

WITHDRAWN AS OF 6/10/2015

Intro. Res. No. 1384-2015
Introduced by Legislators McCaffrey and Lindsay

Laid on Table 4/28/2015

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW
NO. -2015, A CHARTER LAW AMENDING AND
CLARIFYING THE PROCEDURE OF FILLING COUNTY
TREASURER VACANCIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2015 a proposed local law entitled, "**A CHARTER LAW AMENDING AND CLARIFYING THE PROCEDURE OF FILLING COUNTY TREASURER VACANCIES**"; now, therefore be it

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

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

**A CHARTER LAW AMENDING AND CLARIFYING THE
PROCEDURE OF FILLING COUNTY TREASURER VACANCIES**

**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 this coming November, the voters of Suffolk County will be asked to elect a new County Treasurer at the same time they will be considering a referendum to abolish the office of Treasurer effective January 1, 2016.

This Legislature also finds that the provisions of the Suffolk County Charter governing vacancies in the office of Treasurer should be amended and clarified to ensure a smooth transition in the event the offices of Treasurer and Comptroller are merged at the end of 2015.

Therefore, the purpose of this law is to amend the charter provisions governing the filling of vacancies in the office of County Treasurer.

Section 2. Amendment.

Article 15 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE VX
Department of Finance and Taxation**

* * * * *

§ C15-3. Filling vacancies in the office of County Treasurer.

A. If the office of the County Treasurer becomes vacant other than by expiration of term, the vacancy shall be filled for the unexpired term at the first general election at which the

vacancy may be filled. The person so elected shall take office on the first day of January next succeeding the date of the general election.

- B. Until the vacancy is filled by election as hereinabove provided, the vacancy shall be filled by appointment of a qualified person by the County Executive with the approval of the County Legislature, said appointment to continue until and including the last day of December next after the general election at which the vacancy is filled.

Section 3. Applicability.

- A. This law shall apply to actions occurring on or after the effective date of this law and shall also apply retroactively to the vacancy in the office of County Treasurer that was created by the resignation of Angie Carpenter on February 27, 2015. Accordingly, the appointment of Barry Paul as Treasurer by Resolution No 178-2015 shall be effective through December 31, 2015 and the winner of the election for Treasurer conducted on November 3, 2015 shall take office on January 1, 2016, unless the office is abolished pursuant to the terms of Introductory Resolution No. 1384-2015 and a voter referendum conducted on November 3, 2015.
- B. This law shall in no way effect, impair or negate the provisions of Local Law No. 32-2014 or any other duly adopted law of the County of Suffolk that provides for the abolition of the Department of Finance and Taxation and the office of County Treasurer and the consolidations of Treasurer's functions in the Department of Audit and Control and office of County Comptroller.

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.

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: