

Introduced by Presiding Officer, on request of the County Executive and Legislator Romaine

RESOLUTION NO. 794 -2012 ADOPTING LOCAL LAW NO. 45 -2012, A CHARTER LAW TO ADD EFFICIENCIES FOR THE NEWLY CREATED BOARD OF ETHICS

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on August 7, 2012 a proposed local law entitled, **“A CHARTER LAW TO ADD EFFICIENCIES FOR THE NEWLY CREATED BOARD OF ETHICS;”** and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. 45 -2012, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO ADD EFFICIENCIES FOR THE NEWLY CREATED BOARD OF ETHICS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that a new Board of Ethics was formed under Local Law No. 56-2011, codified at Article XXX of the Suffolk County Charter and Article XXX of the Suffolk County Administrative Code, and that a new Ethics and Accountability law was adopted via Local Law No. 55-2011, codified at Chapter 77 of the Code of Suffolk County.

This Legislature further finds and determines that the new Board was recently fully constituted with a total of five members.

This Legislature further finds and determines that the Board has reviewed the Code and the Charter provisions and determined that certain transitional provisions and efficiencies need to be added to the Charter so that the Board may effectively carry out its duties.

Therefore, the purpose of this law is to amend the Suffolk County Charter to add transitional provisions and efficiencies that will allow the Board to effectively carry out the duties with which it has been entrusted under the law.

Section 2. Amendments.

**ARTICLE XXX
Board of Ethics**

I.) Section 30-4 of the Suffolk County Charter is amended as follows:

§ C30-4. Staffing; facilities.

A.) The Board, by a majority vote of the Board's entire membership, shall appoint an executive director, a secretary, [and] independent counsel and such other staff as may be necessary to exercise its powers and fulfill its obligations. The power to appoint and retain an executive director, a secretary, independent counsel and other staff shall be subject only to available appropriations provided therefor in the County operating budget and the actual appointment and filling of such positions shall not be subject to approval by the County Executive or the Budget Office. The Board shall be deemed the appointing authority for all such personnel. The executive director, a secretary, independent counsel and support staff shall not be part of the Suffolk County Department of Law and shall not be supervised by the Department of Law. The Board, its staff and funding shall be treated as a separate agency for purposes of presentation and adoption in the annual County operating budget.

II.) A new section 30-5 is hereby added to Article XXX of the Suffolk County Charter as follows:

§ C30-5. Transition Provisions.

A.) Any reference to the Suffolk County Ethics Commission, its members, chairman or executive director in any other resolution, local law, Charter law, ordinance, rule, or regulation of the County of Suffolk or in any state or federal law, rule, or regulation, shall be construed in the first instance as reference to the Board of Ethics, its members, chairperson or executive director, anything in any other law, rule or regulation to the contrary notwithstanding.

B.) For calendar year 2012 only, the Board, by a supermajority vote of its total membership, may extend the deadline referenced in any local law, charter law, resolution, rule or regulation applicable to the Board to a date deemed appropriate by the Board provided, however, that the deadline for filing financial disclosure statements may not be extended beyond December 31, 2012 and no other 2012 deadline may be extended beyond June 30, 2013.

C.) All property and equipment heretofore associated with, and utilized by, the Ethics Commission but inventoried to the Law Department, and all other property, equipment and records and confidential files associated with, and utilized by, the Ethics Commission wherever situated shall be transferred and delivered to the Board of Ethics. For purposes of this subdivision, records and confidential files shall be construed broadly to include, but not be limited to financial disclosure forms, opinions, requests for opinions, budgets, procurement documents, contracts, vouchers, requisitions, records of accounts, if any, and correspondence, notes and documents in any form whatsoever created or used in the ordinary course of business of the Ethics Commission.

III. A new subdivision (G) is hereby added to section 30-2 of Article XXX of the Suffolk County Administrative Code as follows:

**ARTICLE XXX
Board of Ethics**

G.) The Board may utilize interactive on-line, web-based technologies to satisfy the ethics training requirements set forth herein and to publish and distribute the ethics booklet and training materials.

Section 3. Applicability.

This law shall have retroactive applicability and apply to all actions occurring on or after March 28, 2012.

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) 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 with the Office of the Secretary of State.

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

DATED: August 21, 2012

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 24, 2012

After a public hearing duly held on August 22, 2012
Filed with the Secretary of State on September 4, 2012

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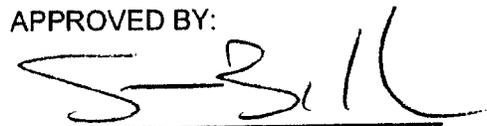
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___ Underlining denotes addition of new language

DATED: August 21, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 8.24.2012

After a public hearing duly held on August 22, 2012
Filed with the Secretary of State on September 4, 2012

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 August 21, 2012 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.

1837

Res. No.

794

August 21, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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

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

Roll Call ___ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature