

**RESOLUTION NO. 771 -2011, ADOPTING LOCAL LAW
NO. 47 -2011, A CHARTER LAW AMENDING THE CHARTER
OF SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 2, 2011, a proposed local law entitled, "**A CHARTER LAW AMENDING THE CHARTER OF SUFFOLK COUNTY**;" now, therefore be it

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

LOCAL LAW NO. 47 -2011, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW AMENDING THE CHARTER OF SUFFOLK
COUNTY**

**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 in 2008 the County Legislature authorized General Code Publishers to perform a complete analysis of the Laws of Suffolk County and to recommend necessary changes to the Laws.

This Legislature also finds that General Code Publishers has completed its review and recommended several technical changes to the Suffolk County Charter.

Therefore, the purpose of this law is to amend the Suffolk County Charter to incorporate the changes recommended by General Code Publishers.

Section 2. Amendments.

The SUFFOLK COUNTY CHARTER is hereby amended as follows:

- A. The Charter is amended to change "Office of Legislative Budget Review," "Legislature's Budget Review Office" and "Legislative Office of Budget Review" to "Legislative Budget Review Office."
- B. The Charter is amended to change "Civil Service Department" and "Department of Human Resources and Civil Service" to "Department of Human Resources, Personnel and Civil Service."
- C. Section C1-4(C) is amended to change "Commission" to "Council."
- D. Section C2-3(E)(3)(d) is amended to read as follows: "Individuals who are the parent, child, sibling, or spouse of any member of the Suffolk County Legislature or any political party officer, above the office of committee person."

- E. Section C8-2(I) is amended to read as follows: "The provisions of this article shall not be deemed to curtail any of the powers and duties of the Suffolk County Water Authority or the Trustees of the Vanderbilt Museum."
- F. Section C8-4(C)(2)(a) is amended to read as follows:
 - (a) Supplies, materials, vehicles, or equipment sold for scrap value only based on a determination via duly enacted resolution of the County of Suffolk, that such supplies, materials, vehicles, or equipment only have scrap value. If a determination is made via duly enacted resolution of the County of Suffolk that a vehicle should be transferred to a municipal corporation, a not-for-profit corporation or organization, or a nonprofit corporation or organization, adopted via an affirmative vote of at least two-thirds of the entire membership of the County Legislature, then a vehicle may be transferred to a municipal corporation, a not-for-profit corporation or organization, or a nonprofit corporation or organization as a direct sale only if such vehicle is purchased at fair market value and only if such direct sale is authorized by an affirmative vote of at least two-thirds of the entire membership of the County Legislature enacting a resolution:
 - (i) Making a determination that such vehicle should be transferred as a direct sale;
 - (ii) Explicitly stating the public-health or public-safety concern that will be addressed or the public-health or public-safety benefit that will be advanced by such a transfer;
 - (iii) Identifying the organization or municipality to which the vehicle will be transferred and the essence of its request; and
 - (iv) Making a determination of the fair market value purchase price to be paid by the organization or the municipality to which the vehicle will be transferred;
- G. Section C8-4(C)(9), addressing a study to be submitted in 1996 regarding the use and availability of secondary materials, is deleted.
- H. Section C8-4(C)(11) is amended to read as follows: "(11) Perform such other duties and responsibilities as may be assigned by law or by the County Executive or the County Legislature."
- I. Section C11-3(A)(36) is added as follows: "(36) Keep and maintain current Countywide emergency equipment and resources information data which can be used and coordinated during a disaster."
- J. Section C13-8 is amended to change the statutory reference to: "Civil Service Law § 70, Subdivision 2."
- K. Section C21-2(A) is amended to change the term of office to four years.

- L. Section C22-2 is amended to delete reference to the Park Commission, which no longer exists. The last sentence of the subsection is amended to read as follows: "It is the intention of this Charter that such offices and bodies shall continue without general interference, except as otherwise provided in accordance with the procedures established by law." Former Subsection B, regarding the Office of County Fire Coordinator, is deleted.
- M. Section C23-4 is amended to delete the reference to the Director of Fire Safety.
- N. Section C33-2(B) and (E) are revised to change "State Board of Equalization and Assessment" to "State Board of Real Property Tax Services."
- O. Article XXXIV, Paperwork Reduction and Regulatory Reform, added 5-11-1994 by Local Law No. 14-1994, is repealed.
- P. Sections C42-2(D)(4) and C42-3(C)(5), regarding the Energy Advisory Committee which is no longer in operation, are repealed.
- Q. Sections C1-9 and C42-2(G) are amended to change "Farmlands Development Rights Committee" and "Farmlands Development Committee" to "Farmland Committee."

Section 3. Applicability.

This law shall apply to all actions occurring 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.

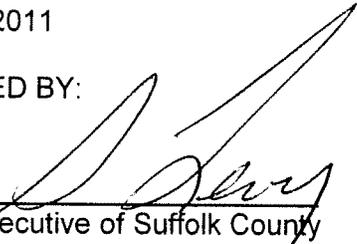
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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.

DATED: September 15, 2011

APPROVED BY:



County Executive of Suffolk County

Date:

OCT 12 2011

After a public hearing duly held on October 4, 2011
Filed with the Secretary of State on October 28, 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 September 15, 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.

1686

Res. No.

771

September 15, 2011

Motion:

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

Co-Sponsors:

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

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-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	18				

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 <input checked="" type="checkbox"/> FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call ___ Voice Vote