

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 684 -2014, ADOPTING LOCAL LAW NO. 33 -2014, A CHARTER LAW AMENDING ARTICLE I OF THE SUFFOLK COUNTY CHARTER TO REQUIRE A REFERENDUM TO AMEND OR REPEAL THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on June 3, 2014, a proposed local law entitled, "**A CHARTER LAW AMENDING ARTICLE I OF THE SUFFOLK COUNTY CHARTER TO REQUIRE A REFERENDUM TO AMEND OR REPEAL THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM;**" 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 form as follows:

**LOCAL LAW NO. 33- 2014, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW AMENDING ARTICLE I OF THE SUFFOLK COUNTY CHARTER TO REQUIRE A REFERENDUM TO AMEND OR REPEAL THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM**

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

**Section 1. Legislative Intent.**

This Legislature finds and determines that Local Law No. 24-2007, a Charter Law extending and accelerating the Suffolk County 1/4% Drinking Water Protection Program for environmental protection known as the Suffolk County Drinking Water Protection Program, was adopted by the County and approved by the electors of Suffolk County.

This Legislature further finds that the Sewer Assessment Stabilization Reserve Fund is a component of the Drinking Water Protection Program. That Fund developed a large reserve fund balance which prompted the adoption of Local Law No. 44-2011, without approval by the voters, to authorize the use of excess monies in the Fund for payments to the County Bonded Indebtedness Reserve Fund and the Retirement Contribution Reserve Fund, and for sewer infrastructure and sewage treatment plants, and the installation of enhanced nitrogen removal septic systems throughout Suffolk County.

This Legislature further finds that the Drinking Water Protection Program is essential to the well-being of the County's drinking water supply, and it is in the best interest of the County's residents to adhere to the provisions of the Program as adopted by the electorate to secure significant environmental and public health benefits.

Therefore, the purpose of this law is to amend Article I of the Suffolk County Charter, the County's "Environmental Bill of Rights," to impose the requirement of a mandatory referendum to approve any amendment or repeal of Local Law No. 24-2007 codified in Article XII of the Charter as the Suffolk County Drinking Water Protection Program.

**Section 2. Amendments.**

Article I of the Suffolk County Charter is hereby amended by the addition of a new section C1-10 to read as follows:

**ARTICLE I  
Environmental Bill of Rights**

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**§ C1-10. Amendment or Repeal of the Suffolk County Drinking Water Protection Program.**

Local Law No. 24-2007, a charter law extending and accelerating the Suffolk County 1/4% Drinking Water Protection Program for environmental protection known as the Suffolk County Drinking Water Protection Program, was adopted by the County and approved by the electors of Suffolk County. Local Law No. 24-2007, as amended, or any successor law thereto, may only be amended, modified, altered or repealed by enactment of a Charter Law subject to a mandatory referendum.

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**§ C1-12. Judicial enforcement.**

A violation of any of the provisions of §§ C1-7, C1-8 [and] C1-9 and C1-10 may be restrained at the suit of any taxpayer or, with the consent of any court having jurisdiction thereof, at the suit of any citizen.

**Section 3. Applicability.**

This local law shall apply to all 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) and (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.

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

DATED: September 9, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: September 24, 2014

After a public hearing duly held on September 22, 2014  
Filed with the Secretary of State on December 10, 2014