

Minutes of a meeting of the Term Limit Advisory Committee held on Tuesday, March 10, 2020 in the Legislative Conference Room, 5th Floor, Hazlett Building, Elmira, New York.

Members present: L. Thomas Sweet (Chairman), Joseph Brennan, Michael Smith, Peggy Woodard.

Also present: Bryan Maggs, Attorney to the Legislature and Special Districts.

The Chairman of the Committee, L. Thomas Sweet, called the meeting to order at 3:45 p.m.

Motion by Mr. Smith to approve the minutes of the March 3, 2020 Term Limit Advisory Committee meeting as submitted. Motion seconded by Mrs. Woodard. Motion Carried.

Mr. Smith stated that he talked with the Clerk of the Steuben County Legislature regarding how term limits were instituted in that county and what the effect has been. She noted that when term limits were first imposed Steuben County legislators could serve three, four-year terms. This has been amended to four, four-year terms with a one-term break in service required before they can run again. Steuben County has had a few Legislators who “aged out” but who were re-elected after sitting out for one term. The Clerk noted that one downside to term limits is the loss of institutional knowledge and experience. She also noted that when term limits were instituted in Steuben County they went to staggered terms for the 17 seat Legislature. This required changing the length of term for half of the Legislature to two-years. Mr. Smith noted that there are some in favor of term limits and there are some opposed. The Committee members have been willing to take the time to research the topic and has looked at the facts. To date, nothing compelling has been presented for the imposition of Term Limits at the county level.

The Committee and Attorney Maggs reviewed the Rules of the Legislature and Parliamentary Procedure (Robert Rules of Order) for bringing a measure (Resolution) back that has already been taken up but was not successful. Mr. Sweet referred to Section III (HH.) of the Rules of the Legislature. The Committee also requested clarification regarding the Mandatory Referendum question for Term Limits. Attorney Maggs re-iterated that the Term Limit proposal that was previously recommended by the Committee does not fit within the parameters of Section 23(2) of the New York State Municipal Home Rule Law, and a referendum is not permitted. New York State law forbids referenda unless expressly permitted in statute. He stated that Courts have uniformly ruled that the referendum provisions do not apply to measures that limit the number of terms as official can hold office.

The meeting was adjourned on the motion by Mrs. Woodard, seconded by Mr. Brennan. Motion Carried.

Next meeting: Tuesday, March 17, 2020 at 3:45 p.m.