

Intro. Res. No. 1852-2016
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/7/2016

**RESOLUTION NO. 1127 -2016, ADOPTING LOCAL LAW
NO. 1 -2017, A LOCAL LAW AMENDING CHAPTER 77 OF THE
SUFFOLK COUNTY CODE TO CLARIFY APPLICATION OF
THE SUFFOLK COUNTY ETHICS CODE TO FORMER COUNTY
EMPLOYEES**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on September 7, 2016, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 77 OF THE SUFFOLK COUNTY CODE TO CLARIFY APPLICATION OF THE SUFFOLK COUNTY ETHICS CODE TO FORMER COUNTY EMPLOYEES**"; 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. 1 -2017, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AMENDING CHAPTER 77 OF THE SUFFOLK
COUNTY CODE TO CLARIFY APPLICATION OF THE
SUFFOLK COUNTY ETHICS CODE TO FORMER COUNTY
EMPLOYEES**

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

Section 1. Legislative Intent.

This Legislature finds that the current provisions of the Suffolk County Code of Ethics, contained in Chapter 77 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, prohibit former County public servants from appearing within a two-year period before the County agency served by such public servant and from appearing and performing work in relation to any "particular matter" in which such person had participated personally and substantially as a public servant.

This Legislature further finds that the purpose of these post-employment restriction were, in part, to prevent former public servants from using their former public office for personal gain, or for the gain of their new private employer, by exerting undue influence on government decision making.

This Legislature finds however, that, in light of increased demand for services, staff shortages, and need for particular expertise and experience, there is a necessity for continued services of former County employees in certain instances.

This Legislature finds that there is a benefit to the County and not necessarily a misuse of a former employee's position where former County employees are contracting directly with the County in order to continue to provide the services that they provided with the County or in order to provide their continued expertise and experience to the County.

Therefore, the purpose of this law is to amend Chapter 77 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to permit a former County employee to appear before his or her former County agency within two years of leaving County services and to work on particular matters in which such person had participated personally and substantially as a public servant in certain circumstances.

Section 2. Amendments.

Article IV of Chapter 77 of the SUFFOLK COUNTY ADMINISTRATIVE CODE shall be amended as follows:

Chapter 77

ETHICS AND ACCOUNTABILITY

**Article I
Code of Ethics**

§ 77-6. Post Employment Restrictions

B. No former public servant shall appear, within a two-year period after his or her separation from County service, before the County agency served by such public servant. This prohibition shall not apply to a former public servant who appears before a County agency on behalf of any [another] government entity, including the County of Suffolk, as an elected representative, [or] employee or consultant, provided that, in the case of a former public servant serving as a consultant, such former public servant contracts to provide such consultant services directly with the County.

C. No person who has served as a public servant shall appear before the County, or receive compensation for any services rendered, in relation to any particular matter in which such person had participated personally and substantially as a public servant, provided that, such prohibition shall not apply to a former public servant serving as a consultant to the County, where such former public servant contracts to provide such consultant services directly with the County.

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 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 filing in the Office of the Secretary of State.

[] Brackets denote deletions of material.
___ Underscore denotes the addition of new material

DATED: December 20, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: January 9, 2017

After a public hearing duly held on January 3, 2017
Filed with the Secretary of State on January 19, 2017