

**WITHDRAWN AS OF 12/4/2012**

Intro. Res. No. 1446-2012  
Introduced by Legislator Montano

Laid on Table 4/24/2012

**RESOLUTION NO. -2012, ADOPTING LOCAL  
LAW NO. -2012, A CHARTER LAW TO PROTECT THE  
COUNTY LEGISLATURE'S DELIBERATIVE LAW MAKING  
PROCESS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2012, a proposed local law entitled, "**A CHARTER LAW TO PROTECT THE COUNTY LEGISLATURE'S DELIBERATIVE LAW MAKING PROCESS**"; now, therefore be it

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

**LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO PROTECT THE COUNTY LEGISLATURE'S  
DELIBERATIVE LAW MAKING 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, pursuant to the SUFFOLK COUNTY CHARTER, a local law or resolution may not be enacted by the County Legislature unless it shall have been in its final form for at least seven calendar days, exclusive of Sunday, prior to its final passage.

This Legislature also finds that most proposed local laws and resolutions must be reviewed and discharged by a committee of the County Legislature before it may be considered by the full Legislature.

This Legislature determines that the seven-day aging requirement for local legislation and the Legislature's committee process ensure that local laws and resolutions are carefully scrutinized prior to their enactment.

This Legislature also finds that the County Legislature is permitted to give immediate consideration to proposed local laws and resolutions when the County Executive certifies that immediate passage of the legislation is necessary.

This Legislature finds that County Executives occasionally issue a Certificate of Necessity when there is no urgent need for immediate action by the Legislature.

This Legislature further finds that the Legislature's normal legislative process should be circumvented only in emergency circumstances.

This Legislature also determines that a procedural mechanism needs to be created and implemented to ensure that the Legislature's deliberative legislative process is not disrupted unnecessarily.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to require a procedural vote of the County Legislature to accept a Certificate of Necessity prior to acting on a local law or resolution in an expedited fashion.

## **Section 2. Amendment.**

Paragraph (A) of Section C2-12 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

### **§ C2-12. Legislative consideration of proposed local laws and resolutions.**

- A. Immediate consideration may be given to a home rule message or any resolution which relates to the following: the annual adoption of the Capital Budget and Program; the annual adoption of the Operating Budget; approving a Community College budget; levying taxes, assessments, water rents, sewer rents and charges; approving assessment rolls and tax warrants; and approving the return of fund balances to taxpayers pursuant to Local Law No. 21-1983. Otherwise, no proposed local law or resolution may be enacted until it shall have been in its final form and laid on the table at a regular or special meeting of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its final passage, unless the County Executive shall have certified in writing as to the necessity for its immediate passage and stated the specific reasons why such action is necessary. The County Legislature shall consider the reasons put forth by the County Executive and determine by a procedural vote whether to accept such Certificate of Necessity before taking any action on the underlying resolution or local law. If the Legislature accepts a Certificate of Necessity, the Legislature may act immediately on the underlying resolution or local law, which may only be approved by a two-thirds vote of the total membership of the County Legislature. If the Legislature fails to accept the Certificate of Necessity, the underlying local law or resolution shall be assigned to a legislative committee for further consideration in accordance with the Rules of the County Legislature.

## **Section 3. Applicability.**

This law shall apply to all Certificates of Necessity issued 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 upon its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: