

Intro. Res. No. 1867-2014  
Introduced by Legislator Browning

Laid on Table 10/7/2014

**RESOLUTION NO. 1114 -2014, ADOPTING LOCAL LAW  
NO. 4 -2015, A CHARTER LAW TO MODIFY CHARTER  
COMMISSION REQUIREMENTS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on October 7, 2014 a proposed local law entitled, "**A CHARTER LAW TO MODIFY CHARTER COMMISSION REQUIREMENTS**;" now, therefore be it

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

**LOCAL LAW NO. 4 -2015, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO MODIFY CHARTER COMMISSION  
REQUIREMENTS**

**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 SUFFOLK COUNTY CHARTER presently mandates that a commission be formed every 10 years to review the County's Charter and recommend changes thereto, even if there is no clear need or public demand for such a Commission.

This Legislature further finds that there is no need to convene a commission every 10 years because the County of Suffolk is empowered to amend its Charter by the adoption of local laws on an ongoing basis.

This Legislature also determines that the County of Suffolk regularly amends its Charter and reshapes its government to respond to changing circumstances and new realities. For example, in the past several years alone, this County Legislature has amended the Charter to create a Department of Information Technology (Local Law No. 18-2006); amended the Drinking Water Protection Program to accelerate land acquisitions (Local Law No. 24-2007); strengthened the County Legislature's power to establish county park policies (Local Law No. 37-2009), strengthened the independence of the Board of Ethics (Local Law Nos. 43-2010 and 56-2011); established an independent Medical Examiner's Office (Local Law 50-2012); and authorized a new Traffic and Parking Violations Agency (Local Law No. 9-2013).

This Legislature concludes that charter revision commissions should be formed only on an as-needed basis, when it is clearly advisable and necessary to convene an independent group to study the County government's structure and operations.

Therefore, the purpose of this law is to eliminate the mandate that a charter revision commission be formed every 10 years and to give the County of Suffolk the discretion to form such a commission on an as-needed basis.

**Section 2. Amendment.**

Section C2-20 of the SUFFOLK COUNTY CHARTER is hereby repealed in its entirety and replaced with a new section C2-20 to read as follows:

**§ C2-20. CHARTER REVISION COMMISSIONS.**

- A. A commission empowered to make recommendations regarding revisions to the Suffolk County Charter may be formed periodically by a duly adopted resolution of the County of Suffolk, but not more often than once every 10 years.
- B. A charter revision commission, when authorized by a duly enacted resolution, shall consist of 15 members to be appointed as follows:
  - 1. Five members to be appointed by the Presiding Officer of the Suffolk County Legislature.
  - 2. Five members to be appointed by the County Executive.
  - 3. Five members to be appointed jointly by the County Executive and the Presiding Officer of the County Legislature.
- C. County employees shall not be eligible to serve on a charter revision commission.
- D. A charter revision commission created pursuant to this section shall be empowered to review all existing provisions of the SUFFOLK COUNTY CHARTER and to suggest changes, draft provisions and make recommendations in connection therewith. A charter revision commission shall issue a written report to the County Legislature and the County Executive at the conclusion of its deliberations, but no later than one year from the date of its first meeting. Such report shall contain the recommendations, proposals, suggestions and modifications of the commission.
- E. No member of a charter revision commission shall receive any compensation, but each member shall be reimbursed by the County of Suffolk for all actual necessary expenses incurred in the course of the performance of his or her duties as a member of said commission.

**Section 3. Applicability.**

This law shall apply to all charter revisions commissions created on or after the effective date of this law. No charter revision commission may be appointed under this law until February 7, 2018.

**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 will take effective immediately upon its filing in the Office of the Secretary of State.

\_\_\_ Underlining denotes addition of new language.

DATED: December 2, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 30, 2014

After a public hearing duly held on December 15, 2014  
Filed with the Secretary of State on January 27, 2015