

LOCAL LAW NUMBER #1 OF 2024

A LOCAL LAW OF THE TOWN OF LANSING TO AMEND THE CODE OF THE TOWN OF LANSING. CHAPTER 7: BOARDS, COMMISSIONS AND COMMITTEES

The Town Board of The Town of Lansing, New York, pursuant to a Resolution dated March 20, 2024, does hereby adopt and pass this Local Law Number #1 of 2024, and therefore, be it so enacted as follows:

SECTION 1 - AUTHORITY: This local law is adopted pursuant to the powers granted by the Town Law of the State of New York and Municipal Home Rule Law § 10, which authorize the Town of Lansing to adopt local laws providing for the governance of town affairs.

SECTION 2 - PURPOSE: The purpose of this local law is to provide guidance to and manage town committees, working groups, commissions, and like administrative and advisory groups in order to provide for regularity and compliance with the Open Meetings Law (“OML”) and Freedom of Information Law (“FOIL”), as well as to provide more accountability, continuity, productivity, and transparency to and for committee operations.

SECTION 3 - ADOPTION OF TOWN CODE CHAPTER 7, ARTICLE II: Town Code Chapter 7 is amended by adding the following Article II, entitled “**Town Board Operating Rules,**” as follows:

§ 7-20 Procedural Rules of the Lansing Town Board - The following procedural and other rules shall apply to proceedings and matters before the town board:

- A. The supervisor shall preside over all meetings of the town board and shall preserve order and decorum in meetings and all deliberations and debates. Likewise, the supervisor shall preside over all public hearings and instruct all persons addressing the town board to state their names. In the supervisor’s absence the deputy supervisor shall preside. When desired or needed, the supervisor shall read into the record the rules for public speech and attendance during public meetings and public hearings, as adopted by the town board and amended or updated from time to time.
- B. The Supervisor shall prepare an agenda for every meeting in consultation with the department heads, the town clerk, and the town board. A majority vote of the town board may amend the agenda at any time. The supervisor, immediately following the opening of every regular meeting of the town board, shall proceed to the regular order of town business. It takes a majority vote of the town board to close a meeting.
- C. Robert’s Rules of Order (for deliberative assemblies, current edition), as amended herein, are followed, however: (i) voting shall be in alphabetical order (by last name) with the supervisor voting last; and (ii) the technical formalities of the parliamentary process shall be dispensed of unless formal request is made for formal procedure by a majority of the town board upon good cause shown and demonstrated. No vote of suspension shall extend beyond the subject matter then under consideration, nor form meeting to meeting.

- D. The town board shall set a schedule of regular meetings for the year at its organization meeting in January. Special meetings will be noticed and held as needed.
- E. The public will be given the opportunity to address the town board at its regular meetings for up to three minutes per person, with a 20-minute maximum per meeting, unless the town board shall by majority vote terminate or extend such session or the time allotted to all persons. Such shall be known as the "privilege of the floor" and should be observed near the beginning of every regular town board meeting. Immediately after the public comment period, each town board member will be given two minutes to respond to public comment(s). The post public-comment discussion will be limited to the members of the town board unless the town board waives this rule by majority vote. These same rules apply to the public's right to speak during public hearings, except that no time is reserved for town board members to reply and any replies or discussions shall occur after the close of the public hearing.
- F. Every resolution or motion must be seconded before being put to discussion or a call for a vote by the supervisor. The lack of a second removes the matter from the agenda and further consideration at that meeting. All resolutions or motions shall be recorded in their entirety in the official minutes of the town board. The supervisor may offer or second a resolution or a motion and need not relinquish the chair for such purpose.
- G. No motion or resolution may be added to the agenda except by the majority consent of those present. In each such case compliance with Open Meetings Law ("OML") § 103 is required relative to any documents, and electronic, printed, or typewritten copies thereof shall have been presented to each member of the town board at least 48 hours prior to the opening of the meeting at which such motion or resolution is offered. Emergency items that come up within the 48-hour timeframe require a 2/3 supermajority of the town board voting in the affirmative in order to pass or be adopted.
- H. No board member shall speak more than once on any question until every board member choosing to speak shall have spoken. There is no limit to the number of times a board member may speak upon a question, but motions to close discussion may be made and seconded at any time and shall be voted upon immediately after each board member has had one minute to address this special motion before the matter is voted upon. No additional time may be allotted to discussion or debate over this special motion, and if adopted the discussion upon the underlying matter shall terminate and the vote shall be immediately called.
- I. No motion shall be made to offer any amendment to an amendment already before the town board on any proposition.
- J. A majority of the entire town board shall constitute a quorum.
- K. Any person speaking to the town board shall address their remarks to the town board as a whole, not to staff, individual board members, other members of the audience nor person(s) not in attendance. No member of the public or speaker shall engage in any

demonstration, booing, hand clapping or otherwise disrupt the formality of a town board meeting.

- L. Vacancies upon statutory and governmental bodies (as defined below), including the Planning Board, the Zoning Board of Appeals, the Conservation Advisory Council, and the Board of Ethics will be advertised and posted by the town clerk's office in the same manner as applicable to special meetings. The town board may appoint less than a quorum of its members to participate in the formulation of questions, the interview process, and the discussion of candidates. The head of the department that works most closely with the body with such vacancy may participate in the formulation of questions, the interview process, and the discussion of candidates. The board in question may appoint less than a quorum of its members who may participate in the formulation of questions, the interview process, and the discussion of candidates. Prior to appointment the town board shall refer the name and application materials of each candidate to the applicable body that has a vacancy for comment and advice as to such appointment.
- M. If any of the above stated rules are or at any time come in conflict with New York State statutory or regulatory law or any guidance from the New York State Attorney General or Committee on Open Government that is mandatory in nature, or any order from a court or tribunal of record, then that statute, regulation, guidance, or order shall take precedence over this chapter.

SECTION 4 - ADOPTION OF TOWN CODE CHAPTER 7, ARTICLE III: Town Code Chapter 7 is amended by adding the following Article III entitled "**Classification and Operating Rules for Committees, Commissions, Councils, and Related Working Groups.**" For purposes of this chapter, all boards, councils, commissions, committees, working groups, and like types of groups shall be hereafter referred to as an "agency," or as "agencies."

§ 7-30 General Rules and Classifications of Agencies - The interplay of the OML and the Freedom of Information Law ("FOIL") with differing types of committees and governmental bodies varies considerably based upon the powers and authorities of such agency, its governmental purposes, whether it is created, authorized, or required under state statutes, whether it is purely advisory, or of a mixed advisory and governmental nature. The following classifications and rules are intended to guide agencies by making definitive classifications and requiring that the town board duly classify and charge each new, reformed, or extended agency. As to these agencies generally, the following rules and sections of this Article III shall apply:

- A. Any matter of duties, obligations, tasks, or assignments not addressed or otherwise governed or limited by this chapter may be addressed by the town board by resolution. Likewise, any procedural or reporting requirements not otherwise governed or limited by this chapter or the OML may be addressed by the town board by resolution.
- B. Whenever a report, minutes, or any other documents or updates are required to be delivered monthly, it means that the same are due on or before the last day of each month. Whenever a report, minutes, or any other documents or updates are required to be

delivered quarterly it means that the same are due before the last day of March, June, October, and December, annually.

- C. The town board shall not appoint any elected official to be a participating member of any statutory board or commission. Nor shall the town board appoint a person to be a participating member of more than one statutory board or commission at the same time. Further, these same appointment/membership restrictions shall apply to the Agriculture and Farmland Protection Committee (AFPC) and the Water, Sewer, and Stormwater Committee (WSSC).

§ 7-31 Statutory and Governmental Bodies - Statutory and Governmental Bodies are agencies allowed, mandated, or created by state or local law, or by other legislation or order of the town board. In addition to any such statutory or regulatory requirements as may pertain to these agencies, the following provisions shall govern and guide the operations and functions of statutory and governmental bodies in the town.

- A. Members of statutory and governmental bodies may not serve upon any other statutory and governmental body or upon the town board. Nor may any such member serve any other agency whenever the body to which such person is appointed may regularly or foreseeably receive referrals and input from, or be asked to render advisory options to, such other agency, or when incompatibility of offices, duties, or positions is either indicated or arises. In all cases and situations, conflicts of interest, bias, and appearances of conflicts or biases, shall be avoided, including by recusal when necessary.
- B. Liaisons to statutory and governmental bodies, and from any statutory and governmental bodies to any other body or agency, shall be permitted only upon the approval thereof by the town board. In all cases, the sole role of a liaison shall be to inform and report on matters relating to the body the liaison is a member of when requested by the agency being served by such liaison. Notwithstanding the foregoing, the board of ethics shall have no liaisons associated with its operations.
- C. Statutory and governmental bodies shall hereafter select from among their own members (but not from among any alternate members) their own chairpersons and vice chairpersons. If these boards have not annually submitted any such designations on or before January 1, then the town board shall appoint a chairperson and vice chairperson. To the extent this rule varies any state statute, such as but not limited to the rules of Town Law §§ 64, 267 and 261 or General Municipal Law § 239-x, those provisions are expressly superseded by and under the authority of the Municipal Home Rule Law, including § 10(1)(ii)(d)(3) therein.
- D. Unless the New York State Town Law or Public Officers Law requires otherwise, the town board shall have the power, after public hearing, to remove any member of any statutory and governmental body for cause, or for failing to comply with the minimum meeting attendance (if any) or training requirements (if any) established by law, by town policy, or by town board resolution.

- E. Statutory and governmental bodies are prohibited from creating their own committees and subcommittees, but they may petition the town board for the same and, if so approved, the town board shall then create such committee, classify it under Town Code Chapter 7, make appointments, charges, and general rules for tasks and governance not otherwise set forth in this chapter. Members of subcommittees (if any) may be removed with or without cause at any time by majority vote of the town board.
- F. The chairperson of each statutory and governmental body shall prepare an agenda for every meeting in consultation with its members and the head of the town department that works most closely with that statutory and governmental body. A majority vote of each such body may amend the agenda at any time. Minutes shall be kept of all meetings and decisions, a quorum shall be required for any action, and all matters requiring approval or assent shall be formally voted upon by ayes and noes. All Agendas, minutes, and like materials shall be posted upon the Town's website, all meetings must be properly scheduled, advertised, and noticed, and all records of proceedings shall be filed with the Town Clerk to meet archiving, record keeping, and FOIL requirements.
- G. Statutory and Governmental Bodies are subject to the OML and may, in accordance therewith, conduct proper closed and executive sessions.
- H. Unless otherwise provided by the town board, actual costs will be reimbursed by the town upon presentation of the proper supporting documentation and verification that such expense is within budget allocations for the applicable statutory and governmental bodies.
- I. The following agencies shall be statutory and government bodies for the purposes of this chapter:
 - 1. Planning Board.
 - 2. Zoning Board of Appeals.
 - 3. Conservation Advisory Council.
 - 4. Board of Ethics.

§ 7-32 Standing and General Committees – While standing and general committees can take various forms, these agencies are classified as standing committees due to their purposes being somewhat perpetual in nature. For example, towns always have laws and codes, capital and budgetary concerns, personnel and civil service matters, and technological and cybersecurity matters to address or consider. The purposes of these committees are to thus take a closer look at specific, ongoing policies and operations of the town that often arise in day-to-day administration, such as revisions to the town code, capital planning, water and sewer modifications, drainage districts and stormwater planning, personnel, and operations, etc. The following provisions shall govern and guide the operations and functions of standing and general committees in the town.

- A. The existence of standing and general committees is not guaranteed, and the town board may amend or terminate any of these committees at any time by resolution; and the town board may likewise re-form or create new committees by resolution.

- B. Membership on these committees shall consist of such town employees or officers as the town board may determine, and membership may further include non-town affiliated persons who have specific skills in the areas served by these committees. Vacancies will be recruited and appointed by the town board and recruitment will be based on specific skills needed to fulfill the charge of the committee. All appointments are for one year and are generally made in the town's organizational resolutions. Absent resignation, or the termination of such committee, appointees serve until reappointment or until their successor is appointed. Standing and general committee members serve at the pleasure of the town board and may be removed by the town board at any time with or without cause by majority vote of the town board.
- C. Standing and general committees shall select from among their own members (but not from among any alternate members) their own chairpersons and vice chairpersons. If these committees have not annually submitted any such designations on or before January 1, then the town board shall appoint a chairperson and vice chairperson.
- D. Liaisons to these committees shall be permitted only upon approval thereof by the town board. In all cases, the sole role of a liaison shall be to inform and report on matters relating to the body the liaison is a member of, when requested by the agency being served by such liaison. In all cases and situations conflicts of interest, bias, and appearances of conflicts or biases, shall be avoided, including by recusal when necessary.
- E. Each standing and general committee shall be responsible and report to the town board, and the duties and tasks of each such committee shall be set by the town board from time-to-time by referral or resolution. The chairperson of each such committee shall prepare an agenda for every meeting and a majority vote of such committee may amend the agenda at any time. Minutes shall be kept of all meetings and decisions, a quorum shall be required for any action, and all matters requiring approval or assent shall be formally voted upon by ayes and noes. All agendas, minutes, and like materials shall be filed with the Town Clerk.
- F. Standing and general committees are prohibited from creating their own subcommittees, but they may petition the town board for the same and, if approved by resolution, the town board shall then create such subcommittee and make appointments, charges, and general rules for tasks and governance not otherwise set forth in this chapter. Unless stated otherwise in any formative resolution or code, these subcommittees shall follow the same general rules as the committee it serves under, and members of subcommittees may be removed with or without cause at any time by majority vote of the town board.
- G. Standing and general committees are generally interagency entities doing non-final day-to-day administrative work, they undertake drafting preliminary and non-final policies and documents for approval by the town board (or other statutory and governmental bodies), and they do not undertake to create, approve, implement, or enforce town policy, or exercise legislative, budgetary, or supervisory authority, such that they are not generally subject to the OML. In the event that any matter comes before a standing and general committee that causes any inquiry as to the meaning or application of the OML,

the chairperson shall refer the matter to the town supervisor for directions or instructions, including as may be provided from municipal counsel, counsel for the committee on open government, or from other advisors that the town supervisor shall then select.

- H. Unless otherwise provided by the town board, actual costs will be reimbursed by the town upon presentation of the proper supporting documentation and verification that such expense is within budget allocations for such committee.
- I. The following agencies shall be standing and general committees for the purposes of this chapter:
 - 1. Information and Technology Committee.
 - 2. Capital Planning Committee.
 - 3. Operations and Code Revision Committee.
 - 4. Water, Sewer, and Stormwater Committee.
 - 5. Personnel Management Committee.
 - 6. Agriculture and Farmland Protection Committee.

§ 7-33 Project and Working Groups - From time-to-time issues and matters affecting or before the town may require in-depth investigation and the study of certain matters by people with particular knowledge about, expertise upon, or insights into specific issues or land areas. Said matters may be of a recurrent nature, constitute quality of life concerns, be project-based, or of a singular nature. As the town board may not have the time or knowledge to attend to such matters as needed or desired, the town board may periodically create and dissolve project and working groups and make appointments thereto, adopt rules of procedure there for, and assign duties and charges to such groups by resolution. Project and working groups shall study and make recommendations to the town board regarding matters designated or referred by the town board, but in all cases such groups shall limit their activities to be in alignment with instructions and charges from the town board, including those as remove certain matters from the consideration or scope of such group's work. The following provisions shall govern and guide the operations and functions of project and working groups in the town.

- A. There is no guarantee of the continuance of any project or working group, or of reappointments thereto, and the number of members of, and appointments to, any such group will be determined in January of every year by the town board. The town board shall also at such time appoint chairperson(s) and vice chairperson(s) for such group, if any, but if a particular project or working group is assigned to work closely with any particular town department then the department head shall be appointed as chairperson. Membership and vacancies will be recruited and appointed by the town board and recruitment will be based on specific skills needed to fulfill the charge of the committee.
- B. Liaisons to these groups shall be permitted only upon the approval thereof by the town board. In all cases, the sole role of a liaison shall be to inform and report on matters relating to the body the liaison is a member of when requested by the agency being served by such liaison. In all cases and situations, conflicts of interest, bias, and appearances of conflicts or biases, shall be avoided, including by recusal when necessary.

- C. Every project or working group shall be responsible and report to the town board, and the duties and tasks of each group shall be set by the town board from time-to-time by referral or resolution. Group members serve at the pleasure of the town board and may be removed by the town board at any time, with or without cause by majority vote of the town board.
- D. The chairperson of each such group shall prepare an agenda for every meeting and a majority vote of such group may amend the agenda at any time. Minutes shall be kept of all meetings and decisions, a quorum shall be required for any action, and all matters requiring approval or assent shall be formally voted upon by ayes and noes. At least monthly, the chairperson shall transmit minutes to the town board, and the group shall prepare and transmit a quarterly report to the town board on the status and progress of the group respecting its charges and referred work. If the group issues a “final report” to the town board and the town board accepts and approves the same as a final report, the group shall be automatically dissolved upon such acceptance unless the town board specifically provides otherwise. All records shall be given to Town Clerk for record-keeping purposes.
- E. Project and working groups are prohibited from creating their own subcommittees, but they may petition the town board for the same and, if approved by resolution, the town board shall then create such subcommittee and make appointments, charges, and general rules for tasks and governance not otherwise set forth in this chapter. Unless stated otherwise in any formative resolution or code, these subcommittees shall follow the same general rules as the group it serves under. Members of subcommittees may be removed with or without cause at any time by majority vote of the town board.
- F. Project and working groups are generally interagency entities doing non-final day-to-day administrative work, they undertake drafting preliminary and non-final policies and documents for approval by the town board (or other statutory and governmental bodies), and they do not undertake to create, approve, implement, or enforce town policy, or to exercise legislative, budgetary, or supervisory authority, such that they are not generally subject to the OML. In the event that any matter comes before a project or working group that causes any inquiry as to the meaning or application of the OML, the chairperson shall refer the matter to the town supervisor for directions or instructions, including as may be provided from municipal counsel, counsel for the committee on open government, or from other advisors that the town supervisor shall then select.
- G. Unless otherwise provided by the town board, actual costs will be reimbursed by the town upon presentation of the proper supporting documentation and verification that such expense is within budget allocations for such committee.
- H. Currently there are two such groups functioning in the town—the Highway Building Working Group and the Parks, Recreation and Trails Working Group. The listing of these groups does not make them a standing or general committee or a statutory or governmental body, nor does such listing guarantee their continuance or prevent other

or new agencies or persons from assuming some or all of the responsibilities or duties of such groups.

SECTION 5 - SAVINGS AND SEVERANCE: The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional must not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which must remain in full force and effect.

SECTION 6 - CODIFICATION: This local law and its amendments to Chapter 7 of the Town Code shall be incorporated into the Town Code, and the incorporator may designate such new section and numerical headings, or other indexed references, as make for a coherent Town Code, sequentially numbered or marked. Nothing in this local law is intended to disrupt or affect the existing Town Code, except to the extent any existing code provision is herein expressly superseded or repealed. All other provisions of the Town Code are hereby reaffirmed and continued in force and effect, and the codification of these amendments shall follow the procedure for amending the code as set forth in the code or the Town's local laws, including but not limited to Local Law #2 of 2022.

SECTION 7 - EFFECTIVE DATE: This local law shall take effect immediately.