

**RESOLUTION NO. 503 -2009, ADOPTING LOCAL LAW
NO. 24 -2009, A LOCAL LAW TO CLARIFY SEVEN DAY RULE
REQUIREMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2009, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY SEVEN DAY RULE REQUIREMENTS**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 24 -2009, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO CLARIFY SEVEN DAY RULE REQUIREMENTS

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that pursuant to NEW YORK MUNICIPAL HOME RULE LAW, no proposed local law may be enacted unless it shall be in its final form for at least seven consecutive days prior to passage.

This Legislature also finds that the SUFFOLK COUNTY CHARTER extends this so-called "seven day rule" to resolutions; but expressly exempts operating and capital budget resolutions from this requirement.

This Legislature further finds that as a practical matter, other types of resolutions (i.e., adopting assessment rolls, levying taxes and assessments) cannot conform to the seven day rule and it has been the County's long-time practice to exempt these resolutions from the seven day aging requirement.

This Legislature also determines that the SUFFOLK COUNTY CHARTER should be amended to reflect current practices.

Therefore, the purpose of this law is to expressly exempt a small class of resolutions from the seven day aging requirement set forth in the SUFFOLK COUNTY CHARTER.

Section 2. Amendments.

Section C2-12(A) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C2-12. Legislative consideration of proposed local laws and resolutions.

- A. Immediate consideration may be given to a home rule message or any resolution which relates to the following: the annual adoption of the capital budget and program; the annual adoption of the operating budget; approving a community college budget total; levying taxes, assessments, water rents, sewer rents and charges; approving assessment rolls and tax warrants; and approving the return of fund balances to taxpayers pursuant to Local Law 21-1983. Otherwise, no proposed local law or resolution may be enacted until it shall have been in its final form and laid on the table at a regular meeting of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its final passage, unless the County Executive certifies in writing, which certificate shall state the specific reason(s) as to the necessity for its immediate passage, in which case such legislation may be passed only by the affirmative vote of 2/3 of the total membership of the County Legislature. The substance of the aforementioned stated specific reason(s) shall not constitute the basis for the Legislature to refuse to consider or entertain such certificate of necessity.

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

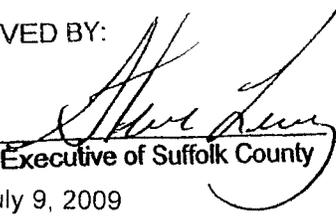
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: June 9, 2009

APPROVED BY:



County Executive of Suffolk County

Date: July 9, 2009

After a public hearing duly held on June 22, 2009
Filed with the Secretary of State on July 27, 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County, on June 9, 2009, and signed by the County Executive on July 9, 2009, after a public hearing duly held on June 22, 2009 and filed with the Secretary of State on July 27, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature