

**TROY CITY COUNCIL AGENDA
ORGANIZATIONAL MEETING
JANUARY 2, 2020
6:00 P.M.**

Pledge of Allegiance
Roll Call

RESOLUTIONS

1. Resolution Adopting Rules Of Order For The Troy City Council, Pursuant To §§ C-18 And C-22 Of The Troy City Charter (Council Member Cummings)
 2. Resolution Amending The Rules Of Order And Setting The Dates Of The Regular Meetings Of The Troy City Council (Council Member Cummings)
 3. Resolution Setting The Salary Of The President Of The Council In Addition To Salary As Council Member (Council Member Cummings)
 4. Resolution Selecting Council Member Ken Zalewski As President Pro Tempore Of The Council And Setting The Salary Of The President Pro Tempore In Addition To Salary As Council Member (Council Member Cummings)
 5. Resolution Appointing Mara Drogan As City Clerk And Setting The Annual Salary Of The City Clerk (Council Member Cummings)
 6. Resolution Approving The City Clerk's Appointment Of Rachel Carter As Deputy City Clerk And Setting The Annual Salary Of The Deputy City Clerk (Council Member Cummings)
 7. Resolution Approving The City Clerk's Appointment Of Adam Sanzone As Assistant To The City Clerk And Setting The Annual Salary Of The Assistant To The City Clerk. (Council Member Cummings)
 8. Resolution Appointing Jeffery W. Nesich As City Auditor And Setting The Annual Salary Of The City Auditor (Council Member Cummings)
 9. Resolution Appointing James Quinn As Legislative Assistant To The Council And Setting The Annual Salary Of The Legislative Assistant To The Council (Council Member Cummings)
 10. Resolution Appointing The Members Of The Standing Committees Of The Council (Council President Mantello)
 11. Resolution Designating The Record As The Official Newspaper Of The City Of Troy (Council Member Cummings)
 12. Resolution Designating Pioneer Commercial Bank And Key Bank As The Official Depositories Of The City Of Troy (Council Member Cummings)
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**RESOLUTION ADOPTING RULES OF ORDER FOR THE TROY CITY COUNCIL
PURSUANT TO §§ C-18 AND C-22 OF THE TROY CITY CHARTER**

BE IT RESOLVED, that pursuant to §§ C-18 and C-22 of the Troy City Charter, Chapter 2, Article V of the Troy Code of Ordinances, entitled “Rules of Order”, is hereby amended to read as follows, and shall constitute the Rules of Order for said Council, in addition to those rules specified in the City Charter.

DIVISION 1. GENERALLY

§ 2-17. Workshop of the City Council defined

“Workshop of the City Council” shall be defined as a meeting of the Troy City Council to discuss City business without voting on any legislation. A workshop may be called by the Council President, or the Council President Pro Tempore, or by two Council members, including the chairperson of the standing or special committee of the Council having jurisdiction over the subject matter of the workshop.

§ 2-18. Meetings – Duties of the City Clerk

The City Clerk shall be the official clerk of the Council and shall keep minutes of meetings and fulfill such other and further duties as may be prescribed by law or ordinance.

§ 2-19. Meetings – Duties of the Corporation Counsel

The Corporation Counsel shall, either in person or by deputy, attend all meetings of the Council. Any member of the Council may at any time call upon the Corporation Counsel for an oral or written opinion as to any question of law, but not to decide upon any parliamentary rules.

§ 2-20. Duties of officers and employees attending

The heads of all City bureaus and departments and any other officer or employee of the City, when requested by the Council, shall attend any regular, adjourned, or special meeting of the Council to confer with the Council in all matters relating to the City.

§ 2-21. Duties of Sergeant-at-Arms

A Sergeant-at-Arms shall be required to be present at each regular and special meeting only upon request of the Council. By January 15th of each year, a schedule of regular meetings shall be forwarded to the Police Chief and shall constitute a standing request by the Council for a Sergeant-at-Arms at all regular Council meetings for the year. The request for a Sergeant-at-Arms shall be made by the President of the Council, or the President Pro Tempore of the Council, or a majority of the members of the Council. Except as otherwise set forth herein, such request shall be filed with the City Clerk at least two (2) hours before any regular or special

meeting. The Sergeant-at-Arms shall be a uniformed member of the Troy Police Department or a sworn peace officer.

§ 2-22. Calling to order

At all meetings, regular or special, upon the appearance of four (4) members, the Council shall be called to order by the President of the Council, or if s/he be absent, by the President Pro Tempore.

§ 2-23. Order of business for regular meetings

A. At any regular meeting, the order of business, which shall not be departed from except with the unanimous consent of the members present, shall be as follows:

1. Pledge of Allegiance to the flag (up to 1 minute)
2. Good News Commendation(s) (up to 10 minutes)
3. Roll Call by Clerk (up to 1 minute)
4. Vacancy List (up to 3 minutes)
5. Approval of Minutes (up to 3 minutes)
6. Presentation of Agenda (up to 2 minutes)
7. Public Forum – up to 7 minutes per speaker on agenda items or any other governmental issue (§ C-23)
8. Agenda:
 - a. Local Laws
 - b. Ordinances
 - c. Resolutions
9. New/Old Business and Announcements
10. Adjournment

B. The Good News Commendation allows the City Council to recognize individuals, groups, organizations, and businesses that have made a positive impact in the community. Each Council member may nominate up to two (2) Good News honorees per calendar year, and the Council member making such nomination shall also present the commendation to the honoree. Nominations shall be submitted to the City Clerk at least one (1) week prior to the regular meeting, and the City Clerk shall coordinate with the honoree and prepare the commendation. There shall be no more than two (2) Good News honorees at any regular meeting of the City Council.

§ 2-24. Order of business for special meetings

At any special meeting, the order of business, which shall not be departed from except with the unanimous consent of the members present, shall follow the exact same order of business used for regular meetings, as outlined in § 2-23, excluding items 2, 4, and 5.

§ 2-25. Public forum

A period of time shall be designated during each regular, special, or standing committee meeting of the Council as a public forum during which residents of the City shall be permitted to address the Council on legislation on that meeting's agenda and, for regular and special meetings, on any subject appropriate to the conduct of Troy city government. The length of time allotted for citizen comment shall be no longer than seven (7) minutes per speaker for regular and special meetings, and five (5) minutes per speaker for standing committee meetings. Each speaker may request that the video portion of cable television coverage cease during the duration of his or her comments. The audio portion will continue. Comments for the public forum may be submitted in writing to the City Clerk. At its discretion, the City Council may require the use of a sign-in sheet to facilitate the ordering of speakers.

§ 2-26. Drafting of proposed local laws, ordinances, and resolutions

- A. All proposed local laws, ordinances, and resolutions shall be drafted by the Corporation Counsel upon the request of the Administration or any member of the Council, and shall have endorsed thereon his/her approval as to form thereof. All requests by Council members shall be copied to the President and President Pro Tempore of the Council, and the City Clerk, when being sent to the Corporation Counsel for drafting.
- 1) As to regular meetings, such request for drafting shall be made by the sponsor thereof no later than four weeks preceding the regular meeting of the Council. The Corporation Counsel shall draft such legislation and deliver a copy of the same to the Mayor and the President of the Council, the President Pro Tempore of the Council, and to the City Clerk, who will then submit an official copy to each member of the Council.
 - 2) As to special meetings, such request for drafting shall be made by the President of the Council, the President Pro Tempore of the Council, or any two (2) Council members, including the chairperson of the standing or special committee of the Council having jurisdiction over the subject matter of the proposed local law, ordinance, or resolution, by delivering to the City Clerk a written request therefore. The Corporation Counsel, upon notification by the City Clerk, shall draft such legislation and, if the special meeting is scheduled for a time more than forty-eight (48) hours thence, deliver a copy to the Mayor, President of the Council, and President Pro Tempore of the Council, and deliver copies to the City Clerk, who will then electronically deliver a copy to each member of the Council as soon as practicable. If such meeting is scheduled for a time less than forty-eight (48) hours thence, copies of the legislation shall be available at the office of the Corporation Counsel and the City Clerk by noon of the date of the meeting.
 - 3) Delivery or service.
 - a) Whenever it is required that a notice of special meeting, or a meeting agenda, or copies of proposed legislation be delivered or served upon Council members by the City Clerk, such delivery or service shall be made either by delivering the same to the Council member or his/her designee in person, or by actually delivering the same to

an address in the City of Troy, designated by the Council member for such delivery or service. If no such address shall have been designated, then delivery or service shall be made by delivering the same to the last known residential address of the Council member.

- b) In any case where the City Charter authorizes delivery or service by mail, delivery or service by mail shall be permitted in lieu of the foregoing methods of delivery or service. If delivery or service is made by mail, said delivery or service shall be deemed made when the item is delivered to a United States postal box or facility with proper postage attached. A Council member may designate an address for delivery, or service by mail shall be made to the Council member's last known address.
- c) In any case where the City Charter authorizes delivery or service to be made electronically or upon independent agreement with any Council member, service by email is permitted as long as notification of delivery is made by a phone call to the phone number designated by the Council member.

B. Legislative functions of the standing committees (pursuant to § C-11 of the City Charter).

- 1) All legislation drafted by the Corporation Counsel at the request of the administration shall be referred to the President of the Council for referral to the chairperson of the standing or special committee having jurisdiction over the subject matter of the legislation. Legislation shall be placed on the agenda for the next meeting of the Council only if same is referred to the President at least three (3) weeks before the next regular Council meeting. If the chairperson refuses to sponsor the legislation, it shall be referred to the whole committee for consideration and must receive approval by majority vote of the standing committee at least two (2) weeks prior to the regular Council meeting in order to be included on that meeting's agenda.
- 2) In the event such legislation does not receive approval within thirty (30) days of its referral to the committee it may then be discharged from the committee by petition signed by a majority of the whole council.
- 3) All legislation drafted by the Corporation Counsel at the request of any member of the Council shall first be referred to the President for referral to the chairperson of the standing or special committee having jurisdiction over the subject matter of the legislation. The chair shall schedule a committee meeting within two (2) weeks prior to the next regular Council meeting in order for such legislation to be included on that meeting's agenda.
- 4) In the event such legislation does not receive approval within thirty (30) days of its referral to the committee it may then be discharged from the committee by petition signed by a majority of the whole Council.

C. Regular meeting agendas shall be delivered to Council members no later than 4:00 p.m. five (5) calendar days prior to the Council meeting.

§ 2-27. Introduction of proposed local laws, ordinances, and resolutions

All local laws, ordinances, and resolutions proposed by the administration shall be introduced by the chairperson or any member of the Council committee which has jurisdiction of the subject matter of the proposed legislation.

§ 2-28. Agenda to include name of sponsor of legislation

The Council agenda must include the name of the sponsor of legislation. Only items approved by committee or chairperson at least two (2) weeks before a regular Council meeting may be placed on that meeting's agenda. An exception will be made in the event of an emergency. The emergency shall be determined by the appropriate committee chairperson or by the President of the Council.

§ 2-29. Chair

When the President of the Council shall leave the Chair, his or her place shall be taken by the President Pro Tempore. If neither is present, the members of the Council present shall select a temporary Chair by a majority of those present.

§ 2-30 Question of order

Question of order shall be decided by the Chair without debate, subject to an appeal to the Council as a whole, which shall also be decided by a majority vote without debate.

§ 2-31. When amendment is proposed to legislation on the floor

When an amendment is proposed to legislation on the floor, action shall be first taken on the amendment and then upon the legislation, amended or not, as the case may be.

§ 2-32. Motion for Reconsideration

- A. No motion for reconsidering any decision of the Council shall be in order unless made by a Council member who voted with the majority, nor unless such motion shall be made at the same or next regular meeting after such decision shall have been made.
- B. A motion for reconsideration being put and lost shall not be removed, nor shall any vote be a second time reconsidered without unanimous consent.

§ 2-33. Privilege of the floor

At meetings of the Council, no person, except Council members, shall have the privilege of the floor, except by unanimous consent of the Council members present. However, the Chair shall

recognize City officers for the purpose of advising the Council with respect to matters pending before it.

§ 2-34. Public hearings

At all public hearings, the Chair shall read the published notice and shall announce the rules governing the conduct of the hearing. While these rules, by a majority of the Council, may be designated so as to adapt to the particular circumstances surrounding any hearings, unless for special reasons to the contrary, they shall be substantially as follows:

- A. No one but a citizen or a taxpayer of the City, or an attorney at law representing a citizen or taxpayer or group of citizens or taxpayers, shall be allowed to speak; provided, however, that the Chair may, in his or her discretion, allow other interested persons to speak.
- B. The person wishing to speak shall, upon being recognized by the Chair, give his or her name and residence and, if an attorney, the names and addresses of every person whom s/he represents.
- C. All remarks shall be directed to the Chair and no colloquy between or among persons presented shall be permitted.
- D. No person shall extend his or her remarks beyond five (5) minutes but, if the person represents several others, the Chair may make reasonable and appropriate exceptions to this time limitation.
- E. The allowance of any rebuttal remarks shall be solely within the discretion of the Chair.

§ 2-35. Receiving motions

When a question is before the Council, no motion shall be received, except to place on the table, unless for adjournment, for the previous question, to postpone to a certain time, to refer to or amend, and shall have precedence in the order herein arranged, and shall be decided without debate or amendment.

§ 2-36. Motion to adjourn

A motion to adjourn shall always be in order, except:

- 1. When a speaker has the floor.
- 2. When a vote is being taken.
- 3. When the previous question has been moved.
- 4. After a motion to adjourn has just been voted down.

§ 2-37. Robert's Rules of Order

The proceedings of this Council shall be governed by Robert's Rules of Order in all cases not provided for by this division insofar as such rules are not inconsistent with the same. To that end, Robert's Rules of Order are hereby incorporated by reference into this subdivision (i.e. Council Rules of Order) and shall govern procedure of the Council except where Robert's Rules of Order are inconsistent with the Council rules. In those cases, the Council rules shall govern the procedure of the Council.

§ 2-38. Limitation on debate

Each member of the Council shall be permitted to speak on each item on the agenda, not to exceed five (5) minutes, and in addition thereto, when speaking on the vote, each member of the Council shall be permitted to speak on each item on the agenda, not to exceed two (2) additional minutes. A member of the Council who has already spoken on an agenda item, having given up the floor, shall not speak again until all other members have had the opportunity to speak on such item. The purpose of this rule is to limit the debate of each member of the Council to seven (7) minutes on each item on the agenda, and to prevent any member(s) from monopolizing the privilege of the floor.

§ 2-39. Rules of decorum and order

- A. During Council meetings, Council members shall preserve order and decorum, and shall neither by conversation or otherwise delay or interrupt the proceedings, nor refuse to obey the order of the presiding officer or the rules of the Council. All members of the Council shall accord the utmost courtesy to each other, to City employees, and to public members appearing before the Council and shall refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.
- B. Members of the administration and employees of the City shall observe the same rules of procedure and decorum applicable to members of the Council.
- C. Public members attending Council meetings shall observe the same rules of propriety and good conduct applicable to members of the Council.

§ 2-40. Suspension of rules

Any provisions of these rules not governed by the Charter, local law or ordinance may be temporarily suspended at any meeting of the Council by a simple majority vote of all members present. The vote upon such suspension shall be taken by ayes and noes and entered upon the record. These rules may be amended by written resolution at any meeting of the Council pursuant to § 2-26 of this subdivision (i.e. Council Rules). Only Council members may submit requests for amendments to the rules.

§ 2-41. Voting and roll call

- A. All matters before the Council shall be determined by voice vote, unless a roll call is requested.
- B. For a voice vote, Council members voting in the affirmative shall indicate such by stating, "Aye". Council members voting in the negative shall indicate such by stating, "No". Any Council member who wishes to abstain from a vote shall make his/her abstention clear by stating, "Abstain". The presiding officer shall conduct the voting procedure by requesting affirmative votes, followed by negative votes, followed by abstentions.
- C. A roll call vote shall be conducted upon the request of any member of the Council.
- D. Whenever a roll call is requested, the City Clerk shall call the roll of the Council in the following manner:

1. Members of the Council representing Council Districts 1 through 6, in numerical district order.
 2. President of the Council.
- E. When determining whether a motion has passed, a “majority vote” shall be construed to mean a majority of the whole body voting in the affirmative (at least four “Aye” votes). Similarly, a “two-thirds vote” requires two-thirds of the entire body to vote in the affirmative (at least five “Aye” votes).

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION AMENDING THE RULES OF ORDER AND SETTING THE DATES OF
THE REGULAR MONTHLY MEETINGS OF THE TROY CITY COUNCIL**

BE IT RESOLVED, that pursuant to § C-19 of the City Charter, the following dates are set for the regular monthly meetings of the Troy City Council for the year 2020:

Regular Council Meetings, 7 p.m.

January 9, 2020
February 6, 2020
March 5, 2020
April 2, 2020
May 7, 2020
June 4, 2020
July 9, 2020
August 6, 2020
September 10, 2020
October 1, 2020
November 5, 2020
December 3, 2020

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION SETTING THE SALARY OF THE PRESIDENT OF THE COUNCIL
IN ADDITION TO SALARY AS COUNCIL MEMBER**

BE IT RESOLVED, that pursuant to § C-3 of the City Charter, in addition to the annual salary of \$15,000 as Council member, the President of the Council shall receive the additional sum of \$5,000.00.

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION SELECTING KEN ZALEWSKI AS PRESIDENT PRO TEMPORE
OF THE COUNCIL AND SETTING THE SALARY OF THE PRESIDENT PRO
TEMPORE IN ADDITION TO SALARY AS COUNCIL MEMBER**

BE IT RESOLVED, that pursuant to § C-4 of the City Charter, the selection of Council member Ken Zalewski as President Pro Tempore of the Council is hereby confirmed, and in addition to the annual salary of \$15,000.00 as Council member, the President Pro Tempore of the Council shall receive the additional sum of \$2,500.00.

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION APPOINTING MARA DROGAN AS CITY CLERK
AND SETTING THE ANNUAL SALARY OF THE CITY CLERK**

BE IT RESOLVED, that pursuant to § C-6 of the City Charter, the City Council's appointment of Mara Drogan as City Clerk is hereby confirmed, and she shall receive an annual salary of \$61,279.00.

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION APPROVING THE CITY CLERK'S APPOINTMENT
OF RACHEL CARTER AS DEPUTY CITY CLERK
AND SETTING THE ANNUAL SALARY OF THE DEPUTY CITY CLERK**

BE IT RESOLVED, that pursuant to § C-6 of the City Charter, the City Clerk's appointment of Rachel Carter as Deputy City Clerk is hereby confirmed, and she shall receive an annual salary of \$43,859.00.

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

RES. #7

**RESOLUTION APPROVING THE CITY CLERK'S APPOINTMENT
OF ADAM SANZONE AS ASSISTANT TO THE CITY CLERK
AND SETTING THE ANNUAL SALARY OF THE ASSISTANT TO THE CITY CLERK**

BE IT RESOLVED, that pursuant to § C-6 of the City Charter, the City Clerk's appointment of Adam Sanzone as Assistant to the City Clerk is hereby confirmed, and he shall receive an annual salary of \$15,000.00.

Approved as to form, December 31, 2019

James A. Caruso, Esq., Corporation Counsel

**RESOLUTION APPOINTING JEFFREY W. NESICH AS CITY AUDITOR
AND SETTING THE ANNUAL SALARY OF THE CITY AUDITOR**

BE IT RESOLVED, that pursuant to § C-8 of the City Charter, the City Council's appointment of Jeffrey W. Nesich as City Auditor is hereby confirmed, and he shall receive an annual salary of \$17,500.00.

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION APPOINTING JAMES QUINN AS LEGISLATIVE ASSISTANT TO
THE COUNCIL AND SETTING THE ANNUAL SALARY OF THE LEGISLATIVE
ASSISTANT TO THE COUNCIL**

BE IT RESOLVED, that pursuant to § C-5 of the City Charter, the City Council's appointment of James Quinn as Legislative Assistant to the Council is hereby confirmed, and he shall receive an annual salary of \$10,000.00.

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION APPOINTING THE MEMBERS OF THE STANDING COMMITTEES
OF THE COUNCIL**

BE IT RESOLVED, that pursuant to §§ C-3 and C-9 of the City Charter, the President shall be the presiding officer of the council; shall be the chair of the standing committee on Finance; and shall be, ex officio, a nonvoting member of all other standing committees; and

BE IT FURTHER RESOLVED, that pursuant to §§ C-9 and C-10 of the City Charter, the following nominations for standing committee memberships are hereby approved:

FINANCE: Membership on this committee shall include the Comptroller, Budget Officer, Auditor, Treasurer, Assessor, Purchasing Agent, and all City Council members.

DRAFT LIST OF COMMITTEES:

GENERAL SERVICES: Membership of this committee shall include the Commissioner of General Services, City Engineer, Director of Parks and Recreation, and at least three (3) City Council members, as follows:

1. Anasha Cummings
2. Jim Gulli
3. Sue Steele

LAW: Membership on this committee shall include the Corporation Counsel, counsel staff as the Corporation Counsel desires, and at least three (3) City Council members as follows:

1. Sue Steele
2. Eileen McDermott
3. Kim McPherson

PLANNING: Membership on this committee shall include the Commissioner of Planning and Economic Development, any assistant commissioners, the Chair of the Planning Commission, the Corporation Counsel, and at least three (3) City Council members as follows:

1. Anasha Cummings
2. Kim McPherson
3. Sue Steele

PUBLIC SAFETY: Membership on this committee shall include the Commissioner of Public Safety, if any, the Police Chief, the Fire Chief, and at least three (3) City Council members as follows:

1. Eileen McDermott
2. Jim Gulli
3. Kim McPherson
4. Sue Steele
5. Ken Zalewski

PUBLIC UTILITIES: Membership on this committee shall include the Superintendent of Public Utilities, Chief Water Plant Operator, Supervisor of Water, Supervisor of Sewers, and at least three (3) City Council members as follows:

1. Ken Zalewski
2. Jim Gulli
3. Eileen McDermott

SCIENCE AND TECHNOLOGY: Membership on this committee shall include the Director of Operations, the Deputy Mayor and/or a representative of the Bureau of Information Services, and at least three (3) City Council members as follows:

1. Ken Zalewski
2. Anasha Cummings
3. Jim Gulli

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION DESIGNATING THE RECORD AS THE
OFFICIAL NEWSPAPER OF THE CITY OF TROY**

BE IT RESOLVED, that pursuant to Chapter 2, Article I, § 2-2 of the Troy Code of Ordinances, the City Council hereby designates The Record as the official newspaper of the City of Troy.

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel

**RESOLUTION DESIGNATING PIONEER COMMERCIAL BANK AND KEY BANK
AS THE OFFICIAL DEPOSITORIES OF THE CITY OF TROY**

BE IT RESOLVED, that pursuant to Chapter 2, Article I, § 2-1 of the Troy Code of Ordinances and § C-51(E) of the Troy City Charter, the City Council hereby designates the following banks, including their successor institutions, if applicable, as the official depositories of the City of Troy for fiscal year 2020:

PIONEER COMMERCIAL BANK

KEY BANK

Approved to form, December 31, 2019

Richard T. Morrissey, Deputy Corporation Counsel