

WITHDRAWN AS OF 4/29/2011
AMENDED COPY AS OF 2/15/2011

Intro. Res. No. 1010-2011

Laid on Table 2/1/2011

Introduced by Legislators Schneiderman, Browning, Cooper and Lindsay

RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO REAFFIRM THE COUNTY
LEGISLATURE'S POLICY-MAKING AUTHORITY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 1, 2011, a proposed local law entitled, "**A CHARTER LAW TO REAFFIRM THE COUNTY LEGISLATURE'S POLICY-MAKING AUTHORITY**"; 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 REAFFIRM THE COUNTY LEGISLATURE'S
POLICY-MAKING AUTHORITY

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 SUFFOLK COUNTY CHARTER designates the County Legislature as the policy-making branch of Suffolk County Government.

This Legislature further determines that the County Legislature alone is empowered by the Charter to organize, alter and abolish any unit of County Government and to transfer any function or duty from one unit to another.

This Legislature finds that in recent years, the County Executive has encroached on the Legislature's policy-making authority through unilateral administrative action and careful manipulation of the budget process.

This Legislature determines that the County Executive most recently usurped the Legislature's policy-making authority by forcing the closure of the John J. Foley Skilled Nursing Facility -- ending the County's 100-year commitment to providing nursing home services to the needy, displacing hundreds of residents and firing 250 employees -- all without a majority vote of the County Legislature in support of this radical policy change.

This Legislature also finds and determines that services and functions traditionally performed by the County of Suffolk should only be terminated by an affirmative vote of the County Legislature in accordance with the SUFFOLK COUNTY CHARTER.

This Legislature also determines that the Legislature must take proactive steps to protect its policy-making authority and maintain a proper balance of power in Suffolk County Government.

Therefore, the purpose of this law is to reaffirm the County Legislature's policy-making preeminence under the SUFFOLK COUNTY CHARTER and to add express language requiring affirmative legislative approval for policy changes affecting the delivery of services by the County of Suffolk.

Section 2. Amendment.

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

ARTICLE II, The County Legislature.

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§ C2-8. Powers.

* * * *

- E. No proposal to terminate a function or service performed by the County of Suffolk or to close a facility owned, operated or funded by the County where such function is performed or service delivered, shall be advanced or implemented by any County employee or officer unless such action is expressly authorized by the County Legislature via a duly enacted resolution. The termination of a function or service, or the closure and/or conveyance of a County facility shall not be included as part of a recommended or adopted County operating budget unless such action is authorized by the County Legislature via a duly enacted stand-alone resolution.

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Section 3. Applicability.

- A. This law shall apply to actions occurring on or after the effective date of this law.
- B. The requirements of this law shall not apply when a contract agency of the County is defunded.

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 not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: