

**RULES, ENACTMENTS & INTERGOVERNMENTAL RELATIONS COMMITTEE**  
**Held In Room 318**  
**PUTNAM COUNTY OFFICE BUILDING**  
**CARMEL, NEW YORK 10512**

**Members: Chairman Othmer, Legislators Albano, & Gross**

**Wednesday** **August 22, 2012** **6:30 P.M.**

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The meeting was called to order at 6:30 P.M. Chairman Othmer who requested that Legislator Albano lead the Pledge of Allegiance. Upon roll call, Legislator Albano and Chairman Othmer were present. Legislator Gross was absent.

**3) Approval of Minutes – June 11, 2012**

The minutes were approved as submitted.

**4) Discussion/Local Law to Amend Chapter 5 of the Putnam County Code Entitled “Appropriations”**

Chairman Othmer stated that he asked at the August Full Legislative Meeting for this item to be tabled back to the Audit Committee and requested an opinion on the item from the County Attorney’s office. He was out of town when the Audit Committee passed this item to the August Full Legislative Meeting. He stated the County Attorney sent him a confidential opinion and that each Legislator was given a copy tonight. He stated when he first read this item he did not feel comfortable with it because he felt the Legislature was creating a super committee. He stated that according to the County Attorney’s opinion, this proposed change does create a super committee and disregards the 60-day rule by requiring appropriations over \$25,000 to be approved by the Audit Committee, therefore blocking the other six Legislators from voting on the appropriation. He asked Chairwoman of the Legislature, Mary Conklin, if we could request an opinion from the New York State Attorney General on this proposed change.

Legislator Sam Oliverio stated he agreed.

Legislator Dini LoBue stated she did not agree.

Legislator Oliverio stated he agrees because the Attorney General would be the individual to investigate any malfeasance.

Legislative Counsel Clement Van Ross stated that this item was tabled at the August Full Legislative Meeting back to the Audit & Administration Committee. The Audit Committee Chair permitted the Rules Committee Chair to discuss and make a recommendation to the Audit Committee. Ultimately, the Audit Committee has the final say as to how the item will proceed from tabling.

Chairman Othmer stated that according to the County Attorney's opinion, this proposed change also takes powers away from elected officials. The only way you can legally take away powers from an elected official is through referendum and it is too late in the year to submit this referendum for the November 2012 ballot. Even if the Legislature votes in favor of this item, it will then wait until the next election season, November 2013, to have a referendum be voted on.

Legislative Counsel Van Ross stated he did not believe that powers were being taken away from any elected official.

Legislative Chairwoman Conklin stated that the Rules Committee may make a recommendation to the Audit Committee.

Legislators Albano and Gross agreed with Chairman Othmer that the Rules Committee will forward to the Audit Committee a recommendation to request an opinion from the New York State Attorney General on this proposed change.

There being no further business, at 6:36 P.M., Legislator Albano made a motion to adjourn, seconded by Legislator Gross. All in favor.

Respectfully submitted by Krista M. Butler, Administrative Assistant.