

**RESOLUTION NO. 572 -2010, ADOPTING LOCAL LAW
NO. -2010, A LOCAL LAW TO STREAMLINE
PROCEDURES FOR SELECTING THE COUNTY
LEGISLATURE'S PRESIDING OFFICER AND DEPUTY
PRESIDING OFFICER**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 2, 2010, a proposed local law entitled, "**A LOCAL LAW TO STREAMLINE PROCEDURES FOR SELECTING THE COUNTY LEGISLATURE'S PRESIDING OFFICER AND DEPUTY PRESIDING OFFICER**"; now, therefore be it

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

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

**A LOCAL LAW TO STREAMLINE PROCEDURES FOR
SELECTING THE COUNTY LEGISLATURE'S 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 the procedures for selecting a Presiding Officer and Deputy Presiding Officer of the Suffolk County Legislature, and the filling of vacancies in these offices, are set forth in the SUFFOLK COUNTY ADMINISTRATIVE CODE and the Rules of the County Legislature.

This Legislature determines that the existing provisions for the selection of the Presiding Officer and Deputy Presiding Officer and for filling vacancies in these offices are confusing, incomplete and inadequate to ensure that these offices are filled in a timely and efficient manner.

This Legislature also determines that to the extent practicable, the Legislature's leadership positions should be filled by the members of the County Legislature. While it may be necessary in certain limited instances for the County Clerk to select a Presiding Officer in the event of a deadlock to ensure that the Legislature can organize and function, no similar rationale exists for the Clerk selecting a Deputy Presiding Officer.

This Legislature further finds and determines that a mid-year vacancy in the offices of the Presiding Officer or Deputy Presiding Officer has the potential to ignite a protracted political battle and bring County government to a grinding halt. Accordingly, a new procedure should be established that will allow such vacancies to be filled quickly so that the Legislature can continue to function without interruption.

Therefore, the purpose of this local law is to clarify the process for the selection of the County Legislature's Presiding Officer and Deputy Presiding Officer and for the filling of vacancies in these offices.

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 of 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 the County Legislature shall elect from its own members a Presiding Officer as its first order of business, in accordance with the provisions of section A2-3 of this Administrative Code.
- C. At the organization meeting, the County Legislature shall also elect from its own members a Deputy Presiding Officer in accordance with the provisions of section A2-3 of this Administrative Code, 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 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 given 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 or before January 25 of any given 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.

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 Deputy Presiding Officer shall assume the office of Presiding Officer and serve in that capacity for the unexpired term of his predecessor.
- B. In the event the office of Deputy Presiding Officer becomes vacant due to death, disability, resignation or any other cause, 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 such 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.

DATED: June 8, 2010

****VETOED BY COUNTY EXECUTIVE ON JULY 9, 2010****

****VETO OVERRIDE NOT ADOPTED ON AUGUST 3, 2010****