

**STRICKEN AS OF 12/1/2016**

Intro. Res. No. 1582-2016  
Introduced by Legislator McCaffrey

Laid on Table 6/1/2016

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW  
NO. -2016, A LOCAL LAW TO EXTEND TO INDEPENDENTLY  
ELECTED COUNTY OFFICIALS AUTHORITY TO APPROVE  
EDUCATIONAL CONFERENCE OR SEMINAR ATTENDANCE**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 1, 2016, a proposed local law entitled, "**A LOCAL LAW TO EXTEND TO INDEPENDENTLY ELECTED COUNTY OFFICIALS AUTHORITY TO APPROVE EDUCATIONAL CONFERENCE OR SEMINAR ATTENDANCE**"; 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. -2016, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO EXTEND TO INDEPENDENTLY ELECTED  
COUNTY OFFICIALS AUTHORITY TO APPROVE  
EDUCATIONAL CONFERENCE OR SEMINAR ATTENDANCE**

**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 § C3-3(A) the County Executive has general supervision over all administrative units of the County, except as otherwise provided in the Charter.

This Legislature also finds that other, discrete functions of government fall under the direction and supervision of independently elected officials, including the Suffolk County District Attorney, the Suffolk County Clerk, the Suffolk County Comptroller, and the Suffolk County Sheriff, in accordance with federal, State and local laws.

This Legislature further finds that in certain cases, the independently elected officials may receive federal or State funding that is not treated as General Fund revenue as a direct result of activities associated with their respective staffs in effectuating arrests and criminal prosecutions of defendants.

This Legislature further finds that these funds, commonly referred to as "Asset Forfeiture Funds," are authorized for distribution directly to specific local offices of government pursuant to various federal and State laws and through the Department of Justice and the Department of the Treasury Equitable Sharing Programs and may, in some instances, be specifically approved for purposes of training, education, and conference attendance by the staff of the independently elected officials.

This Legislature also finds that, in addition to the above referenced sources of funding, the County Operating Budget may also include funding for continuing training and education in connection with law enforcement.

This Legislature finds that, pursuant to SUFFOLK COUNTY ADMINISTRATIVE CODE Section A2-17, only the County Executive and Presiding Officer are empowered to approve payment of tuition and expenses and the attendance of County officers and employees at schools, seminars, institutes and the like, conducted for the betterment of County government.

This Legislature further finds that it would be more prudent and practical for the independently elected officials to be permitted to authorize their respective staffs to attend required and beneficial continuing education conferences, seminars and other training activities relating to the performance of their work duties so that they can be fully trained in a complex range of areas associated with their respective duties, functions and missions for the purposes of County governance.

Therefore, the purpose of this local law is to amend Section A2-17 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to authorize the independently elected County officials to approve the attendance and the payment of tuition and expenses for their respective officers and employees at schools, seminars, institutes and similar educational/training programs for the betterment of the conduct of the official duties of their offices or departments.

## **Section 2. Amendment**

Section A2-17 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is amended to read as follows:

### **§ A2-17. Authority to approve payment of expenses for attendance at certain educational activities.**

- A. Pursuant to the provisions of § 77-b of the General Municipal Law, there is hereby delegated to the County Executive and the Presiding Officer the authority to approve the payment of tuition and expenses and the attendance of County officers and employees at schools, seminars, institutes and the like conducted for the betterment of municipal government. Notwithstanding the foregoing, independently elected County officials shall be authorized to approve the attendance and the payment of tuition and expenses for their respective officers and employees at schools, seminars, institutes and similar educational/training programs for the betterment of the conduct of the official duties of that office or department.
- B. All requests for approval of attendance and the payment of related tuition, fees and expenses for such educational/training programs must be submitted and approved by the respective County elected official at least thirty (30) days prior to the requested educational/training program. No such tuition, fees or expenses shall be paid by the Comptroller without the prior approval of the respective County elected official, or his/her authorized designee.
- C. Payment of any tuition, fees or expenses under this Section A2-17 shall be subject to sufficient appropriations for such expenses in the Operating Budget or the availability of other recognized funds available for such expenses, such as Asset Forfeiture funds, provided that such other funds have been duly claimed and remitted to the

Department/Office seeking to use the funds, as evidenced by either a written approval of funds claimed or a written acknowledgement of receipt into a Departmental Account specifically detailing the claim, the amount approved, and the amount received.

**Section 3. Applicability.**

This 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 lead agency under the State Environmental Quality Review Act ("SEQRA"), N.Y. Environmental Conservation Law Article 8 and Chapter 450 of the Suffolk County Code, hereby finds and determines that this resolution 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 ("NYCRR") in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. 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 resolution.

**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:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: