

STRICKEN AS OF 5/16/2011

Intro. Res. No. 2045-2010

Laid on Table 11/16/2010

Introduced by Legislators Cooper and Browning

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO LIMIT CAMPAIGN
DONATIONS BY MEMBERS OF THE ETHICS COMMISSION**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 16, 2010 a proposed local law entitled, "**A CHARTER LAW TO LIMIT CAMPAIGN DONATIONS BY MEMBERS OF THE ETHICS COMMISSION**;" now, therefore be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO LIMIT CAMPAIGN DONATIONS BY
MEMBERS 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 County of Suffolk created the Suffolk County Ethics Commission in 1988.

This Legislature further finds that the Ethics Commission was vested with new powers and authority so that it could effectively monitor the actions of public officials, investigate possible conflicts of interest and ensure integrity in Suffolk County Government.

This Legislature determines that the Ethics Commission has the authority to inspect financial disclosure statements, issue advisory opinions, receive complaints, conduct investigations, issue subpoenas and assess civil penalties.

This Legislature finds that the Ethics Commission cannot carry out its important mandate and successfully exercise its broad powers unless it is recognized as a truly independent, non-partisan and non-political entity. Accordingly, this Legislature has enacted certain safeguards to ensure that the Commission is insulated from politics to the fullest extent practicable. Presently, no political party officer can serve on the Commission and no more than two members of the Commission can belong to the same political party.

This Legislature also finds that recent media reports show that members of the Suffolk County Ethics Commission and its legal staff have contributed money to various County elected officials and their political committees.

This Legislature determines that members of the Ethics Commission should not make contributions to County elected officials because the contributions, at a minimum, create a perception that the Commission may be subject to favoritism or swayed by political considerations. Such a perception undermines the legitimacy of the Ethics Commission.

Therefore, the purpose of this law is to bar the members of the Ethics Commission from making political contributions to County elected officials.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

“CONTRIBUTION” as defined in §14-100 of NEW YORK ELECTION LAW.

“COUNTY ELECTED OFFICIAL” shall mean the Suffolk County Executive, Suffolk County Clerk, Suffolk County Sheriff, Suffolk County District Attorney, Suffolk County Treasurer, Suffolk County Comptroller and any member of the Suffolk County Legislature.

Section 3. Amendment.

Article XXX of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

ARTICLE XXX, Ethics Commission

§ C30-7. Campaign Contributions.

- A. Members of the Commission shall not make a contribution to any County elected official or any candidate for County office.
- B. A prohibited contribution by a Commission member shall constitute grounds for removal from the Commission by the appointing authority.

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. 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 6. 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 7. Effective Date.

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

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: