

**STRICKEN END OF YEAR**

Intro. Res. No. 1589-2009

Laid on Table 6/23/2009

Introduced by Legislators Montano and Romaine

**RESOLUTION NO.                    -2009, ADOPTING LOCAL LAW  
NO.                    -2009, A LOCAL LAW TO ENSURE THE TIMELY  
FILLING OF VACANCIES ON THE HUMAN RIGHTS  
COMMISSION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2009, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THE TIMELY FILLING OF VACANCIES ON THE HUMAN RIGHTS COMMISSION**"; now, therefore be it

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

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

**A LOCAL LAW TO ENSURE THE TIMELY FILLING OF VACANCIES  
ON THE HUMAN RIGHTS COMMISSION**

**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 the Suffolk County Human Rights Commission was created to foster respect and understanding among the many diverse communities found in Suffolk County; to inquire into incidents of tension and conflict arising from issues of race, creed, color, national origin, sex, age, disability, marital status or sexual orientation; and to investigate complaints of unlawful discrimination.

This Legislature also finds and determines that in order to be effective, the Human Rights Commission needs to act as an independent entity, and its members must be insulated from political influence or pressure.

This Legislature further finds that the fifteen (15) members of the Human Rights Commission are appointed by the County Executive to fixed three (3) year terms, subject to legislative approval.

This Legislature determines that historically, County Executives have been slow to fill vacancies on the Human Rights Commission and that some members have been allowed to remain in a holdover capacity for years after their terms expired. This longstanding practice has the potential to reduce the independence of the Commission because a holdover member, who can be replaced immediately at anytime, and for any reason, may feel restrained from speaking or acting on certain issues due to the lack of a fixed term.

This Legislature further determines that it is vitally important that vacancies on the Human Rights Commission be filled in a timely manner to ensure that the Commission fulfills its important responsibilities in an efficient manner.

This Legislature also determines that vacancies on the Human Rights Commission should be filled in the order that they occur.

Therefore, the purpose of this law is to create a mechanism that will allow vacancies on the Human Rights Commission to be filled quickly, thereby ensuring the efficiency and independence of the Human Rights Commission.

**Section 2. Amendments.**

Chapter 89 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 89,  
HUMAN RIGHTS COMMISSION**

**ARTICLE I, Creation and Organization.**

\* \* \* \*

**§ 89-4. Membership; terms; organization; compensation; rules of proceedings.**

\* \* \* \*

D. Vacancies in the membership of the Commission shall be filled in the order that they occur. Within one hundred and twenty (120) days of the expiration of the term of a Commission member, the County Executive shall introduce a resolution, in accordance with the provisions of Section C2-11 of the SUFFOLK COUNTY CHARTER, to reappoint the member or appoint a successor. If the County Executive fails to file the necessary resolution within the aforementioned one hundred and twenty (120) days, any County Legislator may introduce, for consideration by the full Legislature, a resolution that fills the vacancy.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to all vacancies on the Human Rights Commission 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.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: