

YONKERS CITY COUNCIL RULES OF PROCEDURE FOR 2016-2017

SECTION I

MEETINGS

1.1 ORGANIZATIONAL MEETING

A. In accordance with the provisions of the Second Class Cities Law of the State of New York, the City Clerk shall convene the City Council to meet and organize for the adoption of rules and for the transaction of such other business as may properly come before the City Council.

B. At the meeting, the City Council President or designee thereof shall lead the Council Members in the Pledge of Allegiance to the Flag of the United States of America. The City Clerk shall call the roll to ascertain the presence of a quorum.

1.2 REGULAR MEETINGS

A. Regular Meetings of the City Council shall generally be held on the second and fourth Tuesday of each month at 7:00 PM except during July, August and December. The City Council will have no Regular Meeting in July and August. In December, the City Council will hold one Regular meeting on the second Tuesday of December. Regular Meetings may be rescheduled upon the concurrence of a majority of the City Council. Should a regularly scheduled Tuesday City Council Meeting fall on a Holiday that is observed by the City, the City Council meeting should then be held on the Wednesday following.¹

B. The City Clerk shall prepare an Agenda, which shall be available to the City Council before 3:00 PM on the Thursday preceding the Regular Meeting. The Agenda shall include all Local Laws, Ordinances, Resolutions, Committee Reports, or other matters properly received by the City Clerk for inclusion therein. The Agenda of all Regular Meetings of the City Council and all backup information and materials, shall be made available to the general public.

No item shall be included on the agenda unless the introducer's memoranda for each local law, ordinance or resolution that may be required pursuant to Section §C4-6 of Article 1 of the Charter of the City of Yonkers, as amended by Local Law No. 13 of 2015, is appended thereto. The City Clerk shall publish each introducer's memoranda including the explanatory note and fiscal note on the agenda.²

Said material shall be available for viewing on the City web page or by pick-up at the Office of the City Clerk by 10:00 AM on the Friday preceding a Regular Meeting of the City Council. The Agenda, including all backup information and material, shall be provided to members of the general public at no charge.

¹ A list of the 2016 Regular Scheduled Meetings are attached in Appendix A.

² Local Law No. 13-2015.

C. Any person who wishes to obtain advance notification of all Council or Committee Meetings shall submit a written or email request for such notification to the Council through the office of the City Clerk, City Hall. Such request shall include the name, address, telephone number and e mail address of the person making the request. Notification shall be made by e-mailing a copy of the agenda and a notice of the time, place and purpose of the meeting to the person requesting notification. The responsibility for keeping the required information current shall be that of the person making the request.

D. The City Clerk's Office shall notify via email all Council Members and persons already registered to obtain advance notification of all Council Meetings and Public Hearings of the City Council. Also, the City Clerk shall notify all Council Members of every public notice that the City Clerk publishes. Additionally, a copy of the notice and Agenda of all Council Meetings, Council Committee Meetings, and Public Hearings shall be sent via email to each branch of the City of Yonkers Public Library, and posted on the City's web site at the same time that such meetings are noticed.

1.3 SPECIAL MEETINGS

A. Special meetings of the City Council shall be held at the request of the City Council President or four (4) members of the City Council with not less than twenty-four (24) hours previous written notice to each member of the City Council. The Call for a Special Meeting shall state the matters that are to be considered. The Clerk shall notify Council leadership prior to sending out public notice of a said special meeting. The Call of a Special Meeting shall be considered delivered if it is hand delivered to the address(es) or transmitted electronically to the e-mail address(es) filed by each Council Member with the City Clerk for the purpose of receiving notices. If no address is filed with the City Clerk, the home address of the Council Member shall be used.

B. No Local Law, Ordinance, Resolution or other matter requiring a vote of the City Council shall be adopted at any Special Meeting unless it has been filed with the City Clerk at least twenty-four (24) hours before the time set for the Special Meeting, and until a copy is delivered to each Council Member with the Call to the Special Meeting. Section 1.3B can be waived by a majority vote of the City Council at the said Special Meeting.

1.4 COMMITTEE OF THE WHOLE

A. There shall be a Committee of the Whole, composed of all members of the City Council. Meetings of the Committee of the Whole shall be held at 6:30 PM on Regular Council Meeting days. No official action will be taken on matters before the Committee of the Whole. Matters to be discussed must appear on the Agenda for that evening. Any person wishing to speak must begin by first identifying himself / herself by name, street address and municipality and, then, identify the specific agenda item number(s) that will be discussed. Each person speaking on a matter on the Agenda has one opportunity to address the City Council; there will be a strict three (3) minute time limit for each speaker.

B. Requests to address the Council at the Committee of the Whole must be made to the City Clerk no later than 3:00 PM. on the day the Committee of the Whole meets and must include the name and address of the speaker, the organization, firm, corporation, or person in whose behalf he or she is appearing and the Agenda item about which he or she wishes to speak.

1.5 APPEARANCES BY THE EXECUTIVE BRANCH

If requested by the Council or any Council Member, the Mayor may direct any representative of the Executive Branch to be in attendance at a Regular or Special Meeting of the City Council or at any Committee Meeting. In the event of the failure of such representative to attend any such meeting the City Council is hereby authorized to issue a subpoena in accordance with Section §C4-12 of the Charter of the City of Yonkers, as signed by the City Council President. In the event the City Council President first refuses to sign said subpoena, or does not sign said subpoena within three (3) days of request, then the Majority Leader is authorized to sign said subpoena.

SECTION II

CONDUCT OF MEETINGS

2.1 ROLL CALL

The City Council President, or in the President's absence, the Majority Leader, or in the absence of the Majority Leader, the Minority Leader shall take the Chair at the hour appointed for the Council to meet and shall immediately call the members to order. The Roll shall then be called by the Clerk, who shall enter in the minutes of the meeting the names of the members present. In the absence of a quorum at the time appointed for a meeting, the members present, may, by a majority vote, take a recess or recesses, and direct the Clerk to procure the attendance of absent members.

2.2 APPEALS FROM DECISION OF THE CHAIR

The Chair shall preserve decorum and decide all questions of order, procedure and implementation of rules, subject to appeal to the Council. An appeal from a decision of the Chair shall be carried by four (4) votes.

2.3 PRESIDING OFFICER LEAVING CHAIR

When the Chair shall be vacant, it shall be filled by the following members in the following order: Majority Leader, Minority Leader, or Council Member in ascending district order. The same order shall apply for the purpose of signing legislation in the absence of the City Council President.

2.4 ADDRESSING THE CHAIR

Every member speaking to a question or making a motion shall gain attention by raising his or her hand or by electronic notice, and the Chair shall thereupon pronounce the name of the member entitled to the floor. Members addressing the Council shall confine themselves to the question under debate.

2.5 OF ORDER AND DECORUM

A. No member shall debate, give a notice, make a motion or report, or present a petition or other paper until he or she has addressed the President and has been recognized by the President.

B. While a Council Member is speaking, other Council Members shall not entertain any private discourse.

C. While the President is putting a question, or a Roll Call is being had, no member shall speak or leave his or her place.

D. When a motion to adjourn is carried, the Council Members and officers shall keep their seats and places until the President declares that the City Council Meeting is adjourned.

E. Members are expected to uphold the highest standards of civility in dealing with other members. Debate should be dignified and lacking in personal invective.

2.6 DEBATE

A. Unless otherwise provided by the chair, no member shall speak for more than five (5) minutes on any issue each time the member addresses the City Council, nor more than twice on any question, without leave of a majority vote of the Council. No member shall be allowed to speak more than once upon any one issue until every other member choosing to speak thereon has spoken. No vote shall be taken unless each member has had an opportunity to speak at least once.

B. The City Council has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The City Council President shall decide if motions or questions are dilatory and upon such determination, in his or her discretion may deny such motion or question. This decision may be appealed to the City Council.

2.7 QUORUM

A quorum shall consist of four (4) members of the City Council or a majority of the members of a Committee in the case of Committee Meetings.

SECTION III

ORDER OF BUSINESS

3.1 GENERAL PROCEDURE

The City Council President shall have general control of the City Council Chambers and the Committee of the Whole. In case of any disturbance, trespass or disorderly conduct in the City Council Chambers, he or she shall have the power to order the expulsion of any person or persons creating such disturbance or trespassing therein.

After the members are called to order, the Pledge of Allegiance shall be recited by the City Council President or by a person or persons specially designated by the City Council. Then, a moment of silence may be extended by the City Council President, or by a member of the Clergy of the City of Yonkers, or by any other person so designated by the City Council. The minutes of the prior meetings shall then be considered for approval by motion of the Majority Leader. During any Committee or Council Meeting, both members of the Council and members of the public in attendance shall place on vibrate or turn off all communication devices until the end of the meeting.

3.2 ORDER OF BUSINESS

After the approval of the minutes, the following shall be the order of business, unless in the discretion of the chair or by a majority vote, the City Council agrees to consider a specific matter out of its regular order. All questions relating to the priority of business, that is, the priority of one question or subject matter of another under the same order of business shall be decided without debate.

A. COMMITTEE OF THE WHOLE:

1. Reception of Petitions
2. Reports and Communications of City Officers
3. Communications Generally
4. Miscellaneous
5. Requests of Speakers on Agenda Matters.

B. CITY COUNCIL MEETING:

1. Presentation of Proclamations
2. Public Hearings
3. Unfinished Business should be conducted as followed unless state or local law requires items to be sequenced differently:
 - A. Local Laws
 - B. General Ordinances
 - C. Special Ordinances
 - D. Resolutions
4. New Business³
 - A. Local Laws
 - B. General Ordinances
 - C. Special Ordinances
 - D. Resolutions

C. ORGANIZATIONAL MEETING:

1. Call of Roll
2. Adoption of Rules
3. Adjournment

3.3 AGENDA

A. At a Regular or Special Meeting, the City Council may consider and vote upon any Local Law, Ordinance, Resolution, or other matter not included in the Agenda for said meeting, provided that such Addenda item is first submitted to each member of the City Council prior to the Council Meeting, and further provided that a Majority of the City Council shall consent to the inclusion of such Addenda item. Any such Addenda item(s) may include:

1. A matter that is in a Standing or Special Committee;
2. Any item that is vetoed by the Mayor;

³New Business shall appear and be introduced as follows: 1. Council President Liam McLaughlin, 2. Majority Leader John Larkin, 3. Minority Leader Michael Sabatino, 4. Chairpersons of Standing and Special Committees, 5. Council Members in ascending district order.

3. Any item that has otherwise been lawfully filed pursuant to the Charter and the Second Class Cities Law with the Office of the Council President, when the requirements of Section §C4-6 of the Charter have not been met, when authorized by a majority of the members of the City Council;⁴ or
4. Any matter that is requested by the Mayor and is accompanied with an appropriate written justification message signed by the Mayor stating the urgency of the matter and the reason it was previously unanticipated.

B. Legislation shall not be allowed before the City Council unless each member has first been given a copy of it and it has been filed in writing with the City Council President pursuant to Section §C4-6 of the Charter.⁵

C. All Local Laws, Ordinances and Resolutions appearing on the Agenda of this City Council shall be numbered separately by the City Clerk; upon the Call of the calendar, no Local Law, Ordinance or Resolution so numbered needs to be read by the Clerk, except upon the request of a Council Member.

D. Notwithstanding any other provision of these Rules to the contrary, the City Council may consider and vote upon any resolution constituting an honorarium not included in the Agenda for said meeting, provided that such honorarium is first submitted to each member of the City Council prior to the Roll Call of such meeting, further provided that a majority of the City Council consents to the inclusion of the honorarium on the meeting's Agenda and further provided that the honorarium has been drafted in final form in a format acceptable to the City Clerk.

3.4 ROLL CALL VOTES

Any member may demand a Roll Call vote on any question. Where a question under consideration covers two (2) or more points which are separable, the questions shall be separated upon the demand of any Council Member.

3.5 RECONSIDERATION

A Motion to Reconsider is in order only when offered by a member of the City Council who voted with the majority in the adoption or defeat of the measure or question; said motion is only proper if offered at the same meeting at which the vote to be reconsidered was taken or at the next following Regular or Special Meeting, whichever shall come first. Any member of the City Council may second such a motion. Once put and lost, a motion to reconsider shall not be renewed, nor shall any vote be reconsidered a second time.

3.6 MOTIONS

When a question is before the City Council, no motion shall be in order, except to adjourn, to lay on the table the previous question, to postpone indefinitely or to a date certain, to commit or to amend, and these shall have precedence in the order in which they are here stated. Until decided, a motion to postpone shall preclude amendment of the main question, and a motion to commit, to

⁴ See *supra* note 2.

⁵ *Ibid.*

lay on the table, or for the previous question, shall preclude amendment and debate. To lay on the table the previous question shall not be in order until each member has had an opportunity to speak once on the main question. The motion to adjourn shall be decided without debate and shall always be in order, except when the question of adjournment has just previously been put and decided in the negative.

3.7 ABSENCE FROM THE FLOOR

No member shall be absent from the meeting, before adjournment, without leave from the Chair, for longer than five (5) minutes. If a member requests permission to absent himself/herself, such permission shall not be withheld by the Chair.

3.8 APPLICABILITY OF NEW YORK STATE PROCEDURES

In the conduct of all examinations, inquiries, investigations or proceedings held by or before the City Council or any designated committee thereof, the law governing the conduct of trials in the Supreme Court of the State of New York, including but not limited to the New York Civil Practice Laws and Rules, shall govern.

3.9 APPLICABILITY OF ROBERTS RULES OF ORDER

The general rules of parliamentary procedure as set forth in Roberts Rules of Order shall govern the deliberations of the City Council, except as otherwise provided by these Rules.

3.10 ORDINANCES

A. Ordinances shall be of two separate and distinct classes:

1. Special Ordinances, relating to special matters
2. General Ordinances, relating to the governing of the City

B. The City Clerk shall keep each class of proposed Ordinances in distinct files and identified as set forth in these Rules and shall give each Ordinance of each class a distinct number after its passage.

3.11 MATTERS REQUIRING A PUBLIC HEARING

It is the intent of the City Council that action be taken on a matter which is the subject of a Public Hearing at the same meeting at which the hearing is held or within the next three (3) Regular Meetings, except for Public Hearings mandated as part of State law which prescribes its own timetable. If action is not taken within the time intended herein, then the City Council may request the City Clerk to re-advertise the Public Hearing giving public notice that action will be taken at the next Regular Meeting of the City Council.

3.12 MINUTES

The annotated agenda will constitute the minutes of the meeting. The minutes shall be posted on the City website within 72 hours and remain on the website in perpetuity.

3.13 RECORDING OF MEETINGS

The City Clerk will use a tape recorder, or the equivalent recording device to record the full proceedings of the Regular or Special City Council Meetings and Standing Committees Meetings. Said recordings, videos and DVD's shall be retained by the City Clerk for a period of five (5) years as an unofficial supplement to the minutes kept pursuant to these Rules. For meetings and hearings not held at City Hall, the City Clerk shall coordinate the broadcasting of

the proceedings whenever possible and retain a copy of said broadcast for a period of five (5) years as part of an unofficial supplement to the minutes kept pursuant to these Rules.

3.14 APPLICABILITY OF NEW YORK STATE OPEN MEETINGS LAW

All Regular and Special Meetings of the City Council, all Meetings of the Committee of the Whole and all Meetings of the City Council's Standing and Special Committees shall be open to the public and press as per the New York State Open Meetings Law contained in Section §103 of the New York State Public Officers Law. However, upon a vote of the majority of the City Council, an "executive session" may be held as per the rules for the conduct of executive sessions of the Open Meetings Law contained in Section §105 of the Public Officers Law. <http://www.nysl.nysed.gov/libdev/excerpts/pbo105.htm>

3.15 CASTING AND RECORDING OF VOTES

All votes shall be "Aye" or "Nay" and shall be duly recorded in the minutes. The roll call of the members shall be as follows: The City Council Members in ascending district order (1-6) ending with the City Council President. Once the question has been put, and the vote is being taken, the members of the City Council shall confine themselves to voting and shall not resume discussion or make further comments on the question.

3.16 ACCESS TO THE WELL OF THE CHAMBER

As a matter of right, only the City Council Staff, representatives of the Executive Branch and authorized representatives of the press shall have the privilege of sitting within the rail during all meetings of the City Council, or any of its committees. The City Council may authorize any other city officer or person at its discretion. The Council shall designate a location for the press and authorized guests.

3.17 FILING WITH THE CLERK

A. All documents will be considered received by the Council when duly filed and time stamped and delivered to all Councilmembers by the Clerk.

B. All Local Laws, Ordinances, Resolutions or other matters requiring a vote of the City Council and which have been passed upon at any Regular or Special Meeting in the affirmative, must be filed by the City Clerk with the Mayor by the close of business the day following the Regular or Special Meeting of the City Council.

C. All Local Laws, Ordinances, Resolutions or other matters which have been signed or vetoed by the Mayor pursuant to Local Law No. 20-1961, Section §C4-6 must be filed with the City Clerk.

D. All items filed by the Mayor with the City Clerk must be forwarded in writing to each member of the City Council within twenty-four (24) hours of the initial filing.

E. Notwithstanding the provisions of Rule IV, all items vetoed by the Mayor and filed with the City Council pursuant to these Rules shall be immediately placed upon the agenda of the next Regular Meeting of the City Council.

F. All items filed with the City Clerk shall contain the introducer's memoranda if required pursuant to Section §C4-6 of the Charter. In accordance with the Charter, the Office of the City

Clerk shall include the explanatory note and the fiscal impact statement required under Section §C4-6 on any agenda, minutes or public notice where proposed or adopted legislation is to be published.⁶

SECTION IV

COMMITTEES OF THE CITY COUNCIL

4.1 RULES COMMITTEE

A. The Rules Committee shall consist of the City Council President as Chairperson and all Council Members.⁷ The Rules Committee shall limit discussion to placing items on the City Council Agenda or referral to a committee for further research and discussion except as delineated in Rule 4.1 B. The scope of a particular Rules Committee agenda may be expanded by a majority vote.

B. The Rules Committee is hereby designated as the only Committee to review mayoral appointments. Said Committee may conduct a confirmation hearing of any said appointments and said Committee may issue subpoenas for witnesses and/or the production of documents in connection with any such confirmation hearing, as signed by the City Council President or the Majority Leader or the Minority Leader as specified herein. The Rules Committee shall attempt to preserve the confidentiality of the nominee and endeavor to complete its process in a reasonable and timely manner.

C. All proposed Local Laws, Ordinances, Resolutions, or other matters must be submitted to the Rules Committee, the Majority Leader, the Minority Leader and the City Clerk by 12:00 noon on the Friday prior to the next scheduled Rules Committee Meeting. If said Friday is a holiday, then the deadline is the preceding Thursday by 12:00 noon.⁸ The Rules Committee shall act promptly upon any such Local Law, Ordinance, Resolution, Committee Report, or other matter submitted to it for the purpose of formulating an Agenda for the next scheduled City Council meeting or for the purpose of referring matters to appropriate Standing or Special Committees for consideration.

D. The City Council President shall be responsible for tracking all legislation introduced and referred to committee. The City Council President shall inform the Council of all time limits, referrals and the need for a Public Hearing on all pending legislation. The City Clerk continues to be the official repository of all official records.

E. The Rules Committee shall generally meet regularly at 6:30 PM on the first and third Tuesday of each month unless otherwise specified by a majority of the Committee. Should a regularly scheduled, Tuesday Rules Committee Meeting fall on a Holiday that is observed by the City, the Rules Committee Meeting shall then be held on Wednesday following. The City Clerk or a

⁶ See *supra* note 2.

⁷ Local Law No. 20-1962.

⁸ See *supra* note 2.

person designated by the City Clerk shall be present at the Rules Committee Meeting to take the minutes or record of the meeting.

F. When filed with the City Clerk by the Rules Committee, all Local Laws, Ordinances, Resolutions and Committee Reports shall have the names of the Council Members presenting same, endorsed thereon: and no Local Law, Ordinance or Resolution shall be placed on the Agenda by the City Clerk unless it contains the names of the sponsors. All items sponsored by the Rules Committee shall bear sponsorship of all committee members voting in the affirmative, unless otherwise requested by a Council Member.

Each local law, ordinance or resolution submitted to the Rules Committee for introduction shall contain the title of the item, which briefly states the subject thereof.

In any item, each section proposing an amendment to or the repeal of (i) the City Code, or any part thereof; or (ii) the Charter of the City of Yonkers, or any part thereof, shall refer to such law, act, charter, or code.

In any item, each section proposing an amendment to or the repeal of an unconsolidated law having a short title, or any part thereof, shall refer to such law by its local law, ordinance or resolution number and year of enactment and its short title. If an unconsolidated law shall have no short title, each section shall state the local law, ordinance or resolution number and year of enactment of such law and a short summary of the provisions to which the law relates or the complete title of the original item.

Every item amending, adding to or repealing existing law, upon its introduction, and if reprinted, must, in the body of the item contain:

1. All new matter to be added to or inserted in existing law underscored;
2. All matter to be eliminated by amendment from existing law printed in its proper place in the item enclosed in black-faced brackets;
3. The word "repealed," when any existing law or part thereof is proposed to be repealed, printed in boldface type; and
4. Whenever it is proposed to amend only a part of a word in existing law, the whole of such word shall be printed in its proper place enclosed in black-faced brackets and the whole word as proposed shall be underscored.

Whenever an item is amended by eliminating proposed new matter, such new matter shall be omitted in the reprint of the item.

G. Nonconforming items. If the City Council President shall determine that any local law, ordinance or resolution submitted for introduction is not drawn or printed in accordance with the provisions of this rule, the City Council President may, in his or her discretion, direct such item to be amended and reprinted by its sponsor so as to comply therewith, before it can be deemed introduced.

4.2 STANDING AND SPECIAL COMMITTEES

A. The Council may designate such other Standing or Special Committees as it deems necessary for the orderly conduct of its business. All Standing and Special Committees shall be created by a majority vote of the entire City Council for a two-year period or less.

B. The following Standing Committees, number of members and their respective Chairpersons of said committees are hereby established:

4.2.1 Rules Committee (7 members):

Chair, Liam McLaughlin

4.2.2 Budget and Finance Committee (7 members):

Chair, Liam McLaughlin

4.2.3 Community Services Committee (5 members):

Chair, Christopher Johnson

4.2.4 Education Committee (5 members):

Chair, Mike Breen

4.2.5 Environmental Policy and Protection Committee (7 members):

Chair, Liam McLaughlin

4.2.6 Legislation & Codes (5 members):

Chair, Dennis Shepherd

4.2.7 Municipal Operations & Public Safety Committee (5 members):

Chair, Corazon Pineda-Isaac

4.2.8 Real Estate Committee (5 members):

Chair, John Larkin

4.2.9 Intergovernmental Affairs Committee (5 members):

Chair, Michael Sabatino

4.3 MEMBERSHIP OF COMMITTEES

A. The membership and number of Majority members of each committee shall be in the same ratio as the majority members of the City Council are to the entire membership of the City Council, with all fractional members being credited to the majority; provided, however that there shall be at least one minority member on each committee.

B. The City Council President shall be a voting member of all standing committees.

C. The names of all Majority Committee members shall be filed by the Majority Leader in the Office of the City Clerk and the Office of the City Council President within seven (7) days of appointment. The names of all Minority committee members shall be filed by the Minority Leader in the Office of the City Clerk and the Office of the City Council President within seven (7) days of appointment.

4.4 COMMITTEE MEETINGS AND AGENDAS

Committee Meetings and the agenda for such meetings are at the sole discretion of the committee Chairperson, with the exception of the Rules Committee, which shall be governed in accordance with the procedures for that committee set forth herein.

No committee meeting shall be scheduled until the Chairperson of the Committee has filed a request with the City Council President for use of the City Council conference room or chambers. The City Council President shall have general charge and supervision of the City Council chamber, City Council conference room and all physical facilities.

Each Committee Meeting will begin with a greeting by the Chair and a brief summary of the rules of the Council related to courtesy, decorum and speaking before Council.

At the commencement of any committee meeting, members of the public may be granted the privilege of the floor as follows: persons who wish to speak on any item on a Committee agenda may be granted the privilege of the floor for three (3) minutes, unless in the discretion of the chair of the Committee, circumstances dictate a longer or shorter period for all speakers on a particular item. The length of the speaking periods for public comment must be uniform for a particular item.

Nothing in this rule shall preclude a Committee by a majority vote thereof from permitting members of the public to participate during the business portion of the meeting. Thereafter, the order of discussion at any Committee Meeting shall be the Committee Members followed by the Council Members in attendance. Any individual invited to attend and participate in a Committee Meeting or any individual having business before a committee shall, at the discretion of a majority of the committee, address the Committee either before or after members of the Council.

The respective Chairperson of each committee shall be required to advise the Office of the City Clerk of all scheduled meetings, indicating the date, the time and purpose, and the location of said meetings as in the manner provided in these Rules.

4.5 EXPIRATION OF MATTERS IN COMMITTEE

In the event that a matter, which has been referred to Committee, has not been discussed or addressed within ninety (90) days of said referral, it shall be deemed to be withdrawn if the proper notice for withdrawal has been completed and it shall have to appear again on the Rules Committee Agenda as new legislation before it may be acted upon. The City Council President shall, on his/her initiative, have the authority to remove any piece of legislation from any Committee and transfer said legislation to the Rules Committee. Notification that a piece of legislation shall be deemed to be withdrawn due to committee inaction may be given by the City Council President to each originating or sponsoring Councilmember and the Administration, one (1) week before its official lapse. Withdrawal is not complete unless the City Council President's notice is received by the sponsor(s) of the legislation, and the Administration and seven (7) subsequent days have expired. Notwithstanding any language to the contrary, all legislation shall expire at the conclusion of the City Council's biennial legislative term.

4.6 COMMITTEE REPORTS

A. Except for the Rules Committee, at the conclusion of a committee meeting the Chairperson of such committee or his or her designee shall deliver to the City Council President and the Office of the City Clerk a roll call on each of the items considered by the Committee indicating the attendance of the Council members and the ayes and nays. Such roll call shall be made available for inspection by the general public.

B. A standing committee may report any item, either with or without amendments, or it may report adversely to the same or it may report that a bill has been held for further action and/or study.

C. A report of a committee must contain the name of the Committee making the same, the matter reported on, the name of the introducer and the title of the item. Such report shall state whether such matter was reported:

1. favorably, with or without amendments or referred to another committee;

2. adversely; or
3. held for further action and/or study.

4.7 REFERRAL TO RULES COMMITTEE

Items reported favorably out of any Standing or Special Committee shall be returned to the Rules Committee together with the written report for placement on the Agenda in accordance with the rules governing the actions of the Rules Committee.

4.8 PUBLIC HEARINGS

Chairpersons of standing committees may call public hearings to permit interested persons, groups or organizations the opportunity to testify orally or in writing on items or other matters pending before such standing committee provided, however, that each Chairperson shall call such public hearings upon a petition signed by a majority of the members of the committee unless otherwise provided by state or local law or rule.

4.9 REINTRODUCTIONS

During the first fifteen days of the first January of the City Council's biennial legislative term, the administration or any Council member may send notice to the City Clerk requesting the re-introduction of any expired legislation. Such legislation shall be added to the next Rules Committee agenda for action.

SECTION V

RENAMING, DECLARING OR DISCONTINUING PUBLIC STREETS

5.1 RESOLUTIONS BY COUNCILMEMBERS

A. A Council Member may introduce a resolution to make public or discontinue a street or otherwise change the Official City Map of Yonkers. It shall be a rule of procedure of this City Council, pursuant to General City Law Section §29, not to approve or disapprove of any legislation to change the Official City Map unless and until a report has been received from the Planning Board.

B. The City Clerk shall initiate the review process by forwarding to the Planning Board a copy of the City Councils resolution. The Planning Board shall solicit the advice of any affected city agencies and shall particularly obtain from the Office of the City Engineer the following information:

1. How long the street has been in use;
2. When it was added to the Official City Map;
3. When it was first worked by the City;
4. What utilities are installed and when they were installed;
5. The status of repair of the roadbed and utilities, if known;
6. The approximate cost to the City to be assumed by making the street public or discontinued;
7. The number of houses on the street to be affected thereby;
8. Other pertinent information.

The Planning Board shall also specifically seek the advice of the Corporation Counsel's Office regarding any legal issues involved in amending the Official City map. The Planning Board shall return its report to the City Clerk who shall forward the communication to the City Council.

5.2 PETITIONS BY THE PUBLIC

When a petition is filed by any private interest requesting the City Council to amend the Official City Map the petition shall be filed in the same manner as a petition for a zone change. The petitioner shall file twenty-five (25) copies of the petition with the City Clerk. The petitioner shall pay a fee of \$2,000 that shall cover both the City Council and the Planning Board fees. The City Clerk shall forward 12 copies of the petition to the Planning Board for its use in the review of the proposed amendment to the Official City Map.

5.3 PROCESS FOR AN HONORARY STREET RENAMING REQUEST

A. An honorary public street renaming request shall consist of the following steps:

1. An honorary public street renaming request shall be initiated in writing from one or more resident(s), business owners(s), or tenant(s) or by a home owners association or similar common ownership organization) within the city of Yonkers.
2. A family or group who wishes to have a portion of a street renamed must communicate this with the City Council of Yonkers, directly to the Council Member of record in whose district the street – or part thereof – which is proposed to be renamed, is located. This request must be in writing, identifying which street is to be honorary renamed, who or what it is to be renamed for and why, including a biographical statement detailing what that person or group has done for the City of Yonkers to deserve this honor. A non-refundable filing fee of one hundred (\$100.00) must accompany each request made payable to the Yonkers City Clerk.
3. The petition must meet the following criteria:
 - (i) The person whose name is proposed for such honorary naming shall have resided in the City of Yonkers at least ten continuous or non-continuous years during his/her lifetime, during which time such person shall have preferably resided on the street in question
 - (ii) Must have been a Yonkers resident for more than ten years.
 - (iii) Deceased for at least one year.
 - (iv) At least 50% of the number of residents and owners of real property (as shown on the City Assessor's records) adjoining the street or portion of street proposed for such honorary naming shall have signed such petition.
4. Upon review and acquiescence of the District Council Member of the honorary street renaming request, a resolution will be submitted to the Rules Committee of the City by that Councilmember identifying the information as presented in subsection 1 of this Rule, i.e. the street which is to be honorary renamed, who or what it is to be renamed for and why, including a biographical statement detailing what that person or group has done for the City of Yonkers to deserve this honor.
5. The City Council will direct the City Clerk to publish a legal notice stating the date, time and place of the Public Hearing and a brief description of the street to be re-named. Following the Public Hearing, the Council will in its sole discretion, determine whether to allow the honorary renaming to proceed.
6. Upon approval by the City Council of Yonkers of the honorary street renaming request, the resolution will be provided to the Traffic engineering bureau of the City of Yonkers so that a blue honorary street sign can be developed and erected in the

requested location. The Council Member or record can then arrange for an honorary street renaming ceremony, if desired.

B. Such honorary public street renaming shall expire within twenty-five years.

SECTION VI

PROCEDURE FOR ZONE CHANGES

6.1 INTRODUCTION

The following rules and forms of procedure shall hereafter govern proceedings before this City Council in the case of any petition for a change on zone district classification:

6.2 COPIES OF PETITION

Pursuant to Section §43-168(A) of the Yonkers Zoning Ordinance, twenty (20) copies of the petition for an amendment to a regulation or zoning districts shall be filed with the City Clerk, by the owner of property seeking change of zone.

6.3 FEES

Pursuant to Section §43-168(B) of the Yonkers Zoning Ordinance, all petitions for a change of zone shall be accompanied by certified check, payable to the City of Yonkers in the sum of \$2,000 plus \$150 per acre to cover the cost of the expenses incidental thereto. The applicant shall also bear the cost of the advertising of a Public Hearing or hearings of said petition.

6.4 CONTENTS OF PETITION

A. Pursuant to Section §43-168(C) of the Yonkers Zoning Ordinance, the petition shall set forth:

1. Name and address of petitioner.
2. Ownership of property on which zone change is sought and an allegation that petitioner is the owner of 50 percent or more of the frontage in the district or part thereof in which the change of zone is sought.
3. Identity of property by Tax Map Lot and Block Numbers, Street Address; also by general description of the land (by metes and bounds, if necessary), its approximate dimensions, area and location on the street, with reference to readily ascertainable distances from known monuments, street corners, and/or by reference to filed maps or subdivision plots, etc.
4. Designation of the zone district classification or classifications in which the subject property is presently located, and the zone district classification to which petitioner seeks the requested change.
5. The actual use and/or occupancy, if any, of the property at the time of filing the petition. The intended use or purpose for which the change of zone is sought.
6. Reference to the area maps annexed to the petition showing the subject property, all lands within 200 feet of the area of land affected by the proposed change and all lands within 200 feet from the street frontage of land directly opposite the subject property, by lot and block numbers as shown on the Official Tax Map of the City of Yonkers and the Zone District or Districts of said lands as they appear on the Zoning Maps of the City of Yonkers, such area maps to be accurate copies of the Official Tax Map of the City as

filed in the Department of Assessment, petitioner to file an additional 13 copies of said area map with the City Clerk to be furnished to the Council.

7. Reference to Site Plan annexed to the petition, the site plan of the proposed zone change showing among other things:

- (i) The intended location and general size and description of the building or buildings including the ground floor area (lot coverage), height of building and number of stories.
- (ii) The number of apartments to be contained therein, if an apartment project.
- (iii) The planned grade.
- (iv) The location of all off-street motor vehicle parking facilities.
- (v) Set backs.
- (vi) Means of ingress and egress to parking areas.
- (vii) The location of loading and unloading facilities of a non-residential building.
- (viii) The petitioner will warrant, represent, and covenant that he will build in accordance with the plans and specification submitted and will comply with the provisions of the petition, the petitioner to file an additional 13 copies of said Site Plan with the City Clerk; and
- (ix) Prayer for the relief sought.

B. The petition must be signed and acknowledged by the owner of the subject property, whether individual, corporate, partnership, firm or association. Signature and acknowledgment by an agent or agency is not permissible.

6.5 REFERRAL TO PLANNING BOARD

A. The City Council shall refer a copy of the petition to the Planning Board for its report:

Upon return of said report and if the City Council orders the petition to be set down for a Public Hearing thereon, the City Clerk shall so advise the petitioner or his attorney, who shall thereupon:

1. Cause a notice of the time and place of the Public Hearing on the petition and the purposes thereof to be printed and published in the two official newspapers of the City of Yonkers as well as the appropriate newspaper of the said community as determined by the Council Member(s) of the affected districts at the expense of the developer at least twenty (20) days prior to the time of the hearing (see Exhibit "A" for form).⁹
2. At least twenty (20) days prior to the Public Hearing, serve by registered or certified mail, upon every owner of land within a radius of 200 feet of the area of land affected by any proposed amendment, supplement, change or repeal and upon every owner of land directly opposite thereto extending 200 feet from the street frontage of such opposite land, a written notice of the time and place of such Public Hearing and the purposes thereof (see Exhibit "B" for form); and a protest form (see Exhibit "C" for form); and consent form (see Exhibit "D" for form)⁴; with the owner's name, address and description by lot and block number filled in. When the property involved fronts on any State Highway, Parkway or Thruway or any County Road or Parkway or State or County Park within the City of Yonkers, the City Clerk, as well as the Petitioner, must forward to the

⁹ For all Exhibits, please contact City Clerk.

Westchester County Planning Board a written notice of said Public Hearing 20 days prior thereto.¹⁰

3. File with the City Clerk, not less than four (4) days prior to the public hearing, proof in the form of affidavits of:

(i) Publication of the notice in the official newspapers, and related community publication as determined by the Council Member(s) of the affected districts at the expense of the developer.

(ii) Service of the written notice and protest forms, etc., upon the required owners of property.

6.6 PROTESTS

A. Pursuant to Section §43-169 of the Yonkers Zoning Ordinance, protests against property, with the post office registry receipt or receipts annexed thereto. Proposed Change of Zone may be filed by the following classes of persons:

1. An owner of land within the area of land included in the proposed change;
2. An owner of land immediately adjacent, extending 200 feet from the land concerned; or
3. An owner of land directly opposite to the land concerned extending 200 feet from the street frontage of such opposite land.¹¹

In any and all calculations of the percentage of protests, in the classes described in (A-1), (A-2), and (A-3), above, any and all public and private streets shall be excluded from the total area.¹²

B. Requirements for a valid protest:

1. Protest must be in writing and signed by the owner (not by an agent or attorney), and notarized.
2. It must be duly acknowledged.
3. It must state the name and address of the owner protesting and describe said owner's land by lot and block number as per the Official Tax Map of the City of Yonkers, and street number, if any, and by any other appropriate means which will permit identification of the size and location of such land with reference to the land upon which the zone change is sought.

¹⁰ For the purpose of written notice, "owner of land within a radius of 200 feet" and "owner of land directly opposite" shall mean and include all the names and addresses listed for said land by the Department of Finance of the City of Yonkers in its address book of real properties entitled, "Official Address Book of Real Properties" as shown in said book, thirty (30) days prior to the date set for a Public Hearing on a petition for a change of zone, and for each name so listed without address the property or street address of the subject land shall be considered the mailing address to which said notices shall be forwarded.

When the City of Yonkers is among the owners of land within the 200 feet radius or if the owners of land directly opposite, said written notice shall be served upon the Director of Real Estate of the City of Yonkers.

¹¹ Note: If the owners of 20 percent or more of the land in any of the above classes file proper protests, the change of zone requested shall not be passed, except by a majority vote of the City Council.

¹² Local Law No. 9-1965.

4. It must state that the owner protests or objects to the requested change of zone and the grounds upon which the protest is made.
5. The protest must be filed with the City Clerk not less than four days prior to the Public Hearing on the petition.

6.7 CORRECTION OF PROTESTS

At any time prior to the Public Hearing, a mistake, omission, or irregularity, or defect made in good faith in the protest, not pertaining to the manner or time of filing thereof, may be corrected or supplied.

6.8 RENEWAL OF APPLICATION

Renewal of an application for a change of zone district subsequent to a denial and/or withdrawal of an application for a change of zone district. In the event a petition for an amendment, supplement, change or repeal of the regulations prescribed for any district or part thereof, by virtue of the provisions of the City of Yonkers Zoning Ordinance of 2000 (General Ordinance No. 4-2000, as amended) is denied, or if the petition is withdrawn, for reasons other than a technical error, after the notice of hearing shall have been mailed, no further application may be made for such an amendment, supplement, change or repeal of regulations prescribed for said district or part thereof within a period of twenty-four (24) months except upon a three fourths (3/4) affirmative vote of the City Council.¹³

6.9 CERTIFICATION BY THE CLERK RELATING TO ZONE CHANGES

The City Clerk shall certify to the City Council that the owners of the land required to be served with written notice of a requested zone change and their address, as shown on the "Official Address Book of Real Properties" on file in the Department of Finance of the City of Yonkers, is as set forth in the affidavit of service thereof by the petitioner or his attorney, which is required to be filed with the City Clerk.

That the petitioner or his attorney shall be required to present to the Office of the City Clerk, at least ten (10) days prior to the date set for Public Hearing, the list of names and addresses of the real property owners who were served with the notice of such Public Hearing, together with the block and lot numbers of the properties owned by them.

SECTION VII

OFFICERS

7.1 LEADERSHIP

The City Council in accordance with Section §C4-2 of the Charter hereby designates Council member John Larkin as Majority Leader and Council Member Michael Sabatino as Minority Leader. The designation of party affiliation of each Council member shall be determined by party affiliation at the time of the general election in which they were elected. This designation shall be utilized to determine the Majority and the Minority status of the Council. A majority of

¹³ Local Law No. 16-1964.

the City Council shall appoint or remove the Chairman of each Committee created by Rule 4.2, except as otherwise provided by law, rule or resolution.

7.2 SERGEANT-AT-ARMS

A. The City Council President may in his or her discretion provide for the appointment of a citizen to serve as Sergeant-at-Arms at the pleasure of the City Council. The Sergeant-at-Arms shall be (i) a person privileged by the Law Enforcement Officers Safety Act of 2004, including a qualified law enforcement officer under 18 USC § 926B(c), or a qualified retired law enforcement officer under 18 USC § 926C(c); or (ii) a police officer or a retired police officer as defined in subdivision thirty-four of section §1.20 of the New York State Criminal Procedure Law. The City Council may provide or contract to provide for the compensation and necessary appurtenances for the Sergeant-at-Arms to discharge the duties in accordance with his or her office.

B. The Sergeant-at-Arms shall exercise the following duties:

1. Be in attendance in the Council Chamber while the City Council is in session.
2. Maintain order in the Council Chamber and in the conference room and offices of the city council and of its officers and employees.
3. During any session of the City Council, prohibit any lounging or loafing in the council chamber and keep the railing clear of all persons.
4. Remain on duty, or assign one or more assistants to remain on duty, in the council chamber during recess of the City Council and keep unauthorized persons from the desks of the members.
5. Under the direction of the City Council President, oversee the physical arrangement of the council chamber, the committee rooms, and offices of the city council and of its officers, and maintain security therein.
6. Execute all process issued by authority of the City Council in accordance with rule 1.4 as he or she is directed to execute by the City Council President.
7. Carry out all commands and directions of the City Council or the City Council President.

7.3 OFFICE OF THE LEGISLATIVE COUNSEL

A. The City Council President may in his or her discretion appoint or retain a special counsel to provide legal and policy advice to the City Council President, staff, and other council members, as directed.

He or she shall perform and discharge the duties of parliamentarian for the City Council. The parliamentarian shall interpret all questions on the City Council rules, subject to appeal by any member of the City Council to the City Council President. The decision of the City Council President may be appealed to the City Council by any Council member.

B. The Majority Leader may in his or her discretion appoint or retain a counsel to the Majority to provide legal and policy advice to the Council Majority, staff, and other council members, as directed.

The majority counsel may act as alternate parliamentarian at council meetings when required.

C. The Minority Leader may in his or her discretion appoint or retain a counsel to the Minority to provide legal and policy advice to the Council Minority, staff, and other council members, as directed.

SECTION VIII

TENURE OF RULES

8.1 CONTINUITY AND APPLICABILITY

Rules adopted by the City Council remain in effect until removed by a Majority of the City Council.

8.2 SUSPENSION OF THE RULES

One or more of the Yonkers City Council Rules may be amended, suspended, or supplemented at any time, by four (4) votes of the City Council.

8.3 POSTING AND DISTRIBUTION OF RULES

These said Rules also shall be posted on the City Council website within 72 hours and remain on the website for the duration of the term of this Council. A copy of these Rules will be distributed to the members of the City Council prior to the first Rules Committee meeting. Copies of these Rules shall also be available for distribution to the public at the Office of the City Clerk during regular business hours.

8.4 SEVERABILITY

In the event that any one or more of these rules or any part thereof shall be held to be contrary to or invalid under the laws or Constitution of the United States or the laws or Constitution of the State of New York, Westchester County or the Charter of the City of Yonkers, such illegality or invalidity shall not effect in any way any of the other rules hereof, all of which shall continue, nevertheless, in full force and effective January 2, 2016.

APPENDIX A

2016 RULES/CITY COUNCIL MEETING SCHEDULE

<u>RULES COMMITTEE</u>	<u>CITY COUNCIL MEETING</u>
January 5, 2016	January 12, 2016
January 19, 2016	January 26, 2016
February 2, 2016	February 9, 2016
February 16, 2016	February 23, 2016
March 1, 2016	March 8, 2016
March 15, 2016	March 22, 2016
April 5, 2016	April 12, 2016
April 19, 2016	April 26, 2016
May 3, 2016	May 10, 2016
May 17, 2016	May 24, 2016
June 7, 2016	June 14, 2016
June 21, 2016	June 28, 2016
September 6, 2016	September 13, 2016
September 20, 2016	September 27, 2016
October 5, 2016 (WED)	October 11, 2016
October 18, 2016	October 25, 2016
November 1, 2016	November 9, 2016 (WED)
November 15, 2016	November 22, 2016
December 6, 2016	December 13, 2016