

STRICKEN END OF YEAR
AMENDED COPY AS OF 9/24/2009

Intro. Res. No. 1778-2009
Introduced by Presiding Officer Lindsay

Laid on Table 8/18/2009

**RESOLUTION NO. -2009, ADOPTING LOCAL LAW NO.
-2009, A LOCAL LAW IMPLEMENTING THE CHARTER
REVISION COMMISSION'S RECOMMENDATION REGARDING
THE TERMS OF THE PRESIDING OFFICER AND DEPUTY
PRESIDING OFFICER**

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 IMPLEMENTING THE CHARTER REVISION COMMISSION'S RECOMMENDATION REGARDING THE TERMS OF THE PRESIDING OFFICER AND DEPUTY PRESIDING OFFICER**"; 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 IMPLEMENTING THE CHARTER REVISION
COMMISSION'S RECOMMENDATION REGARDING THE TERMS
OF THE PRESIDING OFFICER AND DEPUTY PRESIDING OFFICER**

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 finds that Charter Review Commission submitted its report and recommendations to the County Executive and the County Legislature on June 12, 2009, outlining twelve (12) recommended changes to the County Charter.

This Legislature also finds that the Commission recommended that the Presiding Officer and Deputy Presiding Officer be elected to terms of two years to provide greater continuity and stability in County government. Presently, the Presiding Officer and his deputy are selected on an annual basis.

This Legislature also finds that, by establishing a two-year term for the Presiding Officer and Deputy Presiding Officer, legislators will be free to focus more on substantive policy and less on politics.

This Legislature further determines that the process for selecting a Presiding Officer and Deputy Presiding Officer and filling vacancies in these offices should be clarified.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY ADMINISTRATIVE CODE to increase the terms of the Presiding Officer and Deputy Presiding Officer from a one-year term to a two-year term and to clarify the process for selecting a Presiding Officer and Deputy Presiding Officer.

Section 2. Amendments.

I. Section A2-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

* * * *

§A2-2. Organization of County Legislature.

- A. The members of the County Legislature shall hold an organization meeting on the first business day in January in each year unless the first business day in January falls on a Friday, in which case the County Legislature shall hold its organization meeting on the following Monday.
- B. At the organization meeting in even numbered years (held following a general election at which County Legislators are elected) the County Legislature shall elect from its own members a Presiding Officer and Deputy Presiding Officer in accordance with the provisions of section A2-3 of this Administrative Code. Subject to the exceptions set forth in section A2-3 of this Administrative Code, the Presiding Officer and Deputy Presiding Officer so elected shall serve until the end of the subsequent calendar year.
- C. At all organization meetings, the County Legislature shall adopt the rules of its own proceedings and conduct such other business as may be authorized under the Legislature's rules.

II. Section A2-3 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

§A2-3. Election of Presiding Officer and Deputy Presiding Officer.

- A. The Presiding Officer and Deputy Presiding Officer shall be elected by not less than a majority of the total membership of the County Legislature.
- B. The Legislator serving as Presiding Officer at the end of the preceding calendar year shall preside at any organization meeting at which a Presiding Officer shall be elected until such time as the Presiding Officer has been elected, whereupon such newly elected Presiding Officer shall preside. In the event that such former Presiding Officer is unable to preside at such meeting due to death, disability, incapacity or any other cause, the Deputy Presiding Officer of the preceding year shall preside at the organization meeting until such time as the Presiding Officer has been elected. In the event that such former Deputy Presiding Officer is unable to preside at such meeting due to death, disability, incapacity or any other cause, then the most senior member of the Legislature, calculated on the basis of total number of years of service as a member of the County Legislature, consecutive or otherwise, shall preside at the organization meeting until the Presiding Officer has been elected.

- C. In the event no Legislator is elected Presiding Officer and/or Deputy Presiding Officer by a majority of the total membership of the County Legislature, the Legislature shall continue in session and conduct as many roll call votes as shall be necessary to elect a Presiding Officer and Deputy Presiding Officer.
- D. In the event the County Legislature is unable to elect a Presiding Officer on or before January 15 of any even numbered year, the County Clerk of the County of Suffolk shall appoint a member of the County Legislature as Presiding Officer, who shall serve until the end of the calendar year in which he or she is appointed. The County Clerk shall appoint a Presiding Officer no later than January 22 of the subject year.
- E. If the County Legislature is unable to elect a Deputy Presiding Officer of the County Legislature on before January 25 of any even numbered year, the Presiding Officer shall appoint a member of the County Legislature as the Deputy Presiding Officer, who shall serve until the end of the calendar year in which he or she is appointed.
- F. At the organization meeting in any odd numbered year following a year in which the County Clerk appointed the Presiding Officer and/or the Presiding Officer appointed the Deputy Presiding Officer, the County Legislature shall, as its first order of business, elect from its own members a Presiding Officer and/or Deputy Presiding Officer for a term that shall expire at the end of that calendar year. In the event that the County Legislature is again unable to elect a Presiding Officer by January 15, the County Clerk of the County of Suffolk shall appoint a member of the County Legislature as Presiding Officer, who shall serve until the end of that calendar year. The County Clerk shall appoint a Presiding Officer no later than January 22 of the subject year. In the event the County Legislature is again unable to elect a Deputy Presiding Officer by January 25, the Presiding Officer shall appoint a member of the County Legislature as the Deputy Presiding Officer who shall serve until the end of that calendar year.

III. Section A2-5 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

§ A2-5. Filling Vacancy in offices of Presiding Officer and Deputy Presiding Officer.

- A. In the event the office of Presiding Officer becomes vacant due to death, disability, resignation or any other cause, the County Legislature shall fill such vacancy at a regular meeting within 60 days after the vacancy occurs. The Legislator so elected by a majority vote of the County Legislature shall serve in that capacity for the unexpired term of his or her predecessor. The Deputy Presiding Officer shall exercise all the powers, duties and functions of the Presiding Officer until such time as the vacancy is filled.
- B. In the event no Legislator is elected by a majority of the total membership of the County Legislature to fill the vacant Presiding Officer position within 60 days after the vacancy occurs, the Deputy Presiding Officer shall assume the office of Presiding Officer and serve in that capacity for the unexpired term of his predecessor.
- C. In the event the office of Deputy Presiding Officer becomes vacant due to death, disability, resignation or any other cause, the County Legislature shall fill such vacancy within 60 days after the vacancy occurs. In the event no Legislator is elected by a majority vote of the total membership of the Legislature within 60 days after the vacancy occurs, the Presiding Officer shall appoint a member of the County Legislature as the

Deputy Presiding Officer, who shall serve in that capacity for the unexpired term of his predecessor.

Section 3. Applicability.

This law shall apply to the election of the Presiding Officer and Deputy Presiding Officer and the filling of vacancies in these offices 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: