

STRICKEN AS OF 7/3/2012
AMENDED COPY AS OF 2/29/2012

Intro. Res. No. 1012-2012

Laid on Table 1/3/2012

Introduced by Legislators Cilmi, Barraga, Muratore, Romaine and Kennedy

RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A CHARTER LAW TO MAKE TRANSPARENT THE
COUNTY'S RULE MAKING PROCESS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2012 a proposed local law entitled, "**A CHARTER LAW TO MAKE TRANSPARENT THE COUNTY'S RULE MAKING PROCESS**"; now, therefore be it

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

LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO MAKE TRANSPARENT THE COUNTY'S
RULE MAKING PROCESS

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk enacts local laws to protect the health and safety of County residents.

This Legislature also finds and determines that, when enacting local laws, the County frequently delegates the authority to promulgate rules and regulations to the department which is responsible for the law's enforcement.

This Legislature further finds and determines that the rules and regulations promulgated by a department can have a significant impact on how a law is implemented and enforced.

This Legislature finds that, to ensure the efficiency and efficacy of such rules and regulations, County departments should allow for meaningful public input prior to the adoption of such rules and regulations.

Therefore, the purpose of this law is to require all County departments to post proposed rules and regulations online and to allow a public comment period prior to the final adoption of any rule or regulation.

Section 2. Amendment.

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

ARTICLE XXIII, General Provisions

§ C23-18. Promulgation of rules and regulations by County departments.

- A. Prior to adopting rules and regulations as authorized by a local law, a department shall post the proposed rules and regulations on its departmental website, in a form that may be downloaded, and allow a 45-day comment period after such posting to allow interested parties to submit written testimony concerning the proposed rules and regulations. Departments shall make all submitted testimony available to each County Legislator in either electronic or hard copy form.
- B. Departments, upon request, shall notify interested parties when rules and regulations are proposed, amended and adopted.
- C. County departments shall post all rules and regulations adopted pursuant to a local law on their departmental website.

Section 3. Applicability.

This law shall apply to all rules and regulations promulgated by County departments 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 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 shall take effect immediately upon its filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: