

**RESOLUTION NO. 634 -2010, ADOPTING LOCAL LAW
NO. 43 -2010, A CHARTER LAW TO STRENGTHEN THE
INDEPENDENCE OF THE ETHICS COMMISSION**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on January 4, 2010, a proposed local law entitled, "**A CHARTER LAW TO STRENGTHEN THE INDEPENDENCE OF THE ETHICS COMMISSION**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 43 -2010, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO STRENGTHEN THE INDEPENDENCE OF
THE ETHICS 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 Ethics Commission can only be effective if it is independent and insulated from political pressure and influence.

This Legislature further finds that the authority and credibility of the Ethics Commission is undermined when there is even an appearance that the Commission is subject to external forces that affect its independent judgment.

This Legislature finds that historically the Ethics Commission has relied on the Suffolk County Department of Law for legal assistance and advice in conducting its business and making its determinations.

This Legislature determines that the Ethics Commission would be better served by counsel that it appoints directly and which is answerable solely to the Commission.

This Legislature further determines that severing the ties between the Ethics Commission and the Suffolk County Department of Law would strengthen the Commission and enhance its independence and credibility.

Therefore, the purpose of this law is to authorize the Suffolk County Ethics Commission to hire independent counsel to assist the Commission in carrying out its mission.

Section 2. Amendment.

Article 30 of the Suffolk County Charter is hereby amended as follows:

Article XXX, Ethics Commission.

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§30-3. General administrative powers.

A.) The Commission shall:

- 1.) Appoint an executive director and independent counsel who shall carry out and implement the policies of the Commission. The Commission may delegate authority to the executive director and independent counsel to act in the name of the Commission between meetings of the Commission, provided that such delegation is in writing and the specific powers to be delegated are enumerated. The power to appoint and or retain such executive director and independent counsel shall be subject only to available appropriations provided therefore in the County Operating Budget and the actual appointment and filling of such positions shall not be subject to approval by the County Executive nor the budget office. The Commission shall be deemed the appointing authority for all such personnel.
- 2.) Appoint such other staff as may be necessary to carry out its duties under this Article, within appropriations provided therefor by the County of Suffolk. The power to appoint and or retain such other support staff shall be subject only to available appropriations provided therefore in the County Operating Budget and the actual appointment and filling of such positions shall not be subject to approval by the County Executive nor the budget office. The Commission shall be deemed the appointing authority for all such staff and personnel. The executive director, independent counsel, and support staff shall not be part of the Suffolk County Department of Law nor supervised by the Suffolk County Department of Law. The Commission, its staff, and its funding shall be treated as a separate agency for purposes of presentation and adoption in the annual County Operating Budget.
- 3.) Adopt, amend and rescind rules and regulations to govern procedures of the Commission which shall include, but not be limited to, the procedure whereby a person who is required to file an annual financial disclosure statement with the Commission may request an additional period of time within which to file such statement, due to justifiable cause or undue hardship. Such rules or regulations shall provide for a date beyond which, in all cases of justifiable cause or undue hardship, no further extension of time may be granted.
- 4.) Review completed conflict and financial disclosure statements as directed by law; provided, however, that the Commission may delegate all or part of this review function to the executive director and independent counsel who

shall be responsible for completing staff review of such statements in a manner consistent with the terms of the Commission's delegation.

- 5.) Receive complaints alleging any violation of pertinent laws.
- 6.) Advise and assist any municipal subdivision in establishing rules and regulations relating to possible conflicts between private interests and official duties of present or former local elected officials, local political party officials and local officers and employees.
- 7.) Prepare an annual written report to be submitted to the County Executive and the County Legislature summarizing the activities of the Commission and recommending changes in the laws governing the conduct of local elected officials, local political party officials and local officers and employees.

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§30-4. Review of conflicts and financial disclosure statements.

- A.) The Commission or the Executive Director, independent counsel and staff of the Commission, if responsibility therefor has been delegated, shall inspect all financial disclosure statements filed pursuant to Chapter 61 of the Suffolk County Code, or filed pursuant to the requirements of § A30-10 of the Suffolk County Administrative Code to ascertain whether any person subject to such reporting requirements has violated any local law governing conflicts of interest or prohibited activities. Any person, political party officer, County Legislator, countywide elected official, county officer or employee or member or employee of the County Legislature required to file any other financial disclosure form or statement under any other law or statute shall file such form or statement with the Suffolk County Ethics Commission on or before the 15th day of May with respect to the preceding year subject to any exception contained in § A30-10A of the Suffolk County Administrative Code as would be applicable to the particular circumstances.

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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)(21) 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 January 1, 2011.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED: June 22, 2010

****VETOED BY COUNTY EXECUTIVE ON JULY 23, 2010****

****VETO OVERRIDE ADOPTED ON AUGUST 3, 2010****

After a public hearing duly held on July 6, 2010
Filed with the Secretary of State on August 23, 2010