

FIRST DAY

ORGANIZATIONAL MEETING

January 3, 2005

Minutes of the Special Meeting of the County Legislature of Suffolk County, New York, held in the Rose Y. Caracappa Legislative Auditorium, William H. Rogers Legislature Building, Hauppauge, New York, at 11:00 a.m., pursuant to notice duly given.

The meeting was called to order at 11:22 a. m. by acting Presiding Officer Joseph Caracappa. The Clerk called the roll and the following were found present: Legislators Caracciolo, Schneiderman, O'Leary, Caracappa, Vilorio-Fisher, Losquadro, Foley, Lindsay, Montano, Alden, Carpenter, Kennedy, Nowick, Bishop, Mystal, Binder, Tonna and Cooper.

Pledge of Allegiance.

The name of Legislator Joseph Caracappa was placed in nomination for Presiding Officer by Legislator O'Leary, seconded by Legislator Losquadro. On a roll call vote: 18 Legislators in favor; 0 opposed.

JOSEPH CARACAPPA WAS SWORN IN AS THE PRESIDING OFFICER OF THE SUFFOLK COUNTY LEGISLATURE BY THE COUNTY CLERK, EDWARD ROMAINE

The name of Legislator Angie Carpenter was placed in nomination for Deputy Presiding Officer by Legislator Nowick, seconded by Legislator Alden. On a roll call vote: 18 Legislators in favor; 0 opposed.

Intro. Res. No. 1-2005
Introduced by the Presiding Officer

**RESOLUTION NO. 1 -2005, APPOINTING
THE DEPUTY PRESIDING OFFICER OF
THE COUNTY LEGISLATURE**

RESOLVED, that Angie Carpenter of the 11th Legislative District, be and hereby is appointed Deputy Presiding Officer of the County Legislature to serve at the pleasure of the County Legislature until a successor is appointed.

DATED: January 3, 2005

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

LEGISLATOR ANGIE CARPENTER WAS SWORN IN AS DEPUTY PRESIDING OFFICER BY THE COUNTY CLERK, EDWARD ROMAINE

Legislator Foley made a motion on the following resolution, seconded by Legislator O'Leary. The resolution passed 18-0.

Intro. Res. No. 2 -2005
Introduced by Presiding Officer

Laid on Table 1/3/2005

**RESOLUTION NO. 2 -2005, ADOPTING RULES
OF THE LEGISLATURE OF THE COUNTY OF
SUFFOLK**

BE IT RESOLVED, that the attached shall constitute the Rules of the
Legislature of the County of Suffolk:

RULES OF THE SUFFOLK COUNTY LEGISLATURE

1. Organization
2. Order of Business
3. Powers & Duties of the Presiding Officer
4. Rights & Duties of Members
5. Introducing Legislation
6. Discharge of Legislation
7. Action on Legislation
8. Public Participation
9. Public Hearings
10. Quorum
11. Rules of Order
12. Decorum
13. Standards of Official Conduct
14. Committees
15. Meetings of the Legislature
16. Officers & Employees
17. Papers
18. Minutes & Proceedings of the Legislature
19. Placement on the Agenda
20. Legal Memoranda
21. Robert's Rule of Order
22. Amendments

DATED: January 3, 2005

Effective pursuant to Section 2-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE
and Sections 2-15(A) and 2-7 of the SUFFOLK COUNTY CHARTER.

2005 RULES OF THE LEGISLATURE

RULE 1. ORGANIZATION

- A.) The members of the Suffolk County Legislature shall meet to organize on the first business day in January in each calendar year.
- B.) At such organizational meeting, or at a recessed meeting, the Legislature shall select a member of the Legislature as Presiding Officer by an affirmative vote of at least a majority of the entire membership of the Legislature. The term of office of the Presiding Officer shall expire at the end of the calendar year in which he or she is selected.
- C.) Upon his or her election, the Presiding Officer shall immediately assume all the duties and responsibilities of the office and shall continue to act in such capacity until the termination of his or her term of office as such.
- D.) The County Legislature may act upon the following additional Resolutions at or after the organizational meeting:
 - 1.) Appointment of Deputy Presiding Officer;
 - 2.) Appointment of Clerk of the Legislature;
 - 3.) Appointment of Chief Deputy Clerk;
 - 4.) Appointment of Deputy Clerk; and
 - 5.) Appointment of Counsel to the Legislature.
 - 6.) Fixing the time of regular meetings of the County Legislature; such regular meetings may only be changed by the adoption of a separate Resolution directed solely and explicitly to that purpose in conformity with the procedure set forth in Rules 5 and 6 of these Rules;
 - 7.) Designating depositories pursuant to Section 212 of the COUNTY LAW;
 - 8.) Designation of official newspapers pursuant to Section 214 of the NEW YORK COUNTY LAW;
 - 9.) Designation of local newspapers in each town for publication of County notices; and
 - 10.) Action on any other Resolution which would otherwise qualify or be eligible to be voted upon.

RULE 2. ORDER OF BUSINESS

A.) At all Legislative sessions the following business shall be conducted, unless otherwise changed by the Presiding Officer or by an affirmative vote of at least a majority of the entire membership of the Legislature, in the following order:

- 1.) Roll call at 9:30 A.M.;
- 2.) Salute to the Flag;
- 3.) Invocation;
- 4.) Presentation of petitions and communications, if any, except for at special meetings;
- 5.) Statements and presentations by Legislators. Legislators shall notify the Presiding Officer, no later than 12:00 noon of the day immediately preceding any Legislative meeting, of any such presentations to be made;
- 6.) Statements and presentations by members of the public until 11:00 a.m. and again either immediately before or immediately after the public hearing, if necessary. In the event that consideration of a proposed Resolution, Charter Law, Local Law, Memorializing Resolution, Sense of the Legislature Resolution, Home Rule Message, or non-official Home Rule Message (hereinafter referred to as "legislation") has not occurred prior to 6:00 p.m. on the day of a full daytime Legislative meeting, or 1:00 a.m. on the day following a full night-time Legislative meeting, then the public portion shall be deemed suspended as of 6:00 p.m. or 1:00 a.m., as the case may be, so as to allow for a vote on all legislation. The public portion shall be suspended every time there is less than a majority of the members of the County Legislature present until such time as a quorum has been reconstituted.
- 7.) Consideration of the consent calendar;
- 8.) Consideration of motions, Resolutions, and notices together with committee reports;
- 9.) Public hearings, except at special meetings, at 2:30 p.m.;
- 10.) Schedule Public Hearing for Local Laws, if any;
- 11.) Reports and Statements from the County Executive, and/or Commissioners, Directors, Deputy Commissioners, Division or Department Heads of any County Office, Agency, or Department; and any statements by any Village, Town, County, State, or federal elected official and interviews of any nominees to any County Boards, Commissions, Departments, Agencies, and Offices at which time they may be questioned by County Legislators;

- 12.) Consideration of unfinished business generally;
 - 13.) Consideration of new business;
 - 14.) Reports from committees, if any; and
 - 15.) Adjournment.
- B.) If a meeting of the County Legislature is not completed by twelve midnight (12:00 a.m.) on a meeting day, such meeting shall be recessed at midnight to another day and hour to be specified by procedural motion of the County Legislature approved by an affirmative vote of at least a majority of the entire membership of the County Legislature, unless a motion to extend the meeting is approved. In the event that a motion is made to extend the meeting after the hour of twelve midnight (12:00 a.m.), such procedural motion shall require an affirmative vote of at least two-thirds (2/3) of the entire membership of the County Legislature. In the event that the meeting is neither recessed nor extended by twelve midnight (12:00 a.m.) on a meeting day, then the meeting shall be deemed adjourned as of midnight of said day, unless the Presiding Officer has recessed the meeting during the thirty (30) minutes immediately prior to twelve midnight (12:00 a.m.).

RULE 3. POWERS AND DUTIES OF THE PRESIDING OFFICER.

- A.) The Presiding Officer shall possess the following powers and perform the following duties:
1. To preside over all meetings of the full Legislature; call the Legislature to order, direct a call of the roll, and, except in the absence of a quorum, proceed to business in a manner prescribed by these rules;
 2. To preserve order and decorum;
 3. To execute on behalf of the Legislature contracts and/or contract amendments and other documents authorized by the County Legislature and to execute all contracts necessary for the

day-to-day operation and administration of the County
Legislature without additional Legislative authorization;

4. To decide all questions of order, subject to appeal of the
Legislature as hereinafter provided;
5. To substitute any Member to perform the duties of the chair in
the absence of the Deputy Presiding Officer;
6. To recess meetings;
7. If the Legislature is ready to go into Committee of the Whole, to
name a Chairperson to preside over such committee;
8. To declare a recess for lunch for a period of time determined by him or
her;
9. To be a voting member ex officio of all committees and to
receive notice of all meetings thereof.
10. To appoint and designate or terminate, within the budgetary
appropriations, all officers and employees of the Legislature not
required to be selected by these Rules, except as provided for in
Rule 4 (F) for Legislative Aides and Legislative Secretaries
assigned to a Legislative District Office;
11. To establish guidelines and criteria and approve the expenditure
of funds in the budget of the Legislature for the printing and/or
mailing of literature by members of the Legislature to their
constituents within the appropriations therefore; provided,
however, that no such literature shall be mailed at or delivered to

any postal facility by such members during the period of forty-five (45) days immediately prior to a date of an election in which such member is included or involved as a candidate, whether such election is a special, primary, or runoff election. Nothing contained in this Rule shall apply to any mailing which is:

- a.) A direct response to inquiries or request from persons to whom the matter is mailed;
- b.) Addressed to colleagues in the Legislature or to government officials (whether Federal, State, or Local) or
- c.) Consisting entirely of news releases to the communications media;

12. To establish independent committees, boards, and commissions to report to the Presiding Officer and/or Legislature, and appoint or remove the members thereof;

13. To cancel public hearings for which the underlying Local Law or Charter Law has been withdrawn;

14. To automatically sponsor all legislation requesting licenses, franchises, or fare increases for ferry operators; and

15. Such other powers as may be set forth in more detail in these Rules or in state, federal, or local laws.

B.) In the event of an absence from a full Legislative meeting of the Presiding Officer, the Deputy Presiding Officer shall preside. The Deputy Presiding Officer shall, in such event, exercise all the powers, duties and functions of the Presiding Officer at the meeting over which he or she is called to preside.

C.) In the event of the absence from a full Legislative meeting of both the Presiding Officer and the Deputy Presiding Officer, the Presiding Officer shall designate in writing another member of the Legislature to preside, or in the event the Presiding

Officer is unable to make such designation in writing then the Majority Conference Leader shall preside, or in the event that such person is absent, then the Minority Conference Leader shall preside. Such person shall, in such event, exercise all the powers, duties and functions of the Presiding Officer at the meeting over which he or she is called to preside.

- D.) In the event of a vacancy in the office of Presiding Officer, Deputy Presiding Officer, Clerk of the Legislature, Chief Deputy Clerk, Deputy Clerk, or Counsel; the submission of a written resignation by one of the persons holding such office regardless of its effective date; or a physical or mental disability of one of the persons holding such office, such vacancy shall be filled at a regular meeting of the County Legislature within sixty (60) days after such vacancy or resignation shall occur. The person so elected shall serve in that capacity for the unexpired term of his or her predecessor.

RULE 4. RIGHTS AND DUTIES OF MEMBERS

- A.) Petitions and any other papers addressed to this Legislature for informational purposes only may be presented by the Presiding Officer, Clerk, or by any member.
- B.) A member of the Legislature may introduce any Memorializing Resolution, Sense of the Legislature Resolution, Home Rule Message, or non-official Home Rule Message by submitting same to the Clerk of the Legislature, in compliance with the deadline set forth in Rule 5(A). Such legislation shall then be eligible for consideration by the entire Legislature in accordance with the provisions of Rule 6. Such legislation shall bear directly on the affairs of Suffolk County and shall not require the approval of the County Executive.
- C.) An official Home Rule Message shall be deemed one submitted pursuant to, and in compliance with, Section 40 of the NEW YORK MUNICIPAL HOME RULE LAW.
- D.) The Legislative committee created within the County Legislature for the purpose of maintaining general supervision of and liaison with the Legislative Office of Budget Review (BRO) shall meet monthly, maintain minutes, and disperse those minutes to all Legislators. The membership of the Legislative Budget Review Committee (Screening Committee) shall be as follows:
- 1.) The Presiding Officer of the Suffolk County Legislature:

- 2.) The Chairman of the Budget and Finance Committee or its successor Committee; and
- 3.) One (1) Legislator at Large, to be chosen by the Presiding Officer.

Any Legislator may request a report from the Legislative Office of Budget Review. The request will be acted upon by the BRO in accordance with the directives, rules, and priorities established by the Screening Committee.

E.) All members of the Legislature shall be entitled to the postage that is reasonably necessary to discharge their day to day office responsibilities.

- 1.) All members of the Legislature shall be entitled to communicate through the mail to all of their constituents on a district-wide basis at least twice in one calendar year subject to the provisions contained in Rule 3(A)(11). When a Legislator disseminates information under a mass mailing (i.e. district-wide), the Legislator shall file a copy of such mailing with the Clerk of the County Legislature and a general description of the group or groups of persons to whom the mass mailing was mailed.
- 2.) The Presiding Officer shall establish criteria and guidelines to ensure that appropriations provided by the Legislature for such mailings are not exceeded. The Presiding Officer shall also ensure that no unused portion of a mailing allowance for a Legislator for a prior year shall be applied towards such allowance for the current year. A copy of each such mailing shall be filed in the Office of the Presiding Officer. Nothing contained in such procedure shall be construed as an authorization to the Clerk of the Legislature, the Presiding Officer of the Legislature, nor any employee of the County Legislature to impose his or her approval of the substantive content of such mailings as a precondition of such mailing.

F.) All members of the County Legislature shall be entitled to the equivalent of three(3) full-time positions in their Legislative District Offices to consist of either Legislative Aides or Legislative Secretaries for the District Office, as determined by the Legislator for that District Office, each such person filling such position to be physically assigned to the district office. The appointment, designation, or termination of such individual shall be the sole and exclusive responsibility of the Legislator in whose district office the aide and/or secretary works, including simultaneous notification to the Payroll Clerk of the County Legislature. Nothing contained herein shall be construed as prohibiting the Presiding Officer from having additional staff assigned to the office of the Presiding Officer or from assigning additional staff beyond the above described minimum to other members of the County Legislature. The political party with the largest number of elected members of the County Legislature shall choose a majority

conference leader and the political party with the second largest number of elected members of the County Legislature shall choose a minority conference leader, and each conference leader shall be entitled to one additional Legislative Aide position to be appointed by that conference leader. All assignments of personnel hereunder shall be subject to available appropriations. Any permanent part-time budgeted exempt employee authorized by this paragraph shall be entitled to health insurance benefits as long as he or she works at least fifty one per cent (51%) of the established work week, anything in any other agreement or resolution to the contrary notwithstanding.

RULE 5. INTRODUCING LEGISLATION

- A.) All Resolutions, Charter Laws, and Local Laws to be submitted to the Legislature shall be filed with the Clerk of the Legislature no later than 1:00 p.m. at least four (4) business days immediately prior to the Legislative meeting at which such Resolutions, Charter Laws or Local Laws are to be laid on the table. If the day, or Friday, immediately preceding such Legislative meeting is an official County holiday, then all Resolutions, Charter Laws, and Local Laws to be submitted to the Legislature shall be filed with the Clerk of the Legislature no later than 1:00 p.m. at least five (5) weekdays immediately prior to the Legislative meeting at which such Resolutions, Charter Laws, or Local Laws are to be laid on the table.
- B.) Immediately upon assignment of an introductory number to a Resolution, Charter Law, or Local Law, the Clerk shall make available to the Presiding Officer a copy of such Resolution, Charter Law or Local Law. The Clerk shall also make available copies of such Resolutions, Charter Laws, and Local Laws, including backup material, to all Legislators, the County Attorney, the County Executive, the Legislative Counsel, and to such department heads as such Resolutions, Charter Laws, or Local Laws may affect at the commencement of the session at which said Resolutions, Charter Laws, or Local Laws are to be laid on the table. Any Legislator may waive his or her right to receive a hard copy of any legislation for the purposes of complying with the seven (7) day rule, where applicable, as set forth in Section 2-12(A) of the SUFFOLK COUNTY CHARTER by issuing such a waiver in writing to the Clerk of the County Legislature at least three (3) business days prior to the Legislative meeting at which such legislation is to be laid on the table.
- C.) If proposed legislation is not discharged, with or without recommendation, by an assigned committee of the Legislature, within a period of six (6) months from the date it has been laid on the table of the Legislature, then such legislation shall be deemed withdrawn as of the expiration of the six-(6)-month period. If a proposed Resolution, Charter Law, or Local Law has remained on the table subject to call for six (6) months, it shall be deemed withdrawn as of the expiration of the six- (6)-month period.

RULE 6. DISCHARGE OF LEGISLATION.

- A.) The Presiding Officer, unless he or she deems it unnecessary, shall assign legislation so laid on the table to a committee of the Legislature for its review and report.
- B.) Legislation laid on the table shall be placed on the agenda for consideration by the full Legislature at its next regularly scheduled meeting and shall be eligible for a vote by the full Legislature only if it been discharged by at least a majority of the entire membership of the Legislative committee to which it has been assigned, with or without recommendation; except for the following resolutions:
1. Any resolution introduced by a County Legislator for the purpose of amending the Suffolk County Operating Budget in accordance with the provisions of Resolution No. 871-1994; such budget resolutions shall be placed on the agenda for consideration by the full Legislature at a regularly scheduled meeting and shall be eligible for a vote by the full Legislature only if it has been discharged, with or without recommendation, by at least three-fourths (3/4) of the entire membership of the Budget and Finance Committee or any successor committee thereof to which it was assigned.
 2. Any legislation shall be placed on the agenda for consideration by the full Legislature at a regularly scheduled meeting and shall be eligible for a vote by the full Legislature only if it has been discharged by the committee to which it has been assigned pursuant to paragraph B hereof.
- C.) A Resolution, other than a Charter Law, Local Law, Memorializing Resolution, Sense of the Legislature Resolution, Home Rule Message, or non-official Home Rule Message, which is not otherwise discharged, with or without recommendation from its assigned committee, may be discharged from an assigned committee and eligible for a vote by the full Legislature, by a successful Legislative motion to discharge at any meeting of the Legislature, except for legislation assigned to the Budget and Finance Committee pursuant to subsection 1 of paragraph (B) of this rule. A motion to discharge shall require an affirmative vote of ten (10) members of the entire membership of the Legislature. A Resolution discharged from an assigned committee following the adoption of a motion to discharge the same made at any regular meeting of the Legislature (or any Special Meeting at which the resolution to be discharged is not specifically identified on the Special Meeting Notice), shall not be acted upon by the County Legislature until at least one (1) hour has elapsed after the approval of the discharge motion and the distribution of a copy of said Resolution to each member of the legislature present at the time of such discharge motion.
- D.) Legislation may be discharged from an assigned committee by a written petition to

discharge being presented to the Clerk of the Legislature, signed by at least ten (10) members of the Legislature, discharging the legislation from the assigned committee except for legislation assigned to the Budget and Finance Committee pursuant to subsection 1 of paragraph (B) of this rule. A petition to discharge shall be delivered to the Clerk of the Legislature at least two (2) business days immediately prior to the next regular meeting and no later than 2:00 p.m. on such day.

E.) A Resolution, Charter Law, or Local Law may not be considered at any Legislative meeting unless it has been previously submitted to the Clerk of the Legislature no later than 5:00 p.m. and has been laid on the table for at least seven (7) days in its' final form, exclusive of Sunday; Memorializing Resolutions, Sense of the Legislature Resolutions, Home Rule Messages, non-official Home Rule Messages, and Procedural Motions related solely to the internal function of the Legislature are not subject to this seven (7) day maturation period.

- 1.) An amended copy of a proposed Local Law, Charter Law, or Resolution may not deviate from the copy being amended as to subject matter, purpose, and intent.
- 2.) On the same date that an amended copy of proposed legislation is filed with the Clerk of the Suffolk County Legislature, the Clerk shall deliver a copy of such amended copy to each Legislator's box in the William H. Rogers Legislature Building in Hauppauge, and, on the same date, shall transmit by facsimile a copy of the cover letter which accompanies and explains the changes in each amended copy to each Legislator's district office in which a facsimile machine is installed and functional, subject to the provisions of subdivision 3 below.
- 3.) Any Legislator may waive his or her right to receive a hard copy of any amended copy for any legislation for the purposes of complying with the seven (7) day rule, where applicable, as set forth in Section 2-12(A) of the SUFFOLK COUNTY CHARTER by issuing such a waiver in writing to the Clerk of the County Legislature at least three (3) business days prior to the Legislative meeting at which such legislation is to be laid on the table.

- 4.) Any legislation, or amended copy of proposed legislation filed with the Clerk of the County Legislature including, but not limited to the County Executive shall be accompanied simultaneously by an electronic mail transmission of same or such other electronic filing as may be acceptable to the Clerk in order to be eligible for consideration by the County Legislature. In the event that the electronically filed legislation is not identical to the filed paper copy, the legislation shall be deemed a nullity.
 - 5.) The Clerk of the Suffolk County Legislature shall include the phrase "amended copy as of [insert date]" on all amended copies of proposed legislation which do not contain said designation at the time of filing, prior to distribution.
- F.) Any other vote on legislation, in committee, which vote is not for the purpose of discharging the pertinent bill from the assigned committee, shall require the affirmative vote of at least a majority of the members of the committee present and voting, as long as a quorum is present at such committee meeting.
- G.) In addition, any Resolution, Local Law, or Charter Law that does not legally require a roll call vote, may be recommended by an affirmative vote of the membership of the assigned committee present and voting as long as there is a quorum to the Presiding Officer for placement on a "Consent Calendar".
- 1.) If the Presiding Officer agrees to place such Resolution, Local Law, Charter Law, on the Consent Calendar, then the Clerk of the County Legislature shall provide the list of such Resolutions, Local Laws, or Charter Laws so placed on said calendar to each Legislator no later than the business day immediately preceding the Legislative meeting at which such Resolutions, Local Laws, or Charter Laws are eligible for consideration.
 - 2.) Unless at least one (1) Legislator objects, prior to the vote of the entire County Legislature, to the placement of such Local Law, Charter Law, or Resolution on said Consent Calendar, then all such Resolutions, Local Laws, and Charter Laws placed on such calendar may be acted upon by the entire County Legislature in a single vote. If an objection is raised by at least one (1) Legislator to the placement of a specific Resolution, Local Law, or Charter Law on such Consent Calendar for a vote on said calendar, then each such Resolution, Charter Law, or Local Law so objected to shall be subjected to an individual separate vote by the entire County Legislature at the same Legislative meeting as if the Resolution, Charter Law, or Local Law had been discharged from the pertinent assigned committee as part of the regular agenda and in its regular order.
 - 3.) The Clerk of the Legislature shall maintain a separate agenda sheet for any Local Laws, Charter Laws, or Resolutions placed on said calendar entitled "Consent Calendar". Legislation on the

Consent Calendar shall be considered in a single vote, subject to the objection of a Legislator to any such legislation, without intervening motion, amendment, or debate, and before other legislation is considered.

- 4.) If the Presiding Officer does not place a Resolution, Local Law, or Charter Law so recommended on such Consent Calendar, then such Resolution, Local Law, or Charter Law shall be acted upon in accordance with the provisions of all other Rules as a separate Resolution, Local Law, or Charter Law.
- H.) Any legislation placed on the agenda for consideration by the full Legislature and eligible to be voted upon by the Legislature, may be returned to the Legislative committee to which it was assigned or such other committee of the Legislature by an affirmative vote of at least a majority of the entire membership of the Legislature in order to obtain additional information, or to reconsider such legislation. If such legislation is so returned to committee, then the Clerk of the Legislature shall remove it from the Legislative agenda for the next regularly scheduled meeting, subject to the provisions of this Rule.
- I.) All legislation deemed ineligible for a vote by the full Legislature shall automatically remain on the table and be carried over to the next regularly scheduled Legislative meeting at which such law or Resolution is eligible for a vote under the above provisions. Each committee shall report the outcome of its vote on legislation to the Clerk of the Legislature, in writing, on forms prescribed by the Clerk of the Legislature at the conclusion of the committee meeting, but no later than twenty-four (24) hours from the conclusion of its committee meeting.

RULE 7. ACTION ON LEGISLATION

- A.) Each Local Law, Charter Law, or Resolution to be considered by the full Legislature shall be either:
 - 1.) Approved;
 - 2.) Defeated;
 - 3.) Tabled to a date certain;
 - 4.) Tabled subject to call;
 - 5.) Recommitted or referred to committee; or
 - 6.) Ineligible for a vote by the full Legislature.

- B.) If a Resolution, Charter Law, or Local Law is defeated, it shall not be reintroduced at the meeting at which it was defeated. Such Resolution, Charter Law, or Local Law may only be reintroduced at a subsequent date by filing it with the Clerk of the Legislature. Any legislation that is before the Legislature at the conclusion of a Legislative even-numbered year, shall carry over to the next year subject to the six- (6)-month limitation described above. However, at the end of the term of the Legislature, any legislation that is before the Legislature at the end of a Legislative term, shall be deemed stricken from the calendar as of midnight of the last day of the second year of such Legislative term.
- C.) If the County Executive disapproves a Local Law, Charter Law, or Resolution, the County Legislature may, within thirty (30) days after the return of said legislation with a statement of reasons for not approving it, reconsider and re-pass (by veto override) such legislation by an affirmative vote of at least two-thirds (2/3) of the entire membership of the Legislature. It shall then be deemed adopted notwithstanding the objections of the County Executive. Only one (1) vote shall be had upon such reconsideration.
- D.) A full roll-call vote shall be taken on any question whenever requested by a member and on any Resolution which authorizes the issuance of obligations against the County of Suffolk pledging the full faith and credit thereof for the repayment of such obligations.
- E.) Such roll-call shall commence with the First (1st) Legislative District and proceed in numerical order through all the Legislative Districts in all odd-numbered months, (i.e., January, March, etc.). During the even-numbered months, such roll-call votes shall commence with the Eighteenth (18th) Legislative District and work backward in inverse order. Notwithstanding the above, the last vote in any roll-call shall be cast by the Presiding Officer and the next to last vote shall be cast by the Deputy Presiding Officer.
- F.) If the Legislature shall be equally divided on any question, the question shall be deemed defeated.
- G.) The adoption of all Resolutions, Charter Laws, and Local Laws and all other questions shall be by a voice vote which shall be duly recorded and shall be by affirmative vote of at least a majority of the entire membership of the Legislature, except where otherwise required by law or stated in these Rules.
- H.) In cases where a motion, order, or Resolution shall be entered in the minutes, the name of the Member introducing, moving and seconding shall be entered in the minutes.
- I.) Any member of the County Legislature shall be entitled to speak on any question that is before the Legislature for five (5) minutes, except that no Legislator shall discuss, debate or explain his or her vote during the actual roll call vote. At the discretion of the Presiding Officer, a Legislator's speaking time shall be extended. A motion to table any Resolution, Charter

Law, or Local Law shall not automatically cut off debate on a question that is before the Legislature, and said motion to table may be debated. Said motion to table may be made and/or entertained during any roll-call vote.

- J.) Prior to the vote of the full Legislature on a Local Law, Charter Law, or Resolution, the Presiding Officer shall report on the vote of the assigned committee for such Local Law, Charter Law, or Resolution.
- K.) The following rules shall apply to Certificates of Necessity:
 - 1.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or a Local Law, and such proposed Resolution, Charter Law, or Local Law receives at least twelve (12) votes of the entire membership of the County Legislature, then such Resolution, Charter Law, or a Local Law shall be deemed approved.
 - 2.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or a Local Law, and such proposed Resolution, Charter Law, or a Local Law receives at least ten (10), but less than twelve (12) votes, of the entire membership of the County Legislature, then such Resolution, Charter Law, or Local Law shall be referred to such committee or committees of the County Legislature as may be designated by the Presiding Officer of the County Legislature.
 - 3.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or a Local Law, and such proposed Resolution, Charter Law, or Local Law receives less than ten (10) votes of the entire membership of the County Legislature, then such Resolution, Charter Law, or Local Law shall be deemed defeated and shall not be assigned to any committee of the County Legislature.
 - 4.) In the event that a Certificate of Necessity is issued by the County Executive for a proposed Resolution, Charter Law, or a Local Law, a motion to refer such Resolution, Charter Law, or Local Law to committee may be made. If such motion is approved by at least ten (10) votes of the entire membership of the County Legislature, then such Resolution, Charter Law, or Local Law shall be referred to such committee or committees as may be designated by the Presiding Officer. This motion shall take priority over a motion to approve or a motion to table such Resolution, Charter Law, or Local Law for which a Certificate of Necessity has been issued, anything in Rule 11(F) to the contrary notwithstanding.

RULE 8. PUBLIC PARTICIPATION

- A.) At the public portion of all regularly scheduled Legislative meetings all persons who have filled out the appropriate speaker's card shall be entitled to speak to the full Legislature for a period not to exceed three (3) minutes.
- B.) At any Special Legislative meeting held pursuant to Section 2-6(B) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, the Presiding Officer shall schedule a public portion not to exceed one (1) hour in duration during which period of time individuals who have filled out an appropriate speaker's card shall be entitled to speak to the full Legislature for a period not to exceed three (3) minutes in the order in which the cards have been signed up to the expiration of the one (1) hour period regardless of whether or not all speakers who have signed a card are able to speak. This one (1) hour limitation for the public portion at a Special Meeting may be extended by a vote of at least three fourths (3/4) of the entire membership of the County Legislature. This one (1) hour period for the public portion at a Special Legislative Meeting may be shortened or terminated by a vote of at least three-fourths (3/4) of the entire membership of the County Legislature if no more speakers from the public are in attendance and have signed cards to speak.
- C.) At any meeting of the Legislature the Presiding Officer shall follow the speaker cards in numerical order regardless of the status as a regular speaker or public official. A State, federal, or local official may speak at any time, if requested by a member of the County Legislature to do so in accordance with Rule 11(C) and Rule 2 (A)(11), except during the public portion.
- D.) At any meeting of the Legislature, no Legislator shall engage in commentary, discussion, or debate with any speaker during any period of the public portion. The three (3) minutes allocated to individuals who wish to speak during the public portion under Rule 8(A) and (B) and Section 24-11 of the SUFFOLK COUNTY CHARTER shall be devoted exclusively to commentary, testimony, or advocacy by the individual member of the public so addressing the County Legislature. This subparagraph may not be waived at any meeting of the County Legislature by any vote.
- E.) The public portion shall be suspended at any time that there is less than a majority of the members of the County Legislature present until such time as a quorum has been reconstituted.
- F.) At Legislative committee meetings all persons who have filled out the appropriate speaker's card may be entitled to speak to the committee for three (3) minutes.

RULE 9. PUBLIC HEARINGS

- A.) Any individual, other than a member of the Legislature, who wishes to speak at a public hearing conducted before the full Legislature, or any committee

thereof, for the purpose of ultimately acting upon a Resolution, Charter Law, or Local Law which is the subject matter of said public hearing may speak at such public hearing for a period of time not to exceed five (5) minutes in total. This five (5) minute limit shall not include time expended in answering questions posed by members of the Legislature.

B.) Any individual who has spoken once at any public hearing conducted for particular County legislation, under this paragraph, may speak at a recessed or adjourned public hearing for the same piece of County legislation for a period of time not to exceed three (3) minutes in total. This three (3) minute limit shall not include time expended in answering questions posed by members of the Legislature and shall apply separately to each recessed or adjourned public hearing. Individuals who have not previously spoken at the public hearing shall be heard first.

C.) Any Local Law, Charter Law, or Resolution which is the subject matter of a public hearing shall not be placed on the agenda for consideration by the full Legislature, shall not be eligible for approval by the full Legislature or by any Legislative committees, and no action shall be taken by the assigned committee pursuant to this Rule unless the underlying public hearing has first been closed. This Rule may only be waived at a meeting of the County Legislature by an affirmative vote of at least two-thirds (2/3) of the entire membership of the County Legislature.

D.) In the case of public hearings for the purpose of taking and receiving testimony and evidence, testimony may be taken and evidence received at any such public hearing at which there are not less than two (2) members of the Legislature.

E.) If a Local Law or Charter Law is withdrawn prior to the holding of a public hearing on such Local Law or Charter Law, then the public hearing for said Local Law shall be canceled by the Presiding Officer, or if it has been assigned to a committee by such committee chair.

- F.) No public hearing conducted before the full Legislature, or any committee thereof, for the purpose of ultimately acting upon a Resolution, Charter Law, or Local Law which is the subject matter of said public hearing shall exceed a total of three (3) hours during a Legislative meeting, or one (1) hour at any Legislative committee meeting, unless extended by an affirmative vote of at least two thirds (2/3) of the entire membership of the Legislature, or at least two thirds (2/3) of the entire membership of the committee conducting such hearing, upon a motion directed solely and explicitly to such an extension of time for said public hearing. If a public hearing has not been closed at the conclusion of the subscribed period, then the Legislature shall adjourn or recess said public hearing to the next regularly scheduled Legislative meeting, or committee meeting, or such other date as may be determined, and the subscribed period will commence anew under the same procedure. This procedure shall be repeated until the public hearing for the Charter Law, Resolution or Local Law is closed.
- G.) If a public hearing is scheduled for a Local Law or Charter Law that is ineligible for a vote by the full Legislature, then the hearing may be closed, recessed, or adjourned. Said Local Law or Charter Law may only be voted upon by the full Legislature if it has been discharged, with or without recommendation by at least a majority of the entire membership of the Legislative committee to which it was assigned. A motion to recess a public hearing to a meeting of the full Legislature shall take precedence over a motion to recess a public hearing to a Committee of the Legislature, which motion shall take precedence over a motion to close a public hearing, which motion shall take precedence over any other motion.
- H.) If a Local Law, Charter Law, or other Resolution requiring a public hearing is not reintroduced prior to its automatic withdrawal, then when the legislation is reintroduced, any previous public hearing may not be utilized when the Resolution is voted off the table, as required by Section 2-12 of the SUFFOLK COUNTY CHARTER.

RULE 10. QUORUM

- A.) A majority of the entire membership of the Legislature shall constitute a quorum for the purpose of conducting any business. In the event that less than a majority of the members are present during a public hearing or public portion, of a General or Special Legislature Meeting then such public hearing or public portion shall be suspended pending reconstitution of said quorum.
- B.) In the absence of a quorum during a session of the Legislature, the members present may take such measures as they deem necessary to secure the presence of a quorum by an affirmative vote of at least a majority of those present, and may direct the Sheriff of the County to compel the attendance of any absent member and may impose such censure or pecuniary penalty, not exceeding Fifty (\$50.00) Dollars, as they deem just, on a member, who, on being called for that purpose shall render no sufficient excuse for his or her absence.

RULE 11. RULES OF ORDER

- A.) The Presiding Officer shall decide all questions of order. The Presiding Officer's determination shall be final unless appeal is taken to the full Legislature and sustained by an affirmative vote of at least a majority of the entire membership of the Legislature. Legislators shall have the right to appeal rulings of the Chair and assign their reasons for the challenge. The Presiding Officer on every appeal shall have the right to assign his or her reason for the ruling. In the event of a tie vote, the ruling of the Chair shall be deemed sustained.
- B.) Except as otherwise provided herein, no person shall be entitled to the privileges of the floor during the session of the Legislature unless consent is given therefor in the manner herein prescribed. A person may have the privilege of the floor during the session where approval has first been obtained from a special or standing committee and consent is given by an affirmative vote of at least a majority of the entire membership of the Legislature, upon such conditions as may be established by the committee or by the Legislature as a whole.
- C.) Any County, State, Federal, or municipal officer or County employee may be heard before the Legislature on official business at the request of any member of the Legislature upon being recognized by the Presiding Officer or with majority approval of the entire membership of the Legislature.
- D.) The County Executive, the Director of the Legislative Office of Budget Review, the Legislative Counsel, and the County Attorney may address the Legislature upon matters before the Legislature which concern their respective offices, upon being recognized by the Presiding Officer.
- E.) If the Presiding Officer directs that a vote shall be taken by the Legislature, the Presiding Officer or the Clerk of the Legislature shall read the Introductory Resolution number and may read synopsis of the subject matter of the Resolution and may request the report of the committee and such other committees as he or she shall deem necessary; and shall call the affirmative and negative votes and abstentions.
- F.) If a question shall be under consideration, no motion shall be received except as herein specified, which motion, termed a subsidiary motion, shall have precedence, in the order named, to wit:
 - 1.) For a recess of the Legislature;
 - 2.) For an adjournment of the Legislature;
 - 3.) To cut off debate;
 - 4.) For reconsideration of the previous question;

- 5.) To appeal a ruling of the Chair;
- 6.) To waive a Rule of the Legislature;
- 7.) To postpone someone else's motion;
- 8.) To table a pending motion;
- 9.) To amend a pending motion;

- 10.) To amend a provision of a Budget Amendment Resolution;
- 11.) To refer a Certificate of Necessity to Committee;
- 12.) To table subject to call;
- 13.) To table to a date certain;
- 14.) To table to a later time on the same day of the meeting;
- 15.) To commit, refer, or return to a standing committee;
- 16.) To commit, refer, or return to a special committee;

- 17.) To discharge legislation from Committee;

- 18.) To lay on the table;
- 19.) To change committee assignment of legislation; and

- 20.) To approve.

G.) No legislation (other than a Budget Amendment Resolution, may be modified, changed, or amended without the consent of the primary sponsor defined for the purposes of this paragraph as the initial sponsor. Legislation may be withdrawn by a primary sponsor, and upon such action shall be deemed withdrawn irrespective of any co-sponsors.

H.) A motion may be withdrawn by the member presenting it prior to a vote thereon. Such withdrawal shall preclude all amendments and further debate on such motion. If the Legislature shall order that the previous question and amendments are pending, the question shall first be taken on such

amendments in reverse order and then upon the main question without further debate or amendment.

- I.) A motion for reconsideration shall not be in order unless made at the full meeting of the Legislative meeting (regular or special) on which the action proposed to be reconsidered took place.
 - 1. A motion to reconsider must be made by a member who voted with the prevailing side on the action proposed to be reconsidered except that a member who was absent for the vote may have a right to move for reconsideration of the same. Such a motion must be approved by an affirmative vote of at least a majority of the entire membership of the Legislature.
 - 2. If a motion to reconsider has been defeated, it shall not be again submitted to the Legislature without the approval of at least two-thirds (2/3) of the entire membership of the County Legislature.
 - 3. A motion for reconsideration at a committee meeting of the Legislature shall only take place at the same meeting in which the original action was taken.

RULE 12. DECORUM.

- A.) No member speaking to debate, to give a notice, to make a motion or report, or to present a petition or other paper shall proceed until he or she has addressed the Presiding Officer and has been recognized by him or her.
- B.) While a member is speaking, other members shall show courtesy and respect.

RULE 13. STANDARDS OF OFFICIAL CONDUCT.

- A.) No action shall be taken on a motion to censure, admonish, or reprimand a Legislator until and unless the Legislator who is the subject of the allegations

or complaint is personally served with a written copy of the complaint or allegation. The Presiding Officer shall refer a complaint concerning the alleged behavior or actions of a Legislator to an appropriate committee of the Legislature, whereupon said committee shall issue a factual report substantiating or refuting an allegation no later than sixty (60) days subsequent to the receipt of the complaint. It is only after such a report is filed with the Clerk of the Legislature and issued to all County Legislators that a censure, admonition, or reprimand may be considered by the full Legislature. Legislative action to censure, admonish, or reprimand a Legislator shall be limited to acts of proven misconduct such as criminal convictions, misuse of public funds, acceptance of illegal political contributions, a violation of the County Code of Ethics, filing a false County financial disclosure statement, abuse of the public trust; or acts of moral depravity.

- B.) Any motion to censure, admonish, or reprimand a Legislator shall require an affirmative vote of at least two-thirds (2/3) of the entire membership of the County Legislature. The penalty for such censure, admonition, or reprimand shall be determined by an affirmative vote of at least two-thirds (2/3) of the entire membership of the County Legislature acting upon recommendations prepared by the committee to which it was assigned.
- C.) The Presiding Officer shall rule out of order any Legislator who engages in a discourse that consists primarily and substantially of attacks on the character, personality, or integrity of another Legislator, or other Legislators.

RULE 14. COMMITTEES.

- A.) Standing committees and the chairpersons thereof shall be appointed by the Presiding Officer of the County Legislature within twenty (20) days after his or her election at the organizational meeting of the County Legislature.
- B.) Any Resolution, Charter Law, or Local Law shall be assigned by the Presiding Officer to a standing or special committee, pursuant to Rule 6(A).

RULE 15. MEETINGS OF THE LEGISLATURE.

- A.) With the exception of the organizational meeting required by Section 2-2 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, the Suffolk County Legislature shall meet in accordance with a schedule adopted at the organizational meeting of each year and on such other days as the Legislature may adjourn to.
- B.) Regularly scheduled meetings may be canceled by an affirmative vote of a majority of the membership of the entire County Legislature. Regularly scheduled meetings may only be changed or rescheduled by the adoption of

a separate Resolution directed solely and explicitly to that purpose in conformity with the procedure set forth in Rules 5 and 6 of these Rules.

- C.) Special meetings may be called upon the direction of the Presiding Officer, County Executive, or upon a written request signed by at least a majority of the entire membership of the County Legislature pursuant to the provisions of Section 2-6 of the SUFFOLK COUNTY ADMINISTRATIVE CODE.
- D.) Each regular meeting of the County Legislature shall be called for 9:30 a.m., except that any night meeting shall be called by the Presiding Officer at 4:00 p.m. pursuant to the Resolution of the County Legislature fixing the time of regular meetings of the County Legislature.

RULE 16. OFFICERS AND EMPLOYEES.

- A.) No individual who is not a member of the Suffolk County Legislature or an employee or member of the staff of the Suffolk County Legislature, or of an individual Legislator, shall stand in the entranceways to either the Riverhead or Hauppauge Legislative buildings immediately adjacent to and leading into the horseshoes (dais areas) or immediately behind Legislative seats at the horseshoes (dais areas) during general and committee meetings of the Suffolk County Legislature. Any discussions by individuals who are not members of the County Legislature or an employee or member of the staff of the Suffolk County Legislature, or of an individual Legislator, shall take place in conference rooms or separate offices in the Legislative buildings away from the hallways and entrances immediately leading into the Legislative horseshoes. Nothing contained herein shall preclude members of the Legislature from engaging in discussions with any other member of the Legislature or any employee or member of the staff of the Suffolk County Legislature, or of an individual Legislator, in the entranceways to either the Riverhead or Hauppauge Legislative buildings immediately adjacent to and leading into the horseshoes or immediately behind Legislative seats at the horseshoes during a legislative meeting or committee meeting, as the case may be. Any Legislator at a general meeting, or at any committee meeting, may request all media or non-legislative personnel present in the entranceways to either the Riverhead or Hauppauge Legislative buildings immediately adjacent to and leading into the horseshoes or immediately behind Legislative seats at the horseshoes to leave such area. Such requests shall be honored by the chairperson; and media or other non-legislative personnel shall be required to leave such areas.
- B.) A separate area, on the public side of the horseshoe (dais area) but within the auditorium, shall be reserved for use by the news media or news organizations, The Clerk of the Legislature shall provide a table and chairs for use by news personnel. All news media or news organization personnel shall identify themselves to the Clerk of the Legislature prior to any use of this reserved area.
- C.) All members of the Suffolk County Legislature, employees of the Suffolk County Legislature, members of the staff of the Suffolk County Legislature or

of an individual Legislator, and all members of the public shall turn off the ringer to their cell phones when entering the Riverhead or Hauppauge Legislative auditorium and shall keep such ringer turned off when seated or standing at Legislative seats at the Riverhead or Hauppauge Legislative horseshoe, when standing or seated in the entrance ways to either the Riverhead or Hauppauge Legislative buildings immediately adjacent to and leading into the horseshoes (dais areas), when standing or seated immediately behind Legislative seats at the Riverhead or Hauppauge horseshoes (dais areas), or when seated or standing inside any portion of the Riverhead or Hauppauge Legislative auditorium during General Meetings, Special Meetings, or Committee Meetings of the Suffolk County Legislature. At no time during any General Meeting, Special Meeting, or Committee meeting shall the use of a cell phone in the Riverhead or Hauppauge auditorium be permitted.

RULE 17. PAPERS.

The Legislature shall determine what communications, petitions, Resolutions, or other matters shall go into the official proceedings of record, except that no memorializing Resolution shall be so entered unless the same shall refer to specific legislation pending in another body, which legislation shall bear directly on the affairs of Suffolk County.

RULE 18. MINUTES AND PROCEEDINGS OF THE LEGISLATURE.

- A.) A stenographic record shall be made at all regular and special meetings of the County Legislature which record shall be transcribed as the Presiding Officer may direct.
- B.) The stenographic record shall be filed in the Office of the Clerk of the County Legislature and shall be available for transcription or reproduction.
- C.) In addition, a voice recording of each session shall be made and maintained by the Office of the Clerk of the County Legislature in accordance with State law as adopted by the County Legislature.

RULE 19. PLACEMENT ON THE AGENDA.

The Clerk of the Legislature shall list Resolutions, Local Laws, and Charter Laws, in the sequential order in which they are reported out of the assigned committee or as otherwise directed by the Presiding Officer. Home Rule Messages, Sense of the Legislature Resolutions, and Memorializing Resolutions shall be listed in numerical order.

RULE 20. LEGAL MEMORANDA.

Before any Local Law or Charter Law may be introduced by any member, it shall be presented to the Counsel to the County Legislature who shall deliver to the

Clerk of the Legislature within sixty (60) days thereafter, a memorandum as to form, legal significance, and possible budgetary impact of the proposed Local Law or Charter Law. This memorandum shall be deemed a Rule 28 Memorandum of Law for the purposes of this Resolution.

RULE 21. ROBERT'S RULES OF ORDER.

Except as otherwise provided herein, the proceedings of the Legislature shall be governed by Robert's Rules of Order.

RULE 22. AMENDMENTS.

These Rules, other than Rule 1 and Rule 8(D), may be waived at any meeting of the County Legislature by an affirmative vote of at least a majority of the entire membership of the County Legislature. These Rules may be amended through Resolution in accordance with and pursuant to the provisions of Rules 5 and 6.

DATED: January 3, 2005

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

Legislator Foley made a motion on the following resolution, seconded by Legislator Nowick. The resolution passed 18-0.

Intro. Res. No. 3-2005
Introduced by the Presiding Officer

**RESOLUTION NO. 3 -2005, APPOINTING
THE CLERK OF THE COUNTY LEGISLATURE**

RESOLVED, pursuant to the provisions of Section 2-10 of the Suffolk County Charter, that Henry L. Barton, Jr. of East Patchogue, New York, be and hereby is appointed Clerk of the County Legislature to serve at the pleasure of the County Legislature and until a successor is appointed and qualified.

DATED: January 3, 2005

Effective pursuant to Sections 2-15(A) and 2-10 of the SUFFOLK COUNTY CHARTER

Legislator Schneiderman made a motion on the following resolution, seconded by Legislator O'Leary. The resolution passed 18-0.

Intro. Res. No. 4-2005
Introduced by the Presiding Officer

**RESOLUTION NO. 4 -2005, APPOINTING
CHIEF DEPUTY CLERK OF THE COUNTY
LEGISLATURE**

RESOLVED, that Alexandra (Sandy) Sullivan of Hampton Bays, New York, be and hereby is appointed Chief Deputy Clerk of the County Legislature to serve at the pleasure of the County Legislature and until a successor is appointed.

DATED: January 3, 2005

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

Legislator Carpenter made a motion on the following resolution, seconded by Legislator Alden. The resolution passed 18-0.

Intro. Res. No. 5-2005
Introduced by the Presiding Officer

**RESOLUTION NO. 5 -2005, APPOINTING
DEPUTY CLERK OF THE COUNTY
LEGISLATURE**

RESOLVED, that Ilona G. Julius, of Holbrook, New York, be and hereby is appointed Deputy Clerk of the County Legislature to serve at the pleasure of the County Legislature and until a successor is appointed.

DATED: January 3, 2005

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

***OATHS OF OFFICE ADMINISTERED TO
HENRY L. BARTON, CLERK OF THE SUFFOLK COUNTY LEGISLATURE
ALEXANDRA SULLIVAN, CHIEF DEPUTY CLERK OF THE SC LEGISLATURE
& ILONA G. JULIUS, DEPUTY CLERK OF THE SUFFOLK COUNTY LEGISLATURE***

Presiding Officer Caracappa made a motion on the following resolution, seconded by Legislator Binder. The resolution passed 18-0.

Intro. Res. No. 6-2005
Introduced by the Presiding Officer and Legislator Montano

**RESOLUTION NO. 6 -2005,
APPOINTING A COUNSEL TO THE
LEGISLATURE**

RESOLVED, that Mea Knapp of Northport, New York, be and hereby is appointed to serve at the pleasure of the County Legislature as Counsel to the County Legislature, effective immediately.

DATED: January 3, 2005

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER

MEA KNAPP WAS GIVEN THE OATH OF OFFICE AS COUNSEL TO THE COUNTY LEGISLATURE BY THE COUNTY CLERK, EDWARD ROMAINE

Legislator Caracappa made a motion on the following resolution, seconded by Legislator Foley. The resolution passed 18-0.

Intro. Res. No. 7-2005
Introduced by Presiding Officer

Laid on Table 1/3/2005

**RESOLUTION NO. 7-2005, FIXING TIME
OF MEETINGS OF THE COUNTY
LEGISLATURE**

RESOLVED, that, during the year 2005, meetings of the County Legislature shall be held on the following dates:

| | | |
|--------------------------|------------|---|
| January 25, 2005 | 9:30 A.M. | Hauppauge |
| February 15, 2005 | 9:30 A.M. | Hauppauge |
| March 15, 2005 | 4:00 P.M. | Riverhead |
| April 5, 2005 | 9:30 A.M. | Hauppauge |
| May 17, 2005 | 9:30 A.M. | Riverhead |
| June 7, 2005 | 9:30 A.M. | Hauppauge (Incl. Cap. Budget) |
| June 28, 2005 | 9:30 A.M. | Riverhead |
| August 9, 2005 | 9:30 A.M. | Hauppauge (Incl. SCCC Budget) |
| August 23, 2005 | 4:00 P.M. | Hauppauge |
| September 27, 2005 | 9:30 A.M. | Riverhead |
| *November 9, 2005 (Wed.) | 11:00 A.M. | Hauppauge (Operating Budget Only) |
| November 22, 2005 | 9:30 A.M. | Hauppauge (Including Overrides, if necessary/Set Levy if possible) |

December 6, 2005 9:30 A.M. Riverhead (Including Warrants)

December 20, 2005 9:30 A.M. Hauppauge

All meetings to be held on Tuesday, unless otherwise indicated.

***Special Meetings**, including date and time, to be determined by the Presiding Officer.

DATED: January 3, 2005

Effective pursuant to Section 2-15(A) of the SUFFOLK COUNTY CHARTER, Section 2-3 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, and Rule 1(D)(6) of the RULES OF THE SUFFOLK COUNTY LEGISLATURE.

Legislator Carpenter made a motion on the following resolution, seconded by Legislator Foley. The resolution passed 18-0.

Intro. Res. No. 8-2005
Introduced by the Presiding Officer

**RESOLUTION NO. 8-2005, DESIGNATING
DEPOSITORIES PURSUANT TO
SECTION 212 OF THE COUNTY LAW**

RESOLVED, that each of the following banks having and maintaining a principal or branch office or offices in the County of Suffolk, namely, Bank of New York, 1401 Franklin Avenue, Garden City, New York; JP Morgan Chase Bank, 395 North Service Road, Melville, New York; Citibank, 730 Veterans Memorial Highway, Hauppauge, New York; Commerce Bank, 155 Pinelawn Road, Melville, New York; Bank of America, 300 Broad Hollow Road, Melville, New York; North Fork Bank, 275 Broad Hollow Road, Melville, New York; State Bank of Long Island, 740 Veterans Memorial Highway, Hauppauge, New York; Suffolk County National Bank, 6 West Second Street, Riverhead, New York; Long Island Commercial Bank, One Suffolk Square, Islandia, New York; HSBC Bank, 534 Broad Hollow Road, Melville, New York, Bank of Smithtown, 1 East Main Street, Smithtown, New York, and Hamptons State Bank, North Sea Road and Windmill Lane, Box 5037, Southampton, New York, or any successor entity thereto, be and the same are hereby designated and appointed a depository for the deposit of moneys received or under the control of the County Treasurer, pursuant to Section 212 of the NEW YORK COUNTY LAW, provided, however, that the maximum amount to be kept on deposit in any such bank or branches shall not exceed \$750,000,000.00 including interest bearing deposits in any one of said bank or branches, except that such limitation shall not apply to those depositories in which regular county working accounts (checking accounts) are maintained in whatever amounts are required for the regular and necessary conduct of the County's business; and be it further

RESOLVED, that notwithstanding the foregoing, the amount of the deposit in any such banks shall not exceed the amount specified in its undertaking filed with the County, nor the amount of its collateral deposited in connection with its own undertaking, as the case may be; and be it further

RESOLVED, that notwithstanding the foregoing, the County Treasurer may temporarily deposit in such designated and approved depository any amount of the County funds received from a single transaction, provided the other provisions hereof are complied with by such depository.

DATED: January 3, 2005

Effective pursuant to Section 212 of the NEW YORK COUNTY LAW.

Legislator Foley made a motion on the following resolution, seconded by Legislator Bishop. The resolution passed 18-0.

Intro. Res. No. 10-2005
Introduced by the Presiding Officer

**RESOLUTION NO. 9 -2005,
DESIGNATING THE SMITHTOWN
NEWS, OF SMITHTOWN, NEW YORK,
AS ONE OF THE OFFICIAL
NEWSPAPERS OF THE COUNTY OF
SUFFOLK**

RESOLVED, that, pursuant to Section 214, Subsection 2 of the County Law of the State of New York, the SMITHTOWN NEWS of No. 1 Brookside Drive, Smithtown, New York 11789, a messenger paper fairly representing the principles of the Democratic Party and having a regular and general circulation in the County of Suffolk, be and hereby is designated as one of the official newspapers for the publication of all laws, notices, and other matters required by law to be published for the County of Suffolk for the year 2005.

DATED: January 3, 2005

Effective pursuant to Section 214 of the New York COUNTY LAW.

Legislator Caracappa made a motion on the following resolution, seconded by Legislator Foley. The resolution passed 18-0.

Intro. Res. No. 11-2005
Introduced by the Presiding Officer

**RESOLUTION NO. 10 - 2005, TO
DESIGNATE LOCAL NEWSPAPERS IN**

**WHICH COUNTY NOTICES MAY BE
PUBLISHED**

WHEREAS, various statutes, laws and rules require Suffolk County or its departments or agents to publish certain notices in town newspapers other than the newspapers designated for the publication of resolutions and local laws; and

WHEREAS, the County Legislature deems it desirable and efficient to promulgate one resolution which designates all the official town newspapers the County, its departments or agents may use to publish notices required by law; now, therefore, be it

RESOLVED, (1) This resolution shall apply in every instance in which some statute, law or rule requires the County Legislature to designate an official town newspaper in which certain notices must be published, pursuant to law; and

(2) The County Legislature hereby authorizes the County of Suffolk, its departments and agents to use the following town newspapers where publication of notices are required in newspapers other than the newspapers designated for the publication of resolutions and local laws:

| | TOWN | NEWSPAPER |
|-----|--|---|
| 30) | Babylon Brookhaven | Babylon Beacon South Shore Press (Jan. 1 thru June Brookhaven Review (July 1 thru Dec. |
| 31) | East Hampton Huntington Islip Riverhead Shelter Island Smithtown Southampton Southold | East Hampton Star The Long Islander Islip Bulletin News Review Shelter Island Reporter Smithtown Messenger Southampton Press Suffolk Times |

DATED: January 3, 2005

Effective pursuant to Section 214 of the NEW YORK COUNTY LAW.

Legislator Foley made a motion on the following resolution, seconded by Legislator Tonna. The resolution passed 18-0.

Intro. Res. No. 1000 -2005 Laid on Table 1/3/2005
Introduced by Legislators Foley, Tonna, Cooper, Alden, Binder, Bishop, Caracappa, Caracciolo, Carpenter, Lindsay, Losquadro, Nowick, O'Leary, Montano, Schneiderman, Vilorio-Fisher, Mystal and Kennedy

**RESOLUTION NO. 11 -2005, ADOPTING
LOCAL LAW NO. 5 -2005, A LOCAL LAW
PROHIBITING THE SALE OF TOBACCO
PRODUCTS OR HERBAL CIGARETTES,
ROLLING PAPERS OR PIPES TO ANYONE
UNDER THE AGE OF 19**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on January 3, 2005, a proposed local law entitled, **"A LOCAL LAW PROHIBITING THE SALE OF TOBACCO PRODUCTS OR HERBAL CIGARETTES, ROLLING PAPERS OR PIPES TO ANYONE UNDER THE AGE OF 19,"** 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. 5 -2005, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW PROHIBITING THE SALE OF TOBACCO
PRODUCTS OR HERBAL CIGARETTES, ROLLING PAPERS
OR PIPES TO ANYONE UNDER THE AGE OF 19**

**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 primary tobacco use is a major cause of mortality and morbidity, directly causing an estimated 434,000 deaths per year in the United States; more deaths than are caused by the use of any other legal or illegal substance or drug.

This Legislature also finds and determines that every eight seconds someone in the world dies due to tobacco.

This Legislature further finds that over 80% of adult smokers began smoking before the age of 18. Furthermore, tobacco companies make \$1.8 billion from under age sales.

This Legislature determines that the effects of smoking generated by the smoking of cigars, cigarettes, pipes, and similar articles pose a threat to the health, safety and well-being of youth within Suffolk County.

This Legislature further finds that there were 123 violations of law governing the sale of tobacco products to minors in Suffolk County in 2003 and to date, 72 violations in the County of Suffolk for the sale of tobacco products to minors in 2004.

This Legislature also finds and determines that Resolution No. 1214-2004, which was enacted in order to prohibit the sale of tobacco products to persons under the age of 19, contains several technical defects that affect the county's existing smoking laws.

Therefore, the purpose of this law is to repeal Resolution No. 1214-2004 and to enact a new local law that will promote the long-term health of Suffolk residents and to strengthen Suffolk County Tobacco Control Programs by prohibiting the sale of tobacco products to persons under the age of 19.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

- A.) "Person" shall mean a person, firm, company, corporation, partnership, sole proprietor, limited partnership or association.
- B.) "Tobacco products" shall mean one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, blunt papers or wrappers, cigarette rolling papers of any kind, pipes, or any other tobacco products.
- C.) "Herbal cigarette" shall mean any product made primarily of an herb or combination of herbs, and intended to be smoked in any of the methods that tobacco is smoked, including but not limited to, as a cigarette, cigar or pipe filler.
- D.) "Bidis" shall mean a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendra leaf (*diospyros exculpra*), or any other product offered to consumers as "beedies" or "bidis".
- E.) "Tobacco business" shall mean a sole proprietorship, corporation, limited liability company, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products and accessories, licensed by the State of New York to sell, either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

Section 3. Repeal.

Resolution No. 1214-2004 is hereby rescinded and repealed in its entirety.

Section 4. Prohibitions.

Any person operating a place of business wherein tobacco products or herbal cigarettes are sold or offered for sale is prohibited from selling such products, herbal cigarettes, rolling papers or pipes to individuals under 19 years of age, and shall post in a conspicuous place, a sign upon which there shall be imprinted the following statement:

"SALE OF CIGARETTES, CIGARS, CHEWING TOBACCO, POWDERED TOBACCO, OR OTHER TOBACCO PRODUCTS, HERBAL CIGARETTES, ROLLING PAPERS OR PIPES, TO PERSONS UNDER NINETEEN (19) YEARS OF AGE IS PROHIBITED UNDER PENALTY OF LAW."

Such sign shall be printed on a white card in red capital letters at least two inches in height. Sale of tobacco products or herbal cigarettes in such places, other than by a

vending machine, shall be made only to an individual who demonstrates through:

- (a) a valid driver's license or non-driver's identification card issued by the Commissioner of Motor Vehicles, the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provincial government of the dominion of Canada; or
- (b) a valid passport issued by the United States government or any other country;
- (c) an identification card issued by the armed forces of the United States

indicating that the individual is at least 19 years of age.

Such identification need not be required of any individual who reasonably appears to be at least twenty-seven (27) years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of a tobacco product or herbal cigarettes to an individual under 19 years of age.

No person operating a place of business wherein tobacco products or herbal cigarettes are sold or offered for sale shall sell, permit to be sold, offer for sale or display for sale any tobacco product or herbal cigarettes in any manner, unless such products and cigarettes are stored for sale:

- (a) behind a counter in an area accessible only to the personnel of such business; or
- (b) in a locked container, provided, however, such restriction shall not apply to tobacco businesses and to places to which admission is restricted to persons 19 years of age or older.

Section 5. Inspection and Enforcement.

The Suffolk County Department of Health Services shall enforce this law in accordance with the procedures set forth in Sections 760-208 through 760-215 of the Suffolk County Sanitary Code. The Suffolk County Health Commissioner or his/her designee shall be authorized to serve official notices of violation of this law.

Section 6. Penalties.

A. Any person who violates any provision of this chapter shall be subject to the imposition of a civil penalty by the Commissioner of the Department of Health Services of a minimum of three hundred dollars, but not to exceed one thousand dollars for a first violation, and a minimum of five hundred dollars, but not to exceed one thousand five hundred dollars for each subsequent violation.

B. For purposes of enforcing the ban on the sale of any tobacco products and/or herbal cigarettes to minors, other than by a vending machine, a sale of any tobacco products and/or herbal cigarette shall be made only to an individual who demonstrates that he/she is at least

19 years of age and has demonstrated such in accordance with the guidelines set forth hereinabove in Section 4(a)(b) and (c). Such identification need not be required of any individual who reasonably appears to be at least 27 years of age; provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of any tobacco product and/or herbal cigarette to an individual under 19 years of age.

Section 7. Repeal of Inconsistent Provisions.

The following Sections of the Suffolk County Code are hereby repealed: Sections 270-31; 270-32; 270-33; 270-34; 270-35; 437-3(P); 437-3(S)(1); 437-5(B); and 437-6(F).

Sections 437-3(Q),(R),(S)(2), and (T) of the Suffolk County Code shall be relettered/renumbered as Sections 437(P), (Q), (R) and (S), respectively.

Section 8. Amendment.

Section 437-6(B) of the Suffolk County Code is hereby amended to read as follows:

(B) In addition, any willful violation by an owner, operator, lessor or lessees of Subsection K[,] or L [or P] of [§347-3] §437-3 of this chapter shall constitute an unclassified misdemeanor, punishable by a fine of up to \$1,000 and/or six months in jail. Each violation shall be deemed a separate offense. Knowing possession of a vending machine that is operated without tokens or a lockout device as required by this chapter shall be deemed a willful violation of Subsection K [, L or P] of [§347-3] §437-3 of this chapter [as the case may be].

Section 9. Applicability.

This law shall apply to all sales of products prohibited on or after the effective date of this resolution.

Section 10. 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 11. 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) 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 12. Effective Date.

This law shall take effect ninety days after filing with the Secretary of State.

DATED: January 3, 2005

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County
After a public hearing duly held on January 13, 2005

Date: January 31, 2005
Filed with the Secretary of State on February 15, 2005

LOCAL LAW 5 WAS AMENDED PRIOR TO IT'S EFFECTIVE DATE
OF MAY 16, 2005, BY LOCAL LAW 7 AS OF MARCH 21, 2005.

**ADJOURNED 12:42PM
HENRY BARTON, CLERK OF THE LEGISLATURE**