

STRICKEN AS OF 9/5/2013

Intro. Res. No. 1182-2013

Laid on Table 3/15/2013

Introduced by Legislators Montano, Kennedy and Muratore

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO STRENGTHEN
LEGISLATIVE OVERSIGHT AND PUBLIC PARTICIPATION IN
LAWMAKING PROCESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2013, a proposed local law entitled, "**A CHARTER LAW TO STRENGTHEN LEGISLATIVE OVERSIGHT AND PUBLIC PARTICIPATION IN LAWMAKING PROCESS**"; 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 STRENGTHEN LEGISLATIVE OVERSIGHT
AND PUBLIC PARTICIPATION IN LAWMAKING 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 has 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 they 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 "seven day rule" may be waived when the County Executive certifies that immediate passage of legislation is necessary.

This Legislature also determines that certificates of necessity are a valuable governing tool, but their use can be abused. By their very nature, certificates of necessity limit public participation in the lawmaking process and short circuit legislative oversight and scrutiny.

This Legislature also finds that it is common practice for County Executives to issue certificates of necessity during the course of legislative meetings (and in many cases, towards the end of legislative meetings). This practice makes it impossible for the County Legislature to adequately consider legislation that is presented to it via a certificate of necessity.

This Legislature concludes that reasonable restrictions should be imposed on the issuance of certificates of necessity to ensure that the Legislature's deliberate legislative process and the public's right to participate are adequately protected.

Therefore, the purpose of this law is to require the County Executive to file a certificate of necessity and accompanying legislation at least one business day prior to the legislative meeting at which such legislation will be considered.

Section 2. Amendments.

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

- 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 total; 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 certifies in writing that immediate passage of the legislation is necessary, in which case such legislation may be passed by an affirmative vote of two-thirds of the total membership of the County Legislature.
 1. Certificates of necessity and accompanying legislation must be filed with the Clerk of the County Legislature no later than 1:00 p.m. one business day prior to the legislative meeting at which such legislation is to be considered. Any legislation which is filed with a certificate of necessity after the deadline or which is amended after this deadline will be assigned to a legislative committee for further consideration and, in the case of a local law, a public hearing will be scheduled for a subsequent meeting of the County Legislature.
 2. A certificate of necessity must state the specific reasons that immediate passage of legislation is necessary.

II. Paragraph (A) of Section A2-8 the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

- A. Legislative hearing in the case of emergency matters; form and time of notice. Whenever the County Executive certifies the necessity of the immediate passage of a local law, consistent with the filing requirements of Section C2-12(A) of the SUFFOLK COUNTY CHARTER, notice that the legislative public hearing will be held at the next meeting of the County Legislature shall be made by the immediate posting of a copy of such proposed local law and a notice of the time, date and place of the hearing at the County Legislature's offices in Hauppauge and Riverhead and on the Legislature's website. Such hearing will precede any regularly advertised public hearing scheduled to take place at the same place and time.

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 not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: