

**RESOLUTION NO. 488 -2013, ADOPTING LOCAL LAW
NO. 28-2013, A LOCAL LAW TO CLARIFY BOARD OF ETHICS
AUTHORITY TO ISSUE ADVISORY OPINIONS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 23, 2013, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY BOARD OF ETHICS AUTHORITY TO ISSUE ADVISORY OPINIONS;**" now, therefore be it

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

LOCAL LAW NO. 28 -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO CLARIFY BOARD OF ETHICS AUTHORITY TO
ISSUE ADVISORY OPINIONS**

**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 the County of Suffolk overhauled its ethics program by enacting Local Law Nos. 55-2011 and 56-2011.

This Legislature further finds that Local Law No. 56-2011 for the first time established procedures and timelines for the issuance of advisory opinions by the Board of Ethics.

This Legislature also finds that the Board of Ethics receives requests for advisory opinions from prospective County employees about potential conflicts of interest and from former County employees about post-employment restrictions.

This Legislature determines that the Board of Ethics believes their authority to issue advisory opinions to prospective and former County employees should be expressly set forth in the County's ethics statute.

This Legislature also finds and determines that the County's ethics bodies have traditionally issued advisory opinions to prospective and former County Employees.

Therefore, the purpose of this law is to amend the County's ethic's statute to clarify that the County Board of Ethics has the authority to issue advisory opinions to prospective and former County employees.

Section 2. Amendments.

Article 30 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

Article XXX. Board of Ethics.

* * * *

§ A30-3. Advisory Opinions.

* * * *

E. For the purposes of this section only the term “public servant” includes a prospective or former public servant and a supervisory official includes a supervisory official who will supervise a prospective public servant or a supervisory official who supervised a former public servant.

* * * *

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 filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language

DATED: June 4, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 2, 2013

After a public hearing duly held on June 19, 2013
Filed with the Secretary of State on July 17, 2013