

**RESOLUTION NO. 24 -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW REQUIRING LEGISLATIVE
APPROVAL OF FEE CHANGES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 7, 2012 a proposed local law entitled, "**A CHARTER LAW REQUIRING LEGISLATIVE APPROVAL OF FEE CHANGES**"; now, therefore be it

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW REQUIRING LEGISLATIVE APPROVAL OF FEE
CHANGES**

**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 licenses professions, regulates activities and provides services to many County residents.

This Legislature also finds and determines that the County of Suffolk charges fees to help defray the costs associated with these vital government functions.

This Legislature further finds and determines that, in some cases, departments of County Government have significant discretion in establishing the fees and may increase or decrease them unilaterally.

This Legislature finds that fee increases have a direct and significant impact on many County residents and businesses and should be subject to approval by elected officials who are directly accountable to the electorate.

Therefore, the purpose of this law is to require legislative approval of all fee increases made by any department in the County of Suffolk

Section 2. Amendment.

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

ARTICLE XXIII. General Provisions.

§ C23-19. Approval of fees.

No County department shall change any fee unless authorized to do so by a duly enacted resolution of the County Legislature.

Section 3. Exemptions.

- A. The provisions of this law shall not apply to rate changes that are mandated or required by the federal or state government.
- B. The provisions of this law shall not impair or limit the powers accorded the County Executive during a local state of emergency by New York Executive Law Section 24.
- C. The Commissioner of the Department of Health Services may change or waive a fee imposed by the Suffolk County Sanitary Code during a local state of emergency without legislative authorization. Any change or waiver made by the Commissioner pursuant to this paragraph shall only be effective for the duration of the local state of emergency.

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. 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 6. 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.

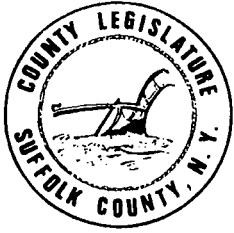
Section 7. Effective Date.

This law shall take effect thirty (30) days after the filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language.

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

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on February 5, 2013 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Motion:

Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	AI KRUPSKI	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
5	Kara HAHN		/			
6	Sarah S. ANKER		/			
7	Rob CALARCO		/			
9	Ricardo MONTANO				/	
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
15	DuWayne GREGORY		/			
16	Steven H. STERN		/			
17	Lou D'AMARO		/			
18	William SPENCER	/				
14	Wayne R. HORSLEY, D.P.O.		/			
8	William J. LINDSAY, P.O.				/	
Totals		9	7	-	2	-

MOTION	
<input checked="" type="checkbox"/>	Approve
_____	Table: _____
_____	Send To Committee
_____	Table Subject To Call
_____	Lay On The Table
_____	Discharge
_____	Take Out of Order
_____	Reconsider
_____	Waive Rule
_____	Override Veto
_____	Close
_____	Recess
APPROVED _____	FAILED <input checked="" type="checkbox"/>
No Motion _____	No Second _____

RESOLUTION DECLARED
ADOPTED _____
<input checked="" type="checkbox"/> NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____