaying the public portion too long and having members of the public sitting out there. So that's why we proposed it this way as kind of a middle ground.

P.O. LINDSAY:

The suggestion I made a couple of years ago was brilliant, I just forgot it.

*(*Laughter*)*

But you guys didn't want to go along with it. I have no objection if --

LEG. NOWICK:

You know, my only thought is that, you know, they're on the payroll, we do need people going back to their jobs and continuing to do the people's business. Do we actually have that many each time we meet that come in and -- maybe we do.

P.O. LINDSAY:

Well, the whole thinking behind this was that some of the Legislators felt ham-stringed when public officials spoke under the public portion that we couldn't ask them a question. I remember a couple

of years ago we had, I think it was the Supervisor from Riverhead in here on a tax issue and I was kind of biting my tongue that I couldn't say anything, you know. So this was just to correct that, that we could have a dialogue with whoever it is and go back and forth. But I don't -- you know, wherever you want to put it, I think it's a sensible rule change, you know.

LEG. NOWICK:

And it's fine. It's just I always thought that we should kind of send them back to their offices, but that's up to the body.

P.O. LINDSAY:

I don't disagree. Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

Actually, George, I think that my question was already clarified, but I just want to be sure. So that in number two, the public officials then would not be part of the public portion; they're not a part of the public portion so we can ask questions.

MR. NOLAN:

They still could come under public portion. I'm not talking about County department heads and officials and so forth, I'm talking about, you know, a town official, a village official.

D.P.O. VILORIA-FISHER:

No, no, I'm going to the other group, the County officials.

MR. NOLAN:

All right, County. Okay, right, they could testify under the normal section which is the Reports and Statements of the County Executive.

D.P.O. VILORIA-FISHER:

Okay.

MR. NOLAN:

And that would be -- if this proposal's adopted, that section of the meeting would be moved up to right after public portion and questions could be asked of those persons. And if they needed to leave, that, I think, is the perceived advantage --

D.P.O. VILORIA-FISHER:

Right.

MR. NOLAN:

-- is then they can go about their business.

D.P.O. VILORIA-FISHER:

Okay. And actually, to give my opinion on Legislator Nowick's question, if we are able to ask questions, then it certainly makes sense to have them after the public portion, because once Legislators have an opportunity to ask questions it lengthens the process a little bit.

MR. NOLAN:

It's "Katy bar the door", you're right.

D.P.O. VILORIA-FISHER:

And we can always let them know. Most of the County officials work nearby and we can let them know if we're getting close to the end of the public portion and then they don't have to be here at 9:30 in the morning, they can do their work in the morning.

The other question I had was on number seven; don't we already do this?

MR. NOLAN:

Yeah, this is -- basically you're tweaking existing rules that allow -- like I said, let's say we're passed the public portion and we're into the business of our agenda and somebody has a question, there's a -- Gil Anderson is sitting in the audience, there's a DPW resolution, somebody says, "I have a question for the Commissioner," and almost invariably the Presiding Officer will recognize the Commissioner to come up and answer questions; so we already do have that.

The intention of the -- the additional language is that they can come up and make a statement and they can answer questions. And again, it's the intent of the rule changes, these tweaks, is to not get into a back and forth, a debating of the merits with these people, the idea being debate really should just be among members of the Legislative body.

D.P.O. VILORIA-FISHER:

Okay, what we're trying to do is limit the kind of statements that they're making.

MR. NOLAN:

They can make -- not really limit their statement. They can make a statement, they can take questions from the body, but it clarifies that the Presiding Officer can stop the back and forth, the debate -- the actual getting into a debate, a back and forth.

D.P.O. VILORIA-FISHER:

Well, by practice, I think we do that but it's not in the rules.

MR. NOLAN:

This clarifies that a little bit.

D.P.O. VILORIA-FISHER:

I see. Okay. Thank you, George.

P.O. LINDSAY:

Legislator Cilmi.

LEG. CILMI:

Thank you. Just -- this may be a minor detail, but in the interest of preventing any inconsistencies or questions, I think it's important to address.

In proposed changes six and seven, if we look at them together, in change number six, "Any member of this body can request," you know, "information from any official upon being recognized by the Presiding Officer or with the majority approval of the entire membership of the Legislature," and in number seven, it omits that section that says, "or with the majority approval of the entire membership." So I just want to make sure that -- whichever one, I don't think it really matters, but.

MR. NOLAN:

Well, you know, there is a slight difference in the language. That currently exists in the -- 11-C has the language about the entire membership of the Legislature and 11-D does not have it.

I think 11-D is more if you have a County Attorney or the County Executive or a department -- or an elected official saying, "You're doing something that affects my department," then they -- normally we would expect to be able to be recognize them and the Presiding Officer would do that. Of course, we can amend this proposed rule on the floor, and if you want to propose that additional language,

the same language, you know, "Or with majority approval of the entire membership of the Legislature," that's a possibility.

LEG. MONTANO:

(Inaudible).

LEG. CILMI:

Yeah, I just think one way or the other. I think we can leave it in the hands of the Presiding Officer, or we can do -- make it, you know -- avail it of the entire membership in terms of a vote. But we have to do one or the other, we shouldn't just --

MR. NOLAN:

Yeah. The other thing I would just point out is that on matters of order and decorum and the way we do business, any ruling by the Presiding Officer is subject to challenge by the entire membership. So if you had that situation where the County Attorney wanted to address the body, the Presiding Officer, for reasons I couldn't really even imagine, says we're not going to recognize that person, the Legislature could override that determination by the Presiding Officer under another rule in our rules. But I don't think there would be -- like I said, you could add the same language to rule 11-D as you have in proposed rule 11-C.

P.O. LINDSAY:

Legislator Kennedy.

LEG. CILMI:

I would make that suggestion, make that motion, then, or suggestion, or however we do it.

LEG. MONTANO:

I have no objection to that. I would second it.

P.O. LINDSAY:

Okay. What I'm going to do, if you could just -- George is taking that down. And yeah, I'm going to -- we have two more speakers on the rules and then we'll discuss them together or individually, however you want to do it. Legislator Kennedy. Where is -- you wanted to be recognized, didn't you?

LEG. ROMAINE:

On the rules.

LEG. KENNEDY:

I was going to weigh in on the public portion piece as well, Mr. Chair. I'll pass, all the discussion has been had.

P.O. LINDSAY:

Okay. Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Presiding Officer. I'm trying to understand; four of these rules, I think, are moving us more in the direction of trying to stifle debate rather than welcome debate. And I'm not sure I can support them, but I'd need a little clarification, especially on number six and number seven. When is a County, State, Federal or municipal officer not making a statement or answering questions, and who decides that? You know, when do we tell them, "No, we don't want to hear anymore. Sit down." How do we do that?

P.O. LINDSAY:

I'm going to -- the sponsor of the rule change, I'm going to let him answer that. Is that all right, Legislator Montano?

LEG. MONTANO:

Sure. Would you repeat the question, Legislator D'Amaro?

LEG. D'AMARO:

Well, sure, I'll repeat the question. At what point is any County, State, Federal or municipal officer not making a statement or answering a question? In other words, what -- where would you shut down this particular individual from addressing this body?

LEG. MONTANO:

You're referring to Rule 11-C?

LEG. D'AMARO:

Yeah, number six --

LEG. MONTANO:

Number six? Okay.

LEG. D'AMARO:

-- and number 7, 11-C and 11-D. Because obviously what's happening under both of these rules is we're telling folks that they can come up and be recognized, but you can only speak to us in a certain way.

LEG. MONTANO:

No, that's not what --

LEG. D'AMARO:

And I'd like to know -- well, just let me finish.

LEG. MONTANO:

Go ahead.

LEG. D'AMARO:

I would like to know, one, how would anyone know after answering a question if they continue, if they're debating, if they're making a statement, are they making too many statements; I mean, how do we draw these lines? How do we enforce this rule?

LEG. MONTANO:

I would defer that to the Presiding Officer under the rule.

LEG. D'AMARO:

Well, why would we want to cut off any statement?

LEG. MONTANO:

We're not cutting off statements. What we're looking to do --

LEG. D'AMARO:

Well, that would be the purpose of this rule.

LEG. MONTANO:

No. What we're looking to do is cut off unnecessary debate.

LEG. D'AMARO:

Unnecessary.

LEG. MONTANO:

If any debate -- if any debate should take place with respect to an issue before the Legislature, it really should be debated amongst the members of the Legislature themselves.

LEG. D'AMARO:

Well, but this rule says that a member of this Legislature can request a person to come up and address us.

LEG. MONTANO:

And answer questions.

LEG. D'AMARO:

And then you're trying to limit -- right, you're trying to limit what the purpose is. Let's say I want to call somebody up; you're limiting the purposes for which I can call someone up.

LEG. MONTANO:

No. What I'm saying is --

LEG. D'AMARO:

I mean, why would I want to limit the debate in that manner?

LEG. MONTANO:

What I'm saying is that we don't want to limit debate. People are coming forward here to answer questions and to make statements for the Legislature to entertain, whatever debate should take place. And it doesn't say to limit debate, it says to answer questions, and as long as the questions are being answered, I don't think we have an issue.

The question becomes where we draw the line between answering a question and then going into a debate with members that aren't members -- or with people that aren't members of this Legislature.

LEG. D'AMARO:

But doesn't the Presiding Officer already have the ability to declare someone out of order? You know, again, if I'm going to err, I want to err on the side of allowing anyone, whether they're an elected official, a County official, a State official or a member of public, to come here and have an engaging, intelligent conversation with us.

Now, if at some point the Presiding Officer believes that it's crossing a line, then we can talk about that. But to attempt to codify the content of a person's presentation at the request of a Legislature -- Legislator, is ineffective and I don't think we even need the rule.

LEG. MONTANO:

Okay.

LEG. D'AMARO:

That's my first comment.

LEG. MONTANO:

All right, I have no issue with that. Your second?

LEG. D'AMARO:

The other one, I just want to understand the first proposed rule change, which is on the first page. George, if you would? That rule says that during the public portion, certain individuals are not permitted to speak; is that what that says?

MR. NOLAN:

Correct. Just let me read it again, because it has changed from what I sent out.

LEG. D'AMARO:

Okay.

MR. NOLAN:

"Elected or appointed County officials, department heads and their representatives shall not be permitted to address the Legislature on official business under the public portion."

LEG. D'AMARO:

Okay. So, why? I mean, don't we want more information, not less information? Now we've reached the point where we're now telling other County officials, "We're not even going to give you three minutes." Why did we do that?

LEG. MONTANO:

They're allowed, if I may, to address the Legislature, it's simply that not under the public portion. Because the public portion, number one, should be limited to the public, not members of the administration, not members of the County who, in my opinion, are not members of the public when they come here on official business.

LEG. D'AMARO:

Really?

LEG. MONTANO:

However, under Rule 11-C and 11-D, they are permitted to make statements. Under public portion, we are not allowed to ask any questions, we're simply here to sit and listen. And I think it's inappropriate for members of the administration or officials, department heads, to come in, make a statement and we have no opportunity to ask questions relative to that statement. That doesn't preclude them from coming in, under Section 11-C and 11-D, and making whatever statement they want, it just gives us the opportunity to be able to ask questions and probe deeper as to what the issues are.

So this is not meant to stifle, this is meant to allow what it set out to do; members of the public to address the Legislature. I do not consider members of the County and members of the administration to be members of the public when it comes to coming here for presentations on bills; that should be a debate that should -- or a discussion that should be had in another section, and it is, it's covered by 11-C and 11-D.

LEG. D'AMARO:

Okay. Well, we can't ask questions of any person that offers testimony under this portion, public portion. So whether we can ask questions of an elected official, a County official, a State official or just a general member of the public, it's the same rule across the board, number one.

Number two, you know, the Presiding Officer just prided this entire Legislature on the fact that we don't always agree, we have some tough debates, we're the best Legislature in the country. And I just see these rules, and I'm going to include the fourth one as well, where we're telling people who want to come here, whether they're elected officials, administration officials, no matter who they are, that you don't have an opportunity to address us and that is something I will not support.

LEG. MONTANO:

That's not what it says, but if you don't want to support it, that's your prerogative. It's not that they can't make statements; it's under public portion, that section should be reserved for the public.

And under the other section, statements that are made by the administration should be -- number one, we should be able to address those; and number two, we should be debating amongst ourselves the merits of bills and not necessarily engaging in a back and forth with either the administration or their representatives. And that's all it's meant to do, it's meant to keep a decorum here so that we can debate issues amongst those members of the Legislature.

LEG. D'AMARO:

Okay, fair enough. And just my last word will be that whether it's in a public portion, I always feel like I have an opportunity at some point in a meeting to question anyone who makes a statement. I am just simply not going to come down on the side of cutting off discussion, debate, statements, questions. I don't think we need those limitations at all. I think that for my tenure here that that this Legislature has been run very, very well. I think people are, generally speaking, courteous when they come up here and understand that they're addressing a government body, that's trying to make some tough decisions and do some hard work.

I just don't see the need to represent us as a body to anyone that we are making rules that say one group of individuals may speak at a certain time and another group at another time; I don't think that's the direction that we should be going.

P.O. LINDSAY:

Legislator Barraga.

LEG. BARRAGA:

I was going to ask Mr. Montano, with reference to the public portion and your suggestion. Certainly I can understand where you're coming from because I think we had -- two or three sessions ago we had, during the public portion, at least six, eight or nine people from the Executive Branch speaking and, you know, I found that a little annoying because it was taking away from the general public. But rather than eliminate them entirely from the public portion, how about a provision which says, you know, no more than two individuals can speak from the Executive Branch during the public session, it's a total of six minutes.

I just feel a little uneasy completely knocking them out, you know.

If you limit it to, say, two people representing the Executive Branch who would come up for a total of six minutes, make their case and that's it; at least they're still participating in that portion of our Legislative session.

LEG. MONTANO:

Right. If there were no Rule 11-C and D, I would agree with you. But if we read rule -- this change in the abstract, it gives the impression that they can't come and speak to us, and that is absolutely not what the rules say. The rules say they can come and speak to us, it's just a separate section of the meeting which, if we go with the rule change that I think the Presiding Officer introduced, it would be right after, or is it before?

MR. NOLAN:

It would be right after the public portion.

LEG. MONTANO:

It would be right after public portion anyway, so they're not precluded.

LEG. BARRAGA:

No --

LEG. MONTANO:

And they're not members of the public in the first instance, so I don't know that -- in my line of thinking, I don't even know that it's appropriate for them to come into the public portion. But we certainly aren't precluding them, they're simply going to have to come in under a different section. And when they do come in and make their presentation, we don't have to sit here silently and, you know, in some cases have letters read to us or be lectured without being able to ask questions and respond, which we can do under Section 11-C and 11-D.

LEG. BARRAGA:

No, I understand your point of your view. It's just that I feel a little uneasy completely excluding them from one of the elements of our process. And this way --

LEG. MONTANO:

Well, because they're not members of the public. And I think the intent of the public portion -- and I myself would rather hear in the public portion from those members of the public, not from the administration.

LEG. BARRAGA:

Well, what I'm suggesting is that in total, if only two were allowed for three minutes a piece, that's a total of six minutes and that's all it is, but at least they're still participating in that portion of our Legislative session. They're not going from, you know, an openness, an open-endedness to nothing; at least they can send a couple of people down.

LEG. MONTANO:

I understand your point and I don't think that we're at odds. The only thing I can say is that they are not precluded, they're just going to speak after the public portion. And it doesn't have to be limited to two, it could be ten or 12 at that point.

LEG. BARRAGA:

I guess what I'm saying is that I'd like to see them still participate in the public portion but in a limited way. All right?

LEG. MONTANO:

I understand your concerns.

P.O. LINDSAY:

Okay. Okay, there's nobody else. What I'm going to do is take the rule changes individually, because there seems to be some questions on it.

Rule change number one. Legislator Montano, would you like to make a motion.

LEG. MONTANO:

Motion to approve.

P.O. LINDSAY:

And I'll second it. I guess roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

No.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Fourteen. Fifteen, fifteen. (Opposed: Legislators Barraga & D'Amaro).

P.O. LINDSAY:

Okay. Rule change number two, I'll make a motion. Do I have a second?

D.P.O. VILORIA-FISHER:
Second.

P.O. LINDSAY:
Second by Legislator Viloría-Fisher. Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

P.O. LINDSAY:
Yes.

D.P.O. VILORIA-FISHER:
Yes.

LEG. ROMAINE:
Yes.

LEG. SCHNEIDERMAN:
Yes.

LEG. BROWNING:
Yes.

LEG. MURATORE:
Yes.

LEG. EDDINGTON:
Yes.

LEG. MONTANO:
Yes.

LEG. CILMI:
Yes.

LEG. BARRAGA:
Yes.

LEG. KENNEDY:
Yes.

LEG. NOWICK:
Yes.

LEG. HORSLEY:
Yes.

LEG. GREGORY:
Yes.

LEG. STERN:
Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE.

Seventeen.

P.O. LINDSAY:

Okay. On three, which is just really some wording deletions, how about if we do same motion, same second, same vote okay with everybody?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Four, I'll make a motion.

D.P.O. VILORIA-FISHER:

I'll second that.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

No.

LEG. BARRAGA:

No

LEG. KENNEDY:

No.

LEG. NOWICK:

Which one is this?

LEG. KENNEDY:

Four.

P.O. LINDSAY:

Four.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

MR. LAUBE:

Thirteen.

P.O. LINDSAY:

Okay. On five, I'll make a motion.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Viloría-Fisher. Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

P.O. LINDSAY:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

Yes.

LEG. COOPER:

Yes.

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. And six, we have an amended version. George, if you could go over the amended?

MR. NOLAN:

I'll just read the proposed language as amended. It would amend rule 11-C to read, "Any State, Federal or municipal officer may be heard by the Legislature on official business at the request of

any member of the Legislature, upon being recognized by the Presiding Officer or with majority approval of the entire membership of the Legislature, for the purposes of making a statement and answering questions."

P.O. LINDSAY:

Is that what it says now?

MR. NOLAN:

We lost the word "County".

LEG. D'AMARO:

Excuse me. Was a word deleted?

P.O. LINDSAY:

Yes, "County" was deleted, that's the amended version.
And Legislator Montano, that's what you wanted?

LEG. MONTANO:

Tom, is that what you wanted?

LEG. CILMI:

Yeah. Actually, we didn't change that one at all, it's number seven that we --

LEG. MONTANO:

Okay. Motion.

P.O. LINDSAY:

Motion on the original or the changed version?

LEG. MONTANO:

Well, the only change is that we eliminate the word "County" --

P.O. LINDSAY:

Right.

LEG. MONTANO:

-- from rule -- proposed Rule 11-C.

P.O. LINDSAY:

Right. Okay.

LEG. COOPER:

And what is the rationale for that?

LEG. MONTANO:

That they're going to be covered in Rule 11-D. We could actually write the rule together, but rather than do that, since these were existing rules --

LEG. COOPER:

Okay.

LEG. MONTANO:

-- we're just adding -- we're going to amend amended Rule 11-D to have the same language which will include County officials. It's just that we don't spend another 20 minutes debating it.

LEG. KENNEDY:

Can I ask a question, Mr. Chair?

P.O. LINDSAY:

Go ahead, Legislator Kennedy.

LEG. KENNEDY:

Just so I understand. We have had people from all levels of government come to speak to us before; the FAA representative, I recall, when Legislator Romaine's legislation about helicopter traffic kind of stands out. But -- so does this cover us as individual Legislators extending an invitation to some governmental official to come to speak to us? I'm just not sure how this comes into play. Maybe Counsel can explain.

MR. NOLAN:

I think this deals with a situation where we're past public portion, we're past statements by County Executive department heads where people have an opportunity to speak, and we're doing the business -- you know, we're doing the business, we're doing the resolutions and we get to a resolution and somebody has a question and they want to bring somebody up at that point.

LEG. KENNEDY:

Out of the audience.

MR. NOLAN:

Out of the audience to provide information --

LEG. KENNEDY:

Okay.

MR. NOLAN:

Basically to provide information, and that's kind of what it's dealing with. So in your scenario with the helicopter; even after we had public portion, all the public hearings we had on the helicopter law, and we got to the point where we're debating the law, and then there's a question about the bill itself and only a person from the audience could answer it, then a Legislator could request that and have that person come up.

LEG. KENNEDY:

Okay, fine. Thank you. It's clear the me now. Thank you.

P.O. LINDSAY:

Anybody else? You made the motion, Legislator Montano?

LEG. MONTANO:

Yes.

P.O. LINDSAY:

And I'll second it. Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. MONTANO:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator D'Amaro).

P.O. LINDSAY:

Okay. Rule seven. Legislator Montano, you want to make the motion?

LEG. MONTANO:

Yeah. We're going to actually amend amended Rule 11-D. George, would you read the language?

MR. NOLAN:

The rule change would be as follows, and this would be to amend Rule 11-D to read as follows; "The County Executive, the County Attorney or any elected County official or their representatives may address the Legislature upon matters which concern their respective offices and answer questions from Legislators, upon being recognized by the Presiding Officer or with majority approval of the entire membership of the Legislature."

D.P.O. VILORIA-FISHER:

May I ask a question?

P.O. LINDSAY:

Go ahead, Legislator Viloría-Fisher.

D.P.O. VILORIA-FISHER:

George, where it says "or their representatives", would that include, then, department heads as representatives of the County Executive?

LEG. MONTANO:

(Nodded head yes).

D.P.O. VILORIA-FISHER:

Because I don't see where department heads could be called up, then, in the middle of a debate. Would that allow for that there?

LEG. MONTANO:

Yes.

MR. NOLAN:

I think it would.

D.P.O. VILORIA-FISHER:

Okay. I just wanted to make sure that --

LEG. MONTANO:

We can put it in if you want; I have no objection to that.

D.P.O. VILORIA-FISHER:

If George interprets that to mean representatives of the County Executive. Since he appoints the department heads, I thought that we could infer that.

MR. NOLAN:

Well, I think what we should probably do to be clear is to add that language so that it would read now, "The County Executive, the County Attorney, any elected County official or department head, or their representatives, may address the Legislature upon matters which concern their respective offices and answer questions from Legislators, upon being recognized by the Presiding Officer or with majority approval of the entire Legislature." That would be the rule change now that we'd be voting on.

LEG. COOPER:

Mr. Chair?

P.O. LINDSAY:

Legislator Cooper.

LEG. COOPER:

George, can we simplify that to bring this more or less in line with the wording of rule change six and just say, "Any County officer may address the Legislature"?

MR. NOLAN:

I think the language -- you could. I think the language I just stated, though, pretty much, I think, covers every possible permutation imaginable.

*(*Laughter*)*

So I think -- I would say leave it the way it is so I don't have to read it again.

*(*Laughter*)*

P.O. LINDSAY:

It doesn't cover the janitor. Okay, which one of you guys want to make a motion on this?

LEG. MONTANO:

I'll make the motion --

LEG. CILMI:

I'll second it.

LEG. MONTANO:

-- on the last statement, on the rule as just read by the Counsel for the Legislature.

P.O. LINDSAY:

Okay. We have a motion by Legislator Montano, a second by Legislator Cilmi. Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. MONTANO:

Yes.

LEG. CILMI:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

Yes.

LEG. BARRAGA:

Yes.

LEG. KENNEDY:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

Yes.

LEG. STERN:

Yes.

LEG. D'AMARO:

No.

LEG. COOPER:

Yes.

D.P.O. VILORIA-FISHER:

Yes.

P.O. LINDSAY:

Yes.

MR. LAUBE:

Sixteen (Opposed: Legislator D'Amaro).

LEG. COOPER:

Mr. Chair, just before we move on. I just want to clarify, going back to rule change two. I wanted to make sure that there's an opportunity, because I don't see it here, if the County Attorney or the Sheriff or the Comptroller wanted to make a statement, where would that fall in? Because I don't see it listed under two and I don't really see it being addressed in any other section, any of the County-wide electeds.

MR. NOLAN:

You're talking about rule change number two?

LEG. COOPER:

Again, if one of the County-wide electeds wanted to make a statement, I don't see that being permitted anywhere.

MR. NOLAN:

They are department heads.

LEG. MONTANO:

That's in 2-A.

LEG. COOPER:

Yeah, that's --

LEG. D'AMARO:

It's a different section for department heads.

LEG. COOPER:

Yeah, that's not two. Two is just the County Executive.

LEG. MONTANO:

Where are you reading, Jon?

LEG. COOPER:

I'm just trying to find out where the County-wide elected officials, if they wanted to make a statement, where that is covered? I don't see it under 2-A, and it's really not --

D.P.O. VILORIA-FISHER:

It doesn't say "department heads".

LEG. COOPER:

Right.

MR. NOLAN:

I can -- I'm not sure I'm responding to what you're asking. But if we're talking about the section of the meeting that we've moved up having to do with presentations by elected officials, people from other jurisdictions, towns and villages, there is language that would cover County-wide elected officials to speak to us during that portion.

LEG. COOPER:

Well, then again, right now amendment of 2-A, the second rule change, we're moving the subsection regarding "Reports and Statements of the County Executive, Village, Town, State, Federal officials" --

MR. NOLAN:

I summarized the language there, that's not verbatim language. The language is, "Reports and statements from the County Executive and/or Commissioners, Directors, Deputy Commissioners, division or department heads of any County office, agency or department and any statements by any village, town, County, State or Federal elected official." So it does talk about heads of departments.

LEG. COOPER:

Okay, that wording's fine.

MR. NOLAN:

Okay.

LEG. COOPER:

Okay, thank you.

MR. NOLAN:

We need a motion to approve.

P.O. LINDSAY:

Okay. I need a motion to adopt the rules in totality as amended.

LEG. GREGORY:

Motion.

LEG. MONTANO:

I'll make the motion.

P.O. LINDSAY:

Motion by Legislator Gregory, second by Legislator Montano. All in favor? Opposed? Abstentions?

LEG. D'AMARO:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator D'Amaro).

D.P.O. VILORIA-FISHER:

I'm right behind you.

P.O. LINDSAY:

Okay, we got through the rules.

Introductory Resolution No. 3-2011 - Appointing the Clerk of the County Legislature (Mr. Timothy Laube) (Presiding Officer Lindsay). I'll make the motion.

D.P.O. VILORIA-FISHER:

Second.

LEG. SCHNEIDERMAN:

Second.

P.O. LINDSAY:

Second by Legislator Vioria-Fisher. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

I'm going to do the two Deputies and then we're going to swear them all in together, okay?

Introductory Resolution No. 4-2011 - Appointing the Chief Deputy Clerk of the County Legislature (Renee L. Ortiz) (Presiding Officer Lindsay). I'll make the motion.

LEG. MONTANO:

Second.

P.O. LINDSAY:

Second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

And ***Introductory resolution No. 5-2011 - Appointing Deputy Clerk of the County Legislature (Barbara LoMoriello) (Presiding Officer Lindsay).*** And I -- Legislator Cooper will make that motion.

LEG. COOPER:

Please.

P.O. LINDSAY:

Second by Legislator D'Amaro. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. Congratulations, guys. Come forward to get sworn in.

(Applause)

*Oath of Office Administered to
Clerk of the Legislature, Tim Laube
Chief Deputy Clerk of the Legislature, Renee L. Ortiz
Deputy Clerk of the Legislature, Barbara LoMoriello
By Suffolk County Clerk Judith Pascale*

P.O. LINDSAY:

Congratulations, guys, from all of us.

Okay, we're up to *No. 6-2011 - Appointing Counsel to the Legislature (George M. Nolan) (Presiding Officer Lindsay)*, and I'll be very happy to make that nomination.

LEG. EDDINGTON:

Second.

P.O. LINDSAY:

Second by Legislator Eddington. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

LEG. KENNEDY:

I'm here.

P.O. LINDSAY:

Congratulations, George.

MR. NOLAN:

Thank you.

(Applause)

P.O. LINDSAY:

Do you get sworn in? Ms. Pascale, does the Counsel get sworn in?

MS. PASCALE:

He does.

P.O. LINDSAY:

Yes, okay. If the rules went on any longer, it would be sworn at.

*Oath of Office Administered to
Counsel to the Legislature, George Nolan
by Suffolk County Clerk Judith Pascale*

P.O. LINDSAY:

Okay. We're up to *No. 7-2011 which is fixing the times of meetings of the County Legislature in 2011 (Presiding Officer Lindsay)*.

D.P.O. VILORIA-FISHER:

Motion.

P.O. LINDSAY:

Motion by Legislator Viloría-Fisher, second by myself. And I want to point out, there was a change since last week. The two November meetings were moved, and the reason for them is we were in a bit of a problem because originally the meeting, the first meeting in November was before -- the week before Election Day, which many of you had asked me to try and move them. But when we moved it, in order to get the second meeting in November, it's Thanksgiving week.

LEG. NOWICK:

What are we doing now?

P.O. LINDSAY:

Well, we changed the meetings, I think, from the 2nd to the 9th and from the 15th to the 22nd.

MR. NOLAN:

Correct.

LEG. NOWICK:

Isn't that Thanksgiving week?

P.O. LINDSAY:

Yes, it is. But I don't -- we've run out of calendar, because we're doing the tax warrants, and if we don't address the vetoes we can't do the tax warrants in time for the Tax Assessors and we -- as a former tax collector, you know how sticky that gets.

Okay? So with that, we have a motion and a second. Is there any questions? All in favor?
Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Okay. *Resolution No. 8-2011 - Designating depositories pursuant to Section 212 of the County Law (Presiding Officer Lindsay)*. I'll make a motion. Do I have a second? Second by Legislator D'Amaro. Does anybody have any questions? All in favor? Opposed? Abstentions?

LEG. BARRAGA:

Opposed.

MR. LAUBE:

Sixteen (Opposed: Legislator Barraga).

P.O. LINDSAY:

Introductory Resolution No. 9-2011 - Designating two alternating newspapers as official newspapers of the County of Suffolk (Presiding Officer Lindsay). Okay, the first one's are the Democratic papers, okay. I'll make a motion.

LEG. COOPER:

Second.

D.P.O. VILORIA-FISHER:

Second.

P.O. LINDSAY:

Second by Legislator Cooper. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

Introductory Resolution No. 10-2011 - Designating two alternating newspapers as the official newspapers of the County of Suffolk (Presiding Officer Lindsay).

LEG. KENNEDY:

I'm make a motion.

P.O. LINDSAY:

Motion by Legislator Kennedy. Second by Legislator Muratore. All in favor? Opposed? Abstentions?

LEG. GREGORY:

Abstain.

D.P.O. VILORIA-FISHER:

Abstain.

MR. LAUBE:

Fifteen (Abstentions: Legislators Viloría-Fisher & Gregory).

P.O. LINDSAY:

Introductory Resolution No. 11-2011 - To designate local newspapers in which County notices may be published (Presiding Officer Lindsay). These are the town newspapers.

LEG. KENNEDY:

Mr. Chair, I'm going to make a motion to table this resolution. There are a couple of items in the middle of it that still need to be worked over. I've spoken with Counsel and I do know that we could take this up in the beginning of February.

LEG. COOPER:

I make a motion to approve.

LEG. D'AMARO:

Second.

P.O. LINDSAY:

Motion to approve and a second and a motion to table.

LEG. SCHNEIDERMAN:

I'll second to table.

P.O. LINDSAY:

This is number 11. You know, I'll second the tabling resolution for purposes of discussion. I know we've had this discussion before as far as newspapers are concerned. They're always -- you know my feeling on the whole thing.

LEG. KENNEDY:

I do, Mr. Chair. My request to go ahead and to table or any alternative, even to pass over, Smithtown in particular, I'd like the opportunity to go ahead and put forward the Smithtown Messenger. I see that the Smithtown News is in there now.

There was, I think, a decision on the part of this body in the middle of last year to go ahead and make a change there. I think that message was sent and I'd like the opportunity to put the Smithtown Messenger forward, And I think it's a matter of just simple mechanics, Mr. Chair. I did not have an opportunity to go ahead and speak with Counsel when this procedure was drawn up beforehand. So that's the reason that I offer the motion to table. To let it go one cycle means that the existing list remains in place. And like you, I don't want to take up a whole lot of time, but by the same token, I would like the opportunity to put that alternative forward for consideration.

P.O. LINDSAY:

This is the existing list, right?

LEG. KENNEDY:

Yes, it is, Mr. Chair.

P.O. LINDSAY:

Okay. Okay, we have a motion to table and a motion to approve the tabling -- somebody want to be recognized? I'm sorry. Legislator Montano.

LEG. MONTANO:

With respect to the Smithtown, was it the Messenger that was replaced because of the article depicting the President and the First Lady as Fred Sanford?

LEG. KENNEDY:

There was some caricature put forward in the middle of last year, Legislator Montano.

LEG. MONTANO:

By the Messenger, not the Smithtown News.

LEG. KENNEDY:

Correct, correct, correct.

LEG. MONTANO:

Okay.

LEG. KENNEDY:

And midcourse, it was the will of this body to go ahead and make a change specifically because of the fact that many considered that to be beyond what was prudent and proper and it was inflammatory. I think that message was carried across in an effective manner and I think that it's a new year and we should give all bodies an opportunity to go ahead and go forward with a fresh start.

So rather than acquiescing to what was in place, I'd like the opportunity to go ahead and at least consider the alternative. We physically don't have that before us, so that's why I make the motion to table.

P.O. LINDSAY:

Okay. Anybody else? Tabling goes first. Roll call.

*(*Roll Called by Mr. Laube - Clerk*)*

LEG. KENNEDY:

Yes.

P.O. LINDSAY:

Yes.

LEG. ROMAINE:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. BROWNING:

Yes.

LEG. MURATORE:

Yes.

LEG. EDDINGTON:

No.

LEG. MONTANO:

No.

LEG. CILMI:

Yes.

LEG. BARRAGA:

Yes.

LEG. NOWICK:

Yes.

LEG. HORSLEY:

Yes.

LEG. GREGORY:

No.

LEG. STERN:

No.

LEG. D'AMARO:

No.

LEG. COOPER:

No.

D.P.O. VILORIA-FISHER:

No.

MR. LAUBE:

Ten (Opposed: Legislators Eddington, Montano, Gregory, Stern, D'Amaro, Cooper & Viloría-Fisher).

P.O. LINDSAY:

Okay, it stands tabled. A Fight for another day.

LEG. KENNEDY:

Thank you.

P.O. LINDSAY:

Introductory Resolution --

MR. NOLAN:

No, just waive the rules.

P.O. LINDSAY:

Oh, yeah. Okay, we're going to waive the rules and place the following bills on the table, they're not -- Introductory Resolution No. 1000 goes to Public Works; Introductory Resolution No. 1001 goes to Ways & Means; 1002 would go to Public Safety and set the public hearing for the first General Meeting of 2011, 2:30 in Hauppauge, and I need a second on that.

LEG. KENNEDY:

Second.

P.O. LINDSAY:

Second by Legislator Kennedy. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

That concludes our business. I'll accept a motion to adjourn by Legislator Barraga. Second? I'll second it. All in favor? Opposed? Abstentions?

MR. LAUBE:

Seventeen.

P.O. LINDSAY:

We stand adjourned.

(The meeting was adjourned at 2:30 P.M.)