

STRICKEN AS OF 12/22/2010
AMENDED COPY AS OF 8/3/2010

Intro. Res. No.1688-2010
Introduced by Legislator Cooper

Laid on Table 6/22/2010

RESOLUTION NO. -2010, ADOPTING LOCAL LAW
NO. -2010, A LOCAL LAW MANDATING COMPLIANCE
WITH FINANCIAL DISCLOSURE REQUIREMENTS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 22, 2010, a proposed local law entitled, "**A LOCAL LAW MANDATING COMPLIANCE WITH FINANCIAL DISCLOSURE REQUIREMENTS**"; 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 MANDATING COMPLIANCE WITH FINANCIAL DISCLOSURE REQUIREMENTS

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 enacted its Financial Disclosure Law to ensure to the citizens of Suffolk County a government free from conflicts of interest, to discourage and detect corruption and to strengthen public confidence in the integrity of its public servants.

This Legislature also finds and determines that in accordance with the Financial Disclosure Law, hundreds of Suffolk County employees file a financial disclosure statement each year.

This Legislature also determines that the form and content of Suffolk County's Financial Disclosure Statement is set forth in great detail and clarity in Chapter 61 of the SUFFOLK COUNTY CODE.

This Legislature finds that local media outlets have reported that the Suffolk County Ethics Commission has allowed two County officials to file a different disclosure statement, one which contains far less information than the County's statement.

This Legislature further finds that is manifestly unfair to allow certain County officials to shield financial information while hundreds of other employees fully comply with the law's disclosure requirements.

This Legislature also finds that the failure to enforce financial disclosure requirements evenly and uniformly will only cause further erosion of confidence in public institutions.

Therefore, the purpose of this local law is to require any County officer or employee, who has failed to file the County's Approved Financial Disclosure Statement in the past five years, to file the correct statement or statements with the Ethics Commission within 30 days.

Further, this law will reinforce and reiterate, on a prospective basis, that all County officers and employees subject to financial disclosure requirements must file the County's approved disclosure statement in order to comply with local law.

Section 2. Filing Requirements.

Any County officer or employee who was required to file a financial disclosure statement with the Suffolk County Ethics Commission pursuant to Chapter 61 of the SUFFOLK COUNTY CODE, during the years from 2005 to 2010, and who filed a disclosure statement or statements that varied from the approved disclosure statement set forth in Chapter 61 of the Code, shall be required to submit the approved financial disclosure statement as set forth in Chapter 61 of the SUFFOLK COUNTY CODE, for each year that the officer or employee failed to file the approved financial disclosure statement. County officers or employees who failed to file the approved financial disclosure statement during the years 2005 to 2010, shall be required to file the approved financial disclosure statement or statements with the Suffolk County Ethics Commission within 30 days of the effective date of this law.

Section 3. Duties of Ethics Commission.

It shall be the duty and responsibility of the Suffolk County Ethics Commission to notify any County officer or employee who failed to file the approved financial disclosure statement, during the years 2005 to 2010, that they are obligated to file the approved financial disclosure statement as set forth in Chapter 61 of the SUFFOLK COUNTY CODE. The Ethics Commission shall provide the approved financial disclosure statement form to affected officers and employees and receive and file the statements required hereunder. If an affected officer or employee fails to comply with the filing requirements set forth in Section 2 of this law, the Ethics Commission shall notify the Comptroller that the officer or employee has failed to file the required statement or statements.

Section 4. Penalties.

Any County officer or employee who fails to comply with the requirements of Section 2 of this law shall be subject to all the penalties set forth in Section 61-10 of the SUFFOLK COUNTY CODE, including the withholding of his or her paycheck by the County Comptroller.

Section 5. Amendments.

Chapter 61 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 61, FINANCIAL DISCLOSURE

* * * *

§ 61-6. Powers of Suffolk County Ethics Commission.

B. It shall be the duty of the Board to receive and file the approved disclosure statement of those officers and employees required to file the same, pursuant to this chapter. Any officer or employee who knowingly fails to file the approved disclosure statement or files an incomplete or partially or wholly unanswered statement or otherwise fails to comply with the directives of the Board in mandating compliance with this chapter shall have his name and title disclosed by the Board to the Clerk and the County Executive. The Board shall advise these officers of the extent of noncompliance. This disclosure, however, shall not be made where the employee cures the deficiency in the statement within 15 days of the Board's notification to the noncomplying employee by certified mail of its intention to disclose pursuant to this subsection.

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§61-7. Filing of statement required.

Notwithstanding any other provision of law to the contrary, [E] each and every County officer and employee, except for [members of the Suffolk County Pine Barrens Review Commission,] members of the Board of Trustees of Parks, Recreation and Conservation and members of the Suffolk County Planning Commission, shall file with the Board [a] the approved disclosure statement set forth in this chapter, answering each and every question [set forth] and providing the information requested by the Board and included in the statement. Members [of the Suffolk County Pine Barrens Review Commission, members] of the Board of Trustees of Parks, Recreation and Conservation and members of the Suffolk County Planning Commission shall use the financial disclosure form marked Exhibit AA.

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Section 6. Applicability.

- A. Section 2 of this law shall apply to officers and employees employed by the County of Suffolk on the effective date of this law.
- B. Section 3 of this law shall apply to the Suffolk County Ethics Commission on the effective date of this law.
- C. Section 5 of this law shall apply to actions occurring on or after the effective date of this law.

Section 7. 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 8. 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 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: