Intro. Res. No. 1773-2011 Laid on Table 8/16/2011
Introduced by Legislator Kennedy

RESOLUTION NO. 832 -2011, ADOPTING LOCAL LAW NO. 53 -2011, A CHARTER LAW TO ENSURE AN EFFECTIVE, NON-PARTISAN REAPPORTIONMENT PROCESS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 16, 2011, a proposed local law entitled, "**A CHARTER LAW TO ENSURE AN EFFECTIVE, NON-PARTISAN REAPPORTIONMENT PROCESS**;" now, therefore be it

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

LOCAL LAW NO. 53 -2011, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO ENSURE AN EFFECTIVE, NON-PARTISAN REAPPORTIONMENT PROCESS

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 Local Law No. 14-2007 established a non-partisan Reapportionment Commission to recommend new legislative boundaries to reflect population changes within the County.

This Legislature also finds and determines that Local Law No. 14-2007 provides that there shall be one chairperson of the Reapportionment Commission.

This Legislature further finds and determines that the Commission should have two Chairpersons, one appointed from among the members selected by the Majority Leader of the Legislature and one from among the members selected by the Minority Leader, to ensure the efficient, non-partisan functioning of the Commission.

This Legislature finds that Local Law No. 14-2007 prohibits the appointment of any individual who has held partisan elective office in the previous ten years. This provision has proven to be unduly burdensome and restrictive, particularly in regards to finding qualified judges to serve on this Commission.

This Legislature finds that former judges should only have to be five years removed from their tenure in office to be eligible for appointment to the Reapportionment Commission.

Therefore, the purpose of this law is to amend Section C2-3 of the SUFFOLK COUNTY CHARTER to require that there be two Chairpersons of the Reapportionment Commission and to allow former judges to be eligible for appointment to the Commission five years after leaving elected office.

Section 2. Amendment.

Section 2-3(E) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C2-3. Legislative districts.

****

E. (1) ****

(3) The following classes of individuals shall not be eligible to serve as members of the Reapportionment Commission:

(a) Individuals who currently serve or have served in the immediately preceding 10 years in any elected federal, state or local partisan office, except that former judges shall be eligible to serve five years after leaving the bench; or

****

(4) The Reapportionment Commission shall hold its first meeting no later than 30 days after the oaths of office of all members have been filed, at which meeting [a] two Chairpersons shall be selected [by a majority of the Reapportionment Commission]. The members selected by the Majority Leader will designate one chairperson and the members selected by the Minority Leader will designate one chairperson.

****

Section 3. Applicability.

This law shall apply to 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 its filing in the Office of the Secretary of State.

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

DATED: October 11, 2011

APPROVED BY:

County Executive of Suffolk County

Date:
NOV 1 0 2011

After a public hearing duly held on November 1, 2011
Filed with the Secretary of State on December 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 October 11, 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. 1773 Res. No. 832 October 11, 2011

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

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

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloria-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	15	2	-	1	-

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature