

Intro. Res. No. 1200-2010

Laid on Table 3/2/2010

Introduced by Presiding Officer Lindsay and Legislators Cooper, Montano, Vilorio-Fisher, Barraga, Schneiderman, Romaine, Losquadro, Kennedy, Browning

**RESOLUTION NO. 345 -2010, ADOPTING LOCAL LAW NO. 20 -2010, A CHARTER LAW TO ESTABLISH A COMMON SENSE POLICY FOR SPECIAL MEETINGS OF THE LEGISLATURE**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on March 2, 2010 a proposed local law entitled, "**A CHARTER LAW TO ESTABLISH A COMMON SENSE POLICY FOR SPECIAL MEETINGS OF THE LEGISLATURE**"; now, therefore be it

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

**LOCAL LAW NO. 20 -2010, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO ESTABLISH A COMMON SENSE POLICY FOR SPECIAL MEETINGS OF THE LEGISLATURE**

**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 special meetings of the County Legislature may be held upon the direction of the Presiding Officer of the County Legislature, the County Executive or upon a written request signed by a majority of the members of the County Legislature.

This Legislature also finds that the provision for special meetings of the Legislature set forth in the SUFFOLK COUNTY ADMINISTRATIVE CODE is designed to allow the County Legislature to respond to exigent situations in a timely manner.

This Legislature further finds that while almost every meeting (both regular and special) of the Suffolk County Legislature is held at the legislative auditoriums in Hauppauge and Riverhead, a practice has evolved in recent years whereby the County Executive calls a special meeting for the purpose of giving a "State of the County" address at a non-County government location. For most of Suffolk County's history, County Executives delivered this speech to the Legislature at regular legislative meetings.

This Legislature determines that a State of the County speech is not the proper subject of a special legislative meeting as no official business is conducted by the Legislature at these events.

This Legislature also determines that staging the State of the County speech at a non-County facility, in the framework of a special legislative meeting, leads to an unnecessary waste of taxpayer dollars for security, stenographic expenses, et al.

This Legislature finds and determines that while a County Executive is free to deliver a speech wherever and whenever he or she may choose; there is no logical reason to convene a special meeting of the Legislature when he or she does so.

This Legislature also determines that when the County Executive delivers his annual report to the County Legislature he should do so at a regular meeting of the Legislature in accordance with longstanding practice and simple common sense.

Therefore, the purpose of this law is to protect taxpayer dollars by requiring that special meetings of the County Legislature be conducted at the legislative auditoriums in Hauppauge or Riverhead and that the County Executive deliver his annual report to the County Legislature at a regular legislative meeting.

**Section 2. Amendment.**

I. Article 3 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE III. The County Executive**

\* \* \* \*

C3-3. Specific functions.

In addition to the functions assigned to the County Executive in other provisions of this Charter, the County Executive shall:

\* \* \* \*

F. Report to the County Legislature annually at the close of the fiscal year, or as soon thereafter as practicable, the financial and other affairs of the county, together with the reports of the departments of county government. If the County Executive wishes to deliver a verbal report to the County Legislature, he shall do so at a regularly scheduled meeting of the Legislature.

\* \* \* \*

II. Article 2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article II, The County Legislature**

\* \* \* \*

**A2-6. Meetings of the Legislature.**

\* \* \* \*

B. Special meetings of the County Legislature shall be held upon the direction of the Presiding Officer or County Executive or upon written request signed by a majority of the members of the County Legislature. Special meetings shall only be conducted at the Rose Y. Caracappa Legislative Auditorium in the William H.

Rogers Legislature Building, Hauppauge, or the Maxine S. Postal Legislative Auditorium in the Riverhead County Center, Riverhead. Notice in writing of the time, place and purpose of the special meeting shall be given to each member at least two days before the date fixed for holding the meeting, or a member may waive such notice by a writing signed by him. Only business, including the enactment of local laws or resolutions, specified in the notice thereof may be transacted at a special meeting.

\* \* \* \* \*

**Section 3. Applicability.**

This law shall apply to County Executive annual reports and legislative special meetings 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: April 27, 2010

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,  
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED MAY 12, 2010

After a public hearing duly held on May 10, 2010  
Filed with the Secretary of State on June 10, 2010