

Introduced by Legislator Montano

Laid on Table 2/5/2013

**PROCEDURAL RESOLUTION NO. 3 -2013, AUTHORIZING AN
APPEAL IN SPOTA V. COUNTY OF SUFFOLK**

WHEREAS, in 1993, the County Legislature imposed term limits for the offices of the District Attorney, County Clerk, County Sheriff, County Comptroller, County Treasurer, County Executive, and each member of the County Legislature; and

WHEREAS, the electorate approved these term limits via referendum in 1993;
and

WHEREAS, the District Attorney, the County Clerk and the County Sheriff brought an action to strike down that portion of the County's term limit law as applied to their offices; and

WHEREAS, a Supreme Court Justice has entered an order in favor of the District Attorney, Clerk and Sheriff; and

WHEREAS, this is an issue of constitutional magnitude and should be heard by the higher courts in New York; and

WHEREAS, pursuant to the Suffolk County Charter, either the County Executive or the County Legislature may direct an appeal in this matter; now, therefore be it

1st RESOLVED, that this Legislature hereby authorizes an appeal of Justice Ralph Gazzilo's decision in the matter, Spota et al v. County of Suffolk; and be it further

2nd RESOLVED, that the Presiding Officer shall advise the County Attorney that an appeal has been authorized by this Legislature and that the County of Suffolk, through outside Counsel, should perfect its appeal in this matter.

DATED: February 5, 2013 ****NOT ADOPTED****

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER.