

**RESOLUTION NO. 274 -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO ENSURE A FULLY
FUNCTIONAL BOARD OF PARK TRUSTEES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 5, 2013 a proposed local law entitled, "**A CHARTER LAW TO ENSURE A FULLY FUNCTIONAL BOARD OF PARK TRUSTEES**"; now, therefore be it

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ENSURE A FULLY FUNCTIONAL BOARD OF
PARK TRUSTEES**

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

Section 1. Legislative Intent.

This Legislature hereby finds that the Board of Trustees of the Suffolk County Department of Parks, Recreation and Conservation makes advisory recommendations to the Parks Commissioner regarding the management and development of the County's parks and recreation programs.

This Legislature determines that several legislative changes must be enacted to ensure that Suffolk County has a fully staffed and functional Board of Park Trustees.

This Legislature further determines that the County Legislature appoints one person from each of the County's ten towns to the Board of Trustees based upon the recommendations of the town supervisors.

This Legislature further finds that Local Law No. 9-1990 prohibits the appointment of any person to the Board of Trustees "who is an appointee to a position of employment with the State of New York or any political subdivision thereof....which position does not require a competitive civil service examination...."

This Legislature also determines that Local Law No. 9-1990 unnecessarily limits the discretion of town supervisors when they are considering their park trustee appointments and provides no significant offsetting benefit to the County of Suffolk.

This Legislature also finds that some towns have great difficulty identifying "citizen volunteers" who meet all other eligibility criteria for appointment to the Board of Trustees.

This Legislature further finds that there is no rational basis for a policy that allows civil service employees to serve on the Board of Trustees while excluding appointed employees of the State of New York and its political subdivisions.

This Legislature also determines that some park trustee positions have remained vacant for unreasonably long periods of time because recommendations for successors have not been forthcoming from the towns; accordingly, the County Legislature should have the authority to fill Board vacancies if a town supervisor fails to forward a recommendation within 120 days of the creation of a vacancy.

Therefore, the purpose of this law is to lift the ban on the appointment of state and municipal employees to the Board of Trustees of the Department of Parks, Recreation and Conservation and to authorize the County Legislature to fill a Board vacancy if a town fails to timely nominate a successor to fill such vacancy.

Section 2. Amendment.

Article XXVIII the SUFFOLK COUNTY CHARTER is hereby amended as follows:

Article XXVIII. Department of Parks, Recreation and Conservation

§ C28-1. Department established; appointment of Commissioner; Board of Trustees.

* * * *

C. The Board of Trustees of Parks, Recreation and Conservation shall consist of 11 members, one member to be appointed by the County Legislature from each of the 10 towns of Suffolk County upon recommendation of the Supervisor of each town and one member to be appointed at large by the County Executive subject to the approval of the County Legislature. In the event a town supervisor fails to forward a recommendation to fill a Board vacancy within 120 days after the creation of such vacancy, the County Legislature shall be authorized to appoint a successor from the subject town. The term of each member shall be for five years, except that, of the members first appointed, two shall be appointed for terms of one year, two shall be appointed for terms of two years, two shall be appointed for terms of three years, two shall be appointed for terms of four years, and two shall be appointed for terms of five years.

* * * *

G. No person shall be appointed to a position under Subsection C of this section who is an elected official of the State of New York or of any political subdivision thereof, who is an appointee to a position of employment with the [State of New York or any political subdivision thereof, including the] County of Suffolk, which position does not require a competitive civil service examination for appointment thereto, or who is a party officer. For the purposes of this section, "party officer" shall mean one who holds any party position or any party office, whether by election, appointment or otherwise, excluding committeemen, and "party" shall mean any political organization which, at the last preceding election for Governor, polled at least 50,000 votes for its candidate for Governor.

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Section 3. Applicability.

This law shall apply to all appointments 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.

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

DATED: April 23, 2013 ****NOT ADOPTED****