

**RESOLUTION NO. 982 -2009, ADOPTING LOCAL LAW
NO. 39-2009, A CHARTER LAW UPDATING THE SUFFOLK
COUNTY CHARTER AS RECOMMENDED BY THE CHARTER
REVIEW COMMISSION**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 18, 2009 a proposed local law entitled, "**A CHARTER LAW UPDATING THE SUFFOLK COUNTY CHARTER AS RECOMMENDED BY THE CHARTER REVIEW COMMISSION**"; now, therefore be it

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

LOCAL LAW NO. 39 -2009, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW UPDATING THE SUFFOLK COUNTY CHARTER
AS RECOMMENDED BY THE CHARTER REVIEW 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, every ten (10) years, a Charter Review Commission convenes to examine the Suffolk County Charter and provide recommendations to improve the document.

This Legislature also finds and determines that a Charter Review Commission was organized and convened on February 7, 2008.

This Legislature further finds and determines that the Charter Review Commission met eleven (11) times over the next fourteen (14) months to hear testimony and discuss possible changes to the Charter.

This Legislature finds that the Charter Review Commission submitted its report and recommendation to the County Executive and the County Legislature on June 12, 2009, outlining recommended changes to the County Charter.

This Legislature determines that among the recommendations made by the Commission is the elimination of charter sections that are no longer necessary because the programs they enacted have expired (Save Open Space, Community Greenways); or provisions have been superseded by state law (Public Access to County Records); or provisions have never been implemented (Public Financing of Campaigns); or otherwise become obsolete and irrelevant.

This Legislature also finds that the recommendations provided by the Charter Review Commission are well reasoned and will improve the Charter's organization and clarity by eliminating obsolete provisions.

Therefore, the purpose of this law is to streamline the Suffolk County Charter by implementing certain recommendations of the Charter Review Commission.

Section 2. Repeal.

- A) Sections C2-16, C2-17 and C2-18 of the SUFFOLK COUNTY CHARTER (“Official Map”) are hereby repealed.
- B) Section C4-6(D) of the SUFFOLK COUNTY CHARTER is hereby repealed.
- C) Section C4-10(I) of the SUFFOLK COUNTY CHARTER is hereby repealed.
- D) Section C4-12(A)(1) of the SUFFOLK COUNTY CHARTER is hereby repealed.
- E) Section C4-33 of the SUFFOLK COUNTY CHARTER (“Taxpayers Trust Fund”) is hereby repealed.
- F) Section C4-36 of the SUFFOLK COUNTY CHARTER is hereby repealed.
- G) Article 12A of the SUFFOLK COUNTY CHARTER (“Community Greenways”) is hereby repealed in its entirety.
- H) Section C23-1 of the SUFFOLK COUNTY CHARTER (“Records to be available to the public”) is hereby repealed.
- I) Article 36 of the SUFFOLK COUNTY CHARTER (“Save Open Space”) is hereby repealed in its entirety.
- J) Article 40 of the SUFFOLK COUNTY CHARTER (“Suffolk Linked Deposit Act”) is hereby repealed in its entirety.
- K) Article 41 of the SUFFOLK COUNTY CHARTER (“Public Financing of Election Campaigns”) is hereby repealed in its entirety.

Section 3. Amendment.

Section C4-6 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

§C4-6. Submission of proposed county budget by County Executive.

H. Within two weeks after the submission of the County Executive's proposed operating budget, the County Executive shall submit a budgetary forecast of cost to continue expenditures of initiatives included in the operating budget as well as the budgetary impact of nonrecurring or special revenues projected in the proposed budget for the following year.

[The nonmandated portion of the proposed expense budget for any fiscal year, beginning with fiscal year 2000 and then in each pertinent fiscal year thereafter, shall not contain appropriations for sub-object 402-heat, light and power, or any successor sub-object thereto, which are in excess of those contemplated by the LIPA guarantee of at least a fourteen-percent

rate reduction, as measured against LILCO's base rates as of July 16, 1997, as calculated by such technical independent experts as may be retained by the County of Suffolk for the sole and exclusive purpose of making such a determination or as determined by the Suffolk County Department of Audit and Control, as the case may be. In the event that there is a dispute as to the magnitude, realization or implementation of such rate reduction for any year in question, then the County Treasurer and County Comptroller are hereby authorized, empowered and directed, pursuant to §§ 15-2G and 5-2I, respectively, of the Suffolk County Charter, to withhold such portion of such appropriation as may be determined by duly enacted resolution of the County of Suffolk to be necessary, in an interest-bearing escrow account pending final disposition of said dispute. The County Legislature shall implement and enforce the provisions of this subsection by invoking the procedures set forth in §§ 16-1B and/or 16-1C of the Suffolk County Charter. Any such action or proceeding shall be designed, constructed, pursued and prosecuted to the maximum extent permitted by law to final conclusion of the action by judicial determination of last resort, regulatory determination of last resort or judicially approved settlement (approved by the County of Suffolk), as the case may be.]

Section 4. Applicability.

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

Section 5. 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 6. 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 7. Effective Date.

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

DATED: November 17, 2009

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED DECEMBER 17, 2009

After a public hearing duly held on November 30, 2009
Filed with the Secretary of State on January 8, 2010

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 November 17, 2009, and unsigned by the
County Executive on December 17, 2009, after a public hearing duly held on
November 30, 2009 and filed with the Secretary of State on January 8, 2010
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

Intro. Res. 1776 Res. No. 982

November 17, 2009

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE				/	
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.		/			
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.		/			
8	William J. LINDSAY, P.O.	/				
	Totals	15	2	-	1	

MOTION	
<input checked="" type="checkbox"/>	Approve
_____	Table: _____
_____	Send To Committee
_____	Table Subject To Call
_____	Lay On The Table
_____	Discharge
_____	Take Out of Order
_____	Reconsider
_____	Waive Rule _____
_____	Override Veto
_____	Close
_____	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

RESOLUTION DECLARED	
<input checked="" type="checkbox"/>	ADOPTED
_____	NOT ADOPTED

Tim Laube
 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote