

**WITHDRAWN AS OF 2/28/2019**

Introduced by Legislator Cilmi

Laid on Table 3/5/2019

**PROCEDURAL RESOLUTION NO. 5-2019, AUTHORIZING  
COUNSEL TO THE LEGISLATURE TO ENGAGE IN  
LITIGATION IN RE: TOWNS OF BABYLON AND  
BROOKHAVEN V. STEVEN BELLONE, ET. AL.**

**WHEREAS**, the County Executive removed Alan Schneider from his office as Personnel Director of the Department of Civil Service on February 15, 2019; and

**WHEREAS**, Mr. Schneider was lawfully holding over in his position until a successor was duly nominated and appointed by a resolution of the Suffolk County Legislature; and

**WHEREAS**, the County Executive attempted to install Ms. Jo-Anne Taormina as an interim director without any action by the Legislature; and

**WHEREAS**, New York State Civil Service Law § 15 requires that county personnel directors be appointed by the County Executive upon the advice and consent of the local policymaking board; and

**WHEREAS**, New York State Public Officers Law § 5 provides that public officers shall hold over and continue to discharge their duties until a successor is duly appointed; and

**WHEREAS**, no resolution has been filed with the Suffolk County Legislature appointing a successor to Mr. Schneider; and

**WHEREAS**, the authority of the County Legislature is being usurped by the County Executive's illegal attempt to install a new personnel director in violation of Civil Service Law § 15; and

**WHEREAS**, litigation was commenced by the Towns of Babylon and Brookhaven seeking to restrain Ms. Taormina from performing the duties of County Personnel Officer and prohibit the County Executive from interfering in Mr. Schneider's execution of his duties as Personnel Officer during the period he is lawfully holding over; and

**WHEREAS**, the County Legislature is currently named as a defendant in that litigation; and

**WHEREAS**, the County Legislature should be a plaintiff as an aggrieved party to this litigation, as it is the body's role in appointing a successor that is being abridged by the unlawful actions of the County Executive; now, therefore be it

**1st RESOLVED**, that this Legislature hereby authorizes Counsel to the Legislature to file a motion seeking standing as a plaintiff in the action of Towns of Babylon and Brookhaven v. Steven Bellone, et. al..

DATED:

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