

APPROVED

Summary of Minutes

AGENDA/CHARTER COMMITTEE

April 25, 2011

5:30 p.m.

Chairman Yolevich called the meeting to order at 5:50 p.m.

MEMBERS PRESENT: Richard Yolevich (Chair), John Howland (Vice Chair), Michael G. Barker, C. Stephen Eckel (RMM), Vincent J. Esposito, Michael G. Barker (Ex-Officio)

OTHER LEGISLATORS PRESENT: E. Daniel Quatro, Ciaran Hanna, Rick Antelli, Debbie Drawe, and Dick Beebe

ADMINISTRATION PRESENT: Jerry Helfer (Assist. Co. Exec.), Bill Taylor (County Attorney), Kelly Reed

PUBLIC FORUM: There were four speakers.

APPROVAL OF MINUTES: The minutes of March 21, 2011 were approved as submitted.

NEW BUSINESS:

11-0099 - 2011 Annual Work Program for the Monroe County Legislature – President Jeffery R. Adair

MOVED by Legislator Barker, SECONDED by Legislator Howland.

ADOPTED 5-0

11-0100 - Enact a Local Law Entitled “Amending the Monroe County Charter to Reform the Legislative Work Program” – President Jeffery R. Adair

MOVED by Legislator Howland, SECONDED by Legislator Barker.

ADOPTED: 3-2 (*Legislators Eckel and Esposito voted in the negative*)

11-0106 - Restricting Inappropriate Funeral Protesting Activities at Funeral Related Events – Legislator Richard A. Beebe

MOVED by Legislator Esposito, SECONDED by Legislator Barker.

Legislator Yolevich MOVED and Legislator Barker, Howland and Eckel SECONDED a Motion to Amend File No. 11-0106 to read as follows:

**LOCAL LAW ENTITLED "RESTRICTING
INAPPROPRIATE DISRUPTIVE PROTESTING ACTIVITIES AT
FUNERAL RELATED EVENTS"**

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to include the following Local Law:

CHAPTER 381, RESTRICTING DISRUPTIVE PROTESTING ACTIVITIES AT FUNERAL RELATED EVENTS

§381-1. Title.

This chapter shall be known as the law “Restricting ~~Inappropriate~~Disruptive Protesting Activities at Funeral Related Events.”

§381-2. Legislative Intent.

The Legislature finds that:

A. It is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives.

B. The interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations.

C. Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights: 1.) at times other than within one (1) hour prior to the commencement of any funeral, during any funeral, or until one (1) hour following the completion of any funeral; and 2.) at locations other than within one thousand (1,000) feet of a funeral.

§381-3. Purpose.

The purposes of this section are to:

A. Protect the privacy of grieving families within one (1) hour prior to the commencement of any funeral, during any funeral, or until one (1) hour following the completion of any funeral;

B. Preserve the peaceful character of cemeteries, mortuaries and churches within one (1) hour prior to the commencement of any funeral, during any funeral, or until one (1) hour following the completion of any funeral; and

C. Protect the First Amendment Rights of individuals by placing only restrictions that are content neutral and contain a reasonable time and place limitation.

§381-~~24~~. Definitions. As used in this section:

A. Demonstration: Picketing and other protest conduct directed at a Funeral Related Event, including but not limited to oration and speech with or without the use of sound amplification equipment or devices, and display of signs with or without verbal accompaniment.

B. Funeral Related Event: Ceremonies, wakes, funerals, burials, Shiva, and other memorial services held in connection with ~~at~~ the deceased person.

§381-35. Prohibitions.

No person ~~in the Monroe County~~ shall knowingly engage in a demonstration within ~~five hundred (500)~~ one thousand (1,000) feet of any church, synagogue or other place of worship, mortuary, funeral home, cemetery, or other location at which a Funeral Related Event is being held within one (1) hour prior to the commencement of any Funeral Related Event, during any Funeral Related Event, or until one (1) hour following the completion of any Funeral Related Event.

§381-46. Enforcement and Penalties.

A violation of any provision of this chapter shall constitute an offense and be punishable as follows:

A. Any person violating ~~Section 381-3 of this law~~ the provisions of this chapter shall be guilty of a ~~violation-misdemeanor~~, and upon conviction thereof, ~~shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) for each violation and/or by imprisonment of up to one (1) year.~~ Each such violation shall constitute a separate and distinct offense.

B. This chapter shall be enforced by any law enforcement agency having jurisdiction.

§381-57. Severability.

If any clause, sentence, paragraph, subdivision, section or ~~part~~article of this local law or application thereof to any person, individual, corporation, firm, partnership or entity shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or ~~part~~article of this local law or its application to the person, individual, corporation, firm, partnership or entity thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Added Language is underlined

Deleted Language is ~~stricken~~

ADOPTED: 5-0

ADOPTED: 5-0

11-0129 - Confirmation of the Reappointment of the Commissioner of Human Services – County Executive Maggie Brooks

MOVED by Legislator Barker, SECONDED by Legislator Howland.

ADOPTED: 5-0

ADJOURNMENT:

There being no other matters, Chairman Yolevich adjourned the meeting at 6:57 p.m.

The next Agenda/Charter Committee meeting is scheduled for **Monday, April 25, 2011** at 5:30 p.m.

Respectfully submitted,
Casey K. DiCaro
Deputy Clerk of the Legislature