

Intro. Res. No. 1222-2010
Introduced by Legislators Romaine and Montano

Laid on Table 3/2/2010

RESOLUTION NO. 346 -2010, ADOPTING LOCAL LAW NO. 21 -2010, A LOCAL LAW REQUIRING ADVISORY BOARDS TO CONDUCT OPEN MEETINGS

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 LOCAL LAW REQUIRING ADVISORY BOARDS TO CONDUCT OPEN MEETINGS**"; now, therefore be it

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

LOCAL LAW NO. 21 -2010, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW REQUIRING ADVISORY BOARDS TO CONDUCT OPEN MEETINGS

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 County of Suffolk periodically establishes commissions, committees, task forces and panels to study issues that are important to County residents.

This Legislature finds that these commissions, committees, task forces and panels are typically charged with the responsibility of gathering and analyzing information, seeking and obtaining public input and offering recommendations for further action by the County Executive and/or the County Legislature.

This Legislature determines that while most of these entities are advisory in nature, the recommendations they make often guide the eventual development and implementation of policies that impact the public.

This Legislature further finds that New York State's Open Meetings Law requires public bodies to conduct meetings that are adequately noticed and open to members of the public. However, the State Law has been interpreted by the courts to exclude advisory bodies from Open Meetings requirements.

This Legislature finds and determines that some County advisory bodies are, as a matter of general practice, conducting meetings that are not advertised and not open to the public. For example, Resolution No. 1260-2009 created a task force to review the operations of the County's health center network and determine if Suffolk County would benefit from Federally Qualified Health Center (FQHC) status. This task force is not posting notices of their meetings and the meetings are closed to the public.

This Legislature finds that the County's advisory bodies should adhere to Open Meetings principles because they often play an important role in making public policy.

This Legislature also determines that Open Meetings encourage citizen participation and foster transparency -- important considerations at a time when trust in public institutions is at an all-time low.

Therefore, the purpose of this local law is to require that all advisory bodies established by the County of Suffolk comply with Open Meetings requirements.

Section 2. Definitions.

ADVISORY BODY – any commission, committee, task force, panel or other entity created by the County of Suffolk through enactment of a resolution or by executive order, which is authorized and empowered to act in an advisory capacity and/or to make advisory recommendations to the County Executive, the Suffolk County Legislature or any other department, agency or officer of Suffolk County Government.

Section 3. Meetings of Advisory Boards.

- A. Advisory bodies shall comply with the open meetings and public notice requirements set forth in Article 7 of NEW YORK PUBLIC OFFICERS LAW.
- B. Advisory bodies may conduct executive sessions for the purposes set forth in Section 105 of NEW YORK PUBLIC OFFICERS LAW.

Section 4. Applicability.

This law shall apply to the meetings of advisory bodies occurring on or after the effective date of this law.

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: April 27, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 12, 2010

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