

**RESOLUTION NO. 452**

**APPROVING THE BY-LAWS OF THE ALBANY COUNTY PLANNING BOARD**

Introduced: 10/9/18

By Law Committee:

WHEREAS, Pursuant to New York State General Municipal Law Section 239-c, the Commissioner of the Department of Public Works has requested this Honorable Body to approve the by-laws for the Albany County Planning Board, and

WHEREAS, The members of the Albany County Planning Board unanimously approved the by-laws, which indicates the rules, procedures and organization of the Albany County Planning Board as well as officers, duties, membership, attendance, vacancies, required training, meetings, order of business, quorum, agenda and minutes, annual reports, compensation, conflicts of interest, recusals and changes in by-laws, now, therefore be it

RESOLVED, By the Albany County Legislature that the by-laws for the Albany County Planning Board as annexed hereto are hereby adopted, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

**By-Laws of the Albany County Planning Board**  
**Adopted 6/21/2018**

**Article I Introduction/Purpose:**

The Albany County Planning Board, herein after referred to as the Board, is established pursuant to the Albany County Charter Article 11 Section 1103 to advise, upon request, and to make recommendations when deemed appropriate to the Legislature regarding such matters related to comprehensive metropolitan, regional, county, and municipal planning, and perform the duties and responsibilities conferred upon a County Planning Board by Article 12-B of the General Municipal Law of New York State.

**Article II Officers and Duties:**

Section 1. Officers of the Board shall consist of a Chairperson and a Vice Chairperson.  
Section 2. The Chairperson shall preside at all meetings and shall have special duties as prescribed herein, and shall have the authority to preside at any adjourned meetings or call and preside at any special meetings.

Section 3. The Vice Chairperson, in the absence of the Chairperson, shall preside at all regular meetings, adjourned meetings, and special meetings of the Board.

Section 4. The Secretary shall be selected by the Board and will have no voting privileges. The Secretary shall keep a written record of all business transacted by the Board, give notice to all members of all meetings, keep on file all official records of the Board, certify maps, records and reports of the Board, and serve notice of all public meetings.

Section 5. The Officers of the Board shall be elected by the appointed board members.

**Article III Membership:**

Section 1. Membership of the Board is established by Albany County Charter Article 11 Section 1103. The Board is composed of eight members; five persons who shall be appointed by the County Legislature; three of the eight members are ex-officio members or their designees as established in the County Charter, including the Commissioner of the Department of Public Works, the County Comptroller, and the Commissioner of the Department of Management and Budget.

Section 2. The ex-officio members or their designees may participate in the deliberations of the Board but shall not have voting privileges as per New York State General Municipal Law §239-c (2) (b).

Section 3. Board members must reside within the boundaries of Albany County,

pursuant to the residency requirement established by New York State Public Officers Law Article 2 Section 3.

Section 4. Upon recommendation of the Board and adoption of a Resolution of the Albany County Legislature approving such action by the Board, a Board member may be removed for:

- unlawful conflict of interest;
- violation of rules;
- inability to carry out duties;
- inappropriate actions or behavior;
- absence from fifty (50%) percent or more of meetings within a calendar year; or
- failure to meet the mandatory training requirements.

#### **Article IV Attendance:**

Section 1. Voting members are expected to attend all meetings of the Board. Absences caused by illness, extreme weather conditions, or by personal matters of importance are excusable.

Section 2. Voting members who cannot attend meetings of the Board for an extended period of time due to work or personal circumstances must request a leave of absence in writing, which request must be approved by a majority of Board members.

Section 3. A Board member may be removed if that member misses one-half (50%) or more of the regularly scheduled Board meetings in one year that are unexcused. The member shall be removed in accordance with Article III above.

#### **Article V Vacancies:**

Section 1. Should any vacancy occur among members of the Board by reason of death, resignation, disability, or otherwise, the Secretary shall provide prompt notice to the County Legislature. Should a vacancy occur among the officers of the Board, a replacement officer shall be appointed by the Board.

Section 2. The Board may recommend a person(s) to the County Legislature for considerations for appointment to a vacancy on the Board. If such recommendation is made by the Board, it shall be made only after an affirmative vote thereon. This section shall not prohibit individual members of the Board from making individual recommendations to the County Legislature to fill vacancies.

Section 3. Consistent with New York State General Municipal Law §239-c (2)(b), the Board shall recommend members to the County Legislature for appointment to the Board who represent a cross section of interests within the County. Consideration shall also be given to securing representation by population size, geographic location, and

type of municipality.

#### **Article VI Required Training:**

Section 1. Board members are required to receive 4 hours of training each year as per New York State General Municipal Law Article §239-c (2)(d). Approved training providers are identified in Albany County Resolution #140 of 2007 or its replacement. The Secretary shall keep a record of the training received for each member of the Board.

#### **Article VII Meetings:**

Section 1. The Board shall meet regularly on the third Thursday of every month or at such other time designated in the meeting notice. The time, date and place of the meeting shall be confirmed at the immediately preceding meeting. Any regular meeting may be adjourned to a definite date by a majority vote of a quorum of the Board members.

Section 2. The Chairperson of the Board shall have the authority to reschedule a regular meeting due to a lack of quorum or call special meetings as needed. The Chairperson shall also be empowered to cancel a meeting of the Board.

Section 3. The Secretary shall cause each member to be notified of the place and date of each meeting in accordance with New York State Open Meetings Law (Public Officers Law, Article 7).

Section 4. All regular meetings, regular adjourned meetings, and special meetings shall be open to the public. All meeting procedures shall be in accordance with New York State Open Meetings Law (Public Officers Law, Article 7 §103).

Section 5. An executive session may be called upon an affirmative vote of at least three members taken in an open meeting pursuant to a motion identifying the general areas of the subject to be considered. Purposes for holding an executive meeting shall be in accordance with New York State Open Meetings Law (Public Officers Law, Article 7 §105).

Section 6. Except where provided for in these By-Laws of the Board, procedure in Board meetings shall be governed by general parliamentary procedure.

#### **Article VIII Order of Business:**

Section 1. The order of business for a regular meeting shall be:

1. Call to Order
2. Attendance
3. Minutes

4. Referrals from:
  - a. Municipalities, pursuant to New York State General Municipal Law §239-l,m,n
  - b. County Executive
  - c. County Legislature
5. Unfinished business
6. New business
7. Miscellaneous
8. Adjournment

#### **Article IX Quorum:**

Section 1. For the transaction of ordinary routine business at any regular, adjourned Board meeting, or special meeting, three voting members shall constitute a quorum and at least three affirmative votes shall be necessary to decide any issue.

#### **Article X Board Agenda, Minutes, and Other Records:**

Section 1. The Board shall keep an agenda and set of minutes of all meetings and these minutes shall become public record in accordance with New York State Open Meetings Law (Public Officers Law, Article 7 §106).

Section 2. The Secretary shall prepare the proposed agenda and minutes for all meetings of the Board.

Section 3. The Secretary shall keep a record of all resolutions, transactions, findings and determinations voted on by the Board, which record shall be a public record.

#### **Article XI Annual Report:**

Section 1. The Board shall submit an annual report to the County Legislature documenting the number of referrals under New York State General Municipal Law for the year and any other information that was requested by the Legislature. The Secretary shall prepare the annual report on behalf of the Board.

Section 2. The Board shall also document in its annual report the training received by members which satisfies the Annual Training Requirement as defined by New York State General Municipal Law §239-c (2)(d).

#### **Article XII Compensation:**

Section 1. The Board members shall not receive any salary or compensation, but may be reimbursed for authorized, actual, and necessary travel and expenditures that are pre-

approved by the Secretary, as per New York State General Municipal Law §239-c (2)(e).

Section 2. All such reimbursements are required to be authorized in advance by the County Department responsible for the Board's budget. Expenses incurred without prior authorization cannot be reimbursed to the Board member.

#### **Article XIII Conflicts of Interest and Recusals:**

Section 1. The members of the Board shall be subject to the Code of Ethics and Financial Disclosure Law of the County of Albany (Local Law No. 8 for 2008) or its replacement.

#### **Article XIV Changes in By-Laws:**

Section 1. These By-Laws may be changed or added to by the affirmative vote of a supermajority of the Board. No change in or addition to these By-Laws shall be made unless notice in writing shall be filed with the Secretary at the meeting preceding the meeting at which the motion to change is to be made. The notice shall state explicitly what change is to be proposed, and the Secretary shall cause a notice to be sent to each member at least 7 days prior to the date of the next meeting indicating the exact wording of the proposed motion.

#### **Article XV Enactment:**

Section 1. Pursuant to New York State General Municipal Law §239-c (2) (g), as amended, the Albany County Planning Board has adopted these By-Laws governing its operation, subject to their approval by the County's legislative body.

Section 2. These By-Laws shall supersede any and all by-laws previously adopted by this Board. These By-Laws were reviewed by and approved by the Board by a vote of 5-0 at their meeting of June 21, 2018.