

**RESOLUTION NO. 470 -2011, ADOPTING LOCAL LAW
NO. 34 -2011, A LOCAL LAW TO PROHIBIT CERTAIN
LANGUAGE IN COUNTY CONTRACTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 8, 2011, a proposed local law entitled, "**A LOCAL LAW TO PROHIBIT CERTAIN LANGUAGE IN COUNTY CONTRACTS;**" now, therefore be it

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

LOCAL LAW NO. 34 -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT CERTAIN LANGUAGE IN COUNTY
CONTRACTS**

**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 utilizes many outside agencies to provide services to veterans, seniors, young people, handicapped citizens and other segments of the population.

This Legislature further finds that the Suffolk County Attorney has developed a contract provision that requires outside agencies funded by the County to credit an individual elected official for their funding in its publications and advertising.

This Legislature further finds that while it is appropriate for the County of Suffolk to advise its residents that it is delivering services through contracts with outside agencies, it is inappropriate for any individual elected or appointed official, department, office or agency to claim credit for such funding. Further, it is inappropriate for any elected official to seek political benefit in such a manner.

This Legislature also determines that the County of Suffolk has imposed other onerous contractual terms requiring contract agencies to obtain County approval for their publications, advertising and media communications.

This Legislature finds that contract agencies should not be required to forfeit their right to communicate freely simply because they accept County funding.

Therefore, the purpose of this law is to bar contract provisions that require outside agencies to credit individual officials or agencies for their funding or to obtain prior County approval for their publications, advertising and media communications.

Section 2. Amendments.

Chapter 143 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**Chapter 143,
PURCHASING AND CONTRACTS**

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**ARTICLE V,
Guidelines and Requirements for Contract Agencies**

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§ 143-30. Requirements.

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- E. No County contract shall include a provision that requires a contract agency to name or credit any individual elected official, officer, department, office or agency of the County of Suffolk in their print materials, advertising or publications for funding received from the County of Suffolk. County contracts may only require a contract agency to include language in their print materials, publications, and advertising that the County of Suffolk has provided funding to the contract agency.
- F. No County contract shall include a provision requiring a contract agency to obtain approval from the County of Suffolk prior to the dissemination of any press release or media communication relating to services provided by the contract agency.
- G. No County contract shall include a provision requiring a contract agency to obtain approval from the County of Suffolk prior to the publication of any book, article or other communication relating to services provided by the contract agency.
- H. No County contract shall include a provision requiring a contract agency to submit its brochures, media advertising or other copy publicizing the contract agency and the services it provides, to the County of Suffolk prior to their publication.

* * * *

Section 3. Applicability.

This law shall apply to all County contracts entered into with contract agencies 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 filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: June 7, 2011

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JULY 7, 2011

After a public hearing duly held on June 22, 2011

Filed with the Secretary of State on September 13, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on

June 7, 2011

and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1243

Res. No.

470

June 7, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6	Sarah S. ANKER					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.				/	
8	William J. LINDSAY, P.O.	/				
	Totals	17	1	1		

MOTION
<input checked="" type="checkbox"/> Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule _____
___ Override Veto
___ Close
___ Recess
APPROVED ___ FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
___ ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote ___

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

July 7, 2011

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

**RE: RESOLUTION No. 470 -2011; A LOCAL LAW TO PROHIBIT CERTAIN
LANGUAGE IN COUNTY CONTRACTS**

Dear Presiding Officer Lindsay and Members of the Legislature:

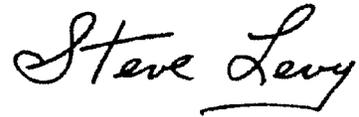
I am returning herein Resolution No. 470 -2011; A LOCAL LAW TO PROHIBIT CERTAIN LANGUAGE IN COUNTY CONTRACTS neither signed nor vetoed.

This law bars contract provisions that require a contract agency to name or credit any individual elected official, officer, department, office or agency of the County of Suffolk in their print materials, advertising or publications for funding received from the County of Suffolk. In promoting this bill the sponsor suggested it was the present County Executive and County Attorney who had implemented this policy. The practice of having contract agencies name or credit the county was enacted through boiler plate language implemented in the early nineteen nineties.

It is ironic that the measure was directed against the County Executive, when I had not mailed a single self-promoting county newsletter in my entire tenure. On the other hand, the sponsor has issued numerous tax payer funded newsletters over the years taking credit for steering tax payer dollars to various agencies.

I am not vetoing this bill because I have no problem with removing this boiler plate contract language that a former administration placed in the budget. I suggest that we expand this bill by barring legislators and elected officials from having their names associated with a member item that is doled out to various community groups and contract agencies. For instance, there is presently a billboard on a major road that invites residents to attend a summer concert sponsored by the local legislator through taxpayers dollars; a sense of consistency needs to be injected into this debate

Sincerely,

A handwritten signature in black ink that reads "Steve Levy". The signature is written in a cursive style with a horizontal line under the name.

Steve Levy
County Executive of Suffolk County

SL:ir

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Christopher Kent, Chief Deputy County Executive
Edward Dumas, Chief Deputy County Executive
Eric Naughton, Deputy County Executive for Finance and Management
Ken Crannell, Deputy County Executive
Connie Corso, Budget Director
Eric Kopp, Assistant Deputy County Executive
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications