

ELEVENTH DAY

THURSDAY, JUNE 4, 2020

Legislature met pursuant to Special Meeting Notice

President Dr. Joe Carbone in the Chair.

ROLL CALL

Present – Legislators Allkofer*, Barnhart*, Bauroth*, Baynes*, Boyce*, Brew*, Carbone, Delehanty*, DiFlorio*, Dondorfer*, Felder*, Flagler-Mitchell*, Hasman*, Hebert*, Keophetlasy*, LaMar*, Lee*, Maffucci*, Marianetti*, Morelle, Jr.*, Roman*, Smith*, Taylor*, Terp*, Wilcox*, Wilt*, Yudelson*, Zale* – 28

Absent – Ancello - 1

* Legislator Participated in the Meeting via Teleconference in Accordance with Executive Order 202.1, issued by Governor Andrew M. Cuomo on March 12, 2020.

SUSPENSION OF THE RULES

Intro. 232
M. 55

Brew & Zale
Motion to Suspend the Rules of the Monroe County Legislature as follows:

PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE SUSPENDED AND MODIFIED FOR THE SPECIAL MEETING ON MAY 26, 2020

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Special Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

19-9F

(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox, and Yudelson Voted in the Negative.)

(Note: Legislator Fred Ancello joined the meeting via teleconference and was present through adjournment.)

The meeting formally opened. President Carbone requested a moment of silent prayer. The Pledge of Allegiance to the Flag was led by Legislator Tracy DiFlorio.

ANNOUNCEMENT

President Carbone ruled against of Legislator Morelle, Jr.'s **POINT OF ORDER**. Legislator Morelle, Jr. **APPEALED THE RULING OF THE CHAIR** and Legislator Baynes **SECONDED** the motion. A vote was taken and the Ruling of the Chair was **SUSTAINED** by the following vote:

Ayes - Legislators, Brew, Felder, Allkofer, Ancello, Boyce, Delehanty, DiFlorio, Dondorfer, Flagler-Mitchell, Hebert, Keophetlasy, LaMar, Lee, Marianetti, Smith, Taylor, Terp, Wilt, Zale, and President Carbone – 20

Nays - Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Roman, Wilcox, and Yudelson – 9

Intro. 232
M. 55

Brew & Boyce
Motion to Suspend the Rules of the Monroe County Legislature as follows:

PROVIDING THAT RULES OF THE MONROE COUNTY LEGISLATURE BE SUSPENDED AND MODIFIED FOR THE SPECIAL MEETING ON MAY 26, 2020

Be It Moved, that Article II, Section 545-6 of the Rules of the Monroe County Legislature, be, and hereby is suspended and modified by prohibiting public in-person access to the Special Meeting in favor of video viewing or listening to, and recording and later transcription of such proceeding.

20-9

(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox, and Yudelson Voted in the Negative.)

President Carbone stated that the sole purpose of this meeting, pursuant to Section C2-9C (1) of the County Charter and Section 545-5 of the Rules of the Legislature of the County of Monroe, was to consider the items listed on the official meeting notice. The Clerk of the Legislature gave notification of this special meeting to legislators and the media pursuant to Rule 545-5 of the Rules of the Monroe County Legislature. President Carbone stated the meeting has been closed to the public and all Legislators are participating via video or teleconference in accordance with Executive Order 202.1. President Carbone also noted that keeping with the Legislature's tradition of openness, the meeting is being live-streamed on YouTube through the Legislature's official channel.

PETITIONS AND COMMUNICATIONS

From the President of the Legislature – DR. JOE CARBONE

Regarding Calling a Special Meeting of the Legislature.

Read and Print. (File No. 20-0201)

June 4, 2020

Mr. Jack Moffitt, Clerk
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

RE: Special Meeting of the Monroe County Legislature

Dear Mr. Moffitt:

Pursuant to the authority vested in me as President of the Legislature by Section C2-9C (1) of the County Charter and Section 545-5 of the Rules of the Monroe County Legislature, I hereby direct you to call a Special Meeting of the Legislature for Tuesday, May 26, 2020 at 5:30 p.m. in the Chambers of the Legislature, 406 County Office Building.

The business to be conducted at the special meeting will be the following:

Providing that Rules of the Monroe County Legislature be Suspended and Modified for the Special Meeting on June 4, 2020;

Providing that the Veto by the County Executive of Resolution No. 169 of 2020 be Overridden.

Please give notice of this Special Meeting of the County Legislature to the members of the Legislature in accordance with the provisions of Section C2-9C (2) of the County Charter. Thank you for your assistance.

Sincerely,
Dr. Joe Carbone
Monroe County Legislature
President

From the County Executive – ADAM J. BELLO

Veto of Resolution No. 169 of 2020, Entitled “Creating Six (6) new Positions in Monroe County Board of Elections and Amending 2020 Operating Budget.”

Read and Print. (File No. 20-0200)

June 3, 2020

Mr. Jack Moffitt
Clerk of the Legislature
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Dear Mr. Moffitt:

This is in response to your letter of May 27, 2020, presenting Resolution 169 of 2020, “Creating Six (6) New Positions in Monroe County Board of Elections and Amending 2020 Operating Budget,” which was certified by you to have been adopted by the Monroe County Legislature at its Special Meeting on May 26, 2020. Pursuant to Monroe County Charter § C2-7, with this letter I am providing notice to the Legislature that I have vetoed Resolution 169 and am returning the vetoed Resolution to you.

This measure would add six new, full-time positions to the Monroe County Board of Elections at a cost of approximately \$500,000 a year in salary and benefits. It includes the creation of two Group 20 Assistant Deputy Commissioner positions that pay \$76,000 - \$98,000 a year, but does not provide job descriptions or clearly defined duties for these supervisory level positions. Monroe County’s current payroll already budgets for two of the highest paid Elections Commissioners and Deputy Elections Commissioners in New York State. Adding several more highly paid administrative positions is unnecessary and irresponsible, particularly during these times of economic hardship. These positions would also be a direct chargeback to the taxpayers of Monroe County, directly affecting their county tax bill, because they are newly created positions and not replacements of current county openings.

Last November, the residents of Monroe County rejected the old way of doing business, including the patronage games that were prevalent across previous administrations. Unfortunately, the majority in the County Legislature did not receive that message and is yet again attempting to create patronage jobs on the backs of Monroe County taxpayers. Just as with the failed CABLE Act, which was a blatant power grab that sought to overturn the clear demand by voters for a new way of governing,, this motion represents the wrong way of doing business and reeks of the patronage traditions of the past.

Moreover, this proposal was submitted a mere four days after I briefed the County Legislature about \$47 million in necessary cost saving measures to help close a projected budget deficit, which includes a hiring delay or freeze on over 400 unfilled positions. If any other county department came to me with a similar request, I would be obligated to reject their proposal as well.

In questioning during the legislature meeting at which this measure passed, it was stated that this would represent the first reorganization of the Board of Elections in over 30 years. That being the case, any such reorganization should have a full public discussion, ensuring it is properly vetted and reviewed. In addition, the answers to the legislators' questions clearly demonstrated that this was thrown together at the last minute and not well thought out, lending further credence to the conclusion that this plan was intended to take advantage of the COVID-19 pandemic to add patronage jobs, rather than to address the actual needs at the Board. Before we ask taxpayers to shoulder these additional costs, they deserve the opportunity to evaluate and weigh in on any such plan.

My administration has shown a clear commitment to providing our Board of Elections with the necessary staffing to handle the expected influx of absentee ballots as a result of the COVID-19 pandemic. We have added all of the seasonal positions requested to date, which represent expenses eligible for CARES Act funding, and have discussed other ways to assist the current staff on numerous occasions with the leadership at the Board of Elections. In fact, as soon as June 8, 2020 the Board of Elections will have 22 new seasonal employees, nearly three times the typical number of seasonal employees at the Board for this time of the year. Despite these ongoing discussions, the six positions created in this measure were never mentioned or proposed to my administration until we received the County Legislature referral at 11:29 a.m. on Tuesday, May 26, 2020 – the same day the motion was to be voted on.

While I fully support the efforts of our Board of Elections staff to ensure our elections are fair and valid, the creation of these patronage positions does nothing to meet that stated objective.

For the reasons stated above, I have vetoed Resolution 169.

Sincerely,
Adam J. Bello
Monroe County Executive

By Legislator Brew and Felder

Intro. No. 228
RESOLUTION NO. 169 OF 2020

CREATING SIX (6) NEW POSITIONS IN MONROE COUNTY BOARD OF ELECTIONS AND AMENDING 2020 OPERATING BUDGET

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. The following positions are hereby created in the Monroe County Board of Election:

1. Two (2) Assistant Deputy Commissioners, Group 20;
2. One (1) Supervisor of Training and Recruitment, Group 15;
3. One (1) Supervisor of Information Services, Group 15;
4. One (1) Supervisor of Absentee Voting, Group 10;
5. One (1) Senior Trainer, Group 10.

Section 2. The 2020 operating budget is hereby amended by appropriating \$220,000 of unassigned fund balance to general fund 9001, funds center 2003010000, BOE Support.

Section 3. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency
File No. 20-0199

ADOPTION: Date: May 26, 2020

Vote: 20-8

(Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Wilcox and Yudelson Voted in the Negative.)

Vetoed by County Executive Adam J. Bello on June 3, 2020.

OTHER COUNTY OFFICIALS

Jack Moffitt, Clerk of the Legislature – Regarding Calling a Special Meeting of the Monroe County Legislature.

Read and Print. (File No. 20-0202)

June 4, 2020

The Honorable
Monroe County Legislature
39 West Main Street
Rochester, NY 14614

Re: Special Meeting of the Monroe County Legislature

Honorable Legislators:

At the direction of Dr. Joe Carbone, President of the Monroe County Legislature, a Special Meeting of the Monroe County Legislature is hereby called pursuant to Section C2-9(C)(1) of the Monroe County Charter and Section 545-5 of the Rules of the Legislature for Thursday, June 4, 2020 at 5:00 p.m. in the Chambers of the Legislature, 406 County Office Building.

The business to be conducted at the special meeting will be the following:

Providing that Rules of the Monroe County Legislature be Suspended and Modified for the Special Meeting on June 4, 2020;

Providing that the Veto by the County Executive of Resolution No. 169 of 2020 be Overridden.

Sincerely,
Jack Moffitt
Clerk of the Legislature

PUBLIC FORUM

An Open Forum was conducted. Email messages from two-hundred and fifty-eight individuals were read and the open forum concluded at 7:41 p.m.

MOTIONS, RESOLUTIONS AND NOTICES

- | | | |
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| 1. Brew & Felder
Intro. 234
M. 57 | 20-0199 | Providing that the Veto by the County Executive of Resolution No. 169 of 2020 be Overridden |
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Intro. 235
M. 58
9-20 F

Baynes/Barnhart (*Motion to Table*)
PROVIDING THAT INTRO. NO. 234 OF 2020 BE TABLED
Be It Moved, that Intro. No. 234 of 2020 be, and hereby is, tabled.
(*Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox, and Yudelson Voted in the Positive.*)

Intro. 236
M. 59

Barnhart/Baynes (*Motion to Amend*)
PROVIDING THAT INTRO. NO. 228 OF 2020 BE AMENDED
Be It Moved, that Intro. No. 228 of 2020 be, and hereby is, amended by striking the two (2) Assistant Deputy Commissioner Positions, Group 20 from Section 1 of the Legislative Action from referral No. 20-0199.

President Carbone ruled that Intro. No. 236 was **OUT OF ORDER**.

Legislator Morelle, Jr. **APPEALED THE RULING OF THE CHAIR** and Legislator Maffucci **SECONDED** the motion. A vote was taken and the Ruling of the Chair was **SUSTAINED** by the following vote:

Ayes - Legislators, Brew, Felder, Allkofer, Ancello, Bauroth, Boyce, Delehanty, DiFlorio, Dondorfer, Flagler-Mitchell, Hebert, Keophetlasy, LaMar, Lee, Marianetti, Smith, Taylor, Terp, Wilt, Yudelson, Zale, and President Carbone – 22

Nays - Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Roman, and Wilcox – 7

Intro. 234
M. 57

Main Motion

President Carbone ruled against of Legislator Morelle, Jr.'s **POINT OF ORDER**. Legislator Morelle, Jr. **APPEALED THE RULING OF THE CHAIR** and Legislator Wilcox **SECONDED** the motion. A vote was taken and the Ruling of the Chair was **SUSTAINED** by the following vote:

Ayes - Legislators, Brew, Felder, Allkofer, Ancello, Boyce, Delehanty, DiFlorio, Dondorfer, Hebert, Keophetlasy, LaMar, Lee, Marianetti, Smith, Taylor, Terp, Wilt, Zale, and President Carbone – 19

Nays - Legislators Barnhart, Bauroth, Baynes, Flagler-Mitchell, Hasman, Maffucci, Morelle, Roman, Wilcox, and Yudelson – 10

Intro. 234
M. 57
20-9

Main Motion

(*Legislators Barnhart, Bauroth, Baynes, Hasman, Maffucci, Morelle, Jr., Roman, Wilcox, and Yudelson Voted in the Negative.*)

UNFINISHED BUSINESS

None

Upon Motion by Legislator Brew, the Legislature Adjourned at 9:46 P.M. until **Tuesday, June 9, 2020 at 6:00 P.M.**

JACK MOFFITT
Clerk of the Legislature