

STRICKEN AS OF 9/26/2019

Intro. Res. No. 1266-2019
Introduced by Legislator Trotta

Laid on Table 3/26/2019

**RESOLUTION NO. -2019, ADOPTING LOCAL LAW
NO. -2019, A LOCAL LAW TO ENACT A CAMPAIGN
FINANCE REFORM ACT TO LIMIT CAMPAIGN
CONTRIBUTIONS FROM COUNTY CONTRACTORS AND
PUBLIC EMPLOYEE UNIONS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2019, a proposed local law entitled, "**A LOCAL LAW TO ENACT A CAMPAIGN FINANCE REFORM ACT TO LIMIT CAMPAIGN CONTRIBUTIONS FROM COUNTY CONTRACTORS AND PUBLIC EMPLOYEE UNIONS**"; now, therefore be it

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

LOCAL LAW NO. -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENACT A CAMPAIGN FINANCE REFORM ACT
TO LIMIT CAMPAIGN CONTRIBUTIONS FROM COUNTY
CONTRACTORS AND PUBLIC EMPLOYEE UNIONS**

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 general public perceives that "special interests" use campaign contributions to gain extraordinary access to, and favorable consideration from, government officials.

This Legislature further determines that many members of the general public believe that this "pay to play" culture results in government contracts being awarded on the basis of connections and contributions rather than merit.

This Legislature finds that Suffolk County residents also perceive that large monetary donations from the County's public employee unions improperly influence the officials responsible for negotiating and ratifying collective bargaining agreements.

This Legislature also finds that elected officials must take appropriate steps to eliminate, not only corruption, but the appearance of corruption and thereby strengthen the public's faith in political institutions.

This Legislature further finds and determines that limiting the amount of campaign contributions that contractors and public employee unions can make to County officials is a reform measure that will strengthen public confidence in the integrity of the political system and increase the likelihood that County contracts will, in fact, be awarded to the best qualified individuals and businesses.

Therefore, the purpose of this law is to limit the contributions that contractors and public employee unions can make to elected County officials and candidates for County Office and thereby reduce special interest influence on the County's contracting process.

Section 2. Definitions.

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

"CONTRACT" - any written or oral agreement between the County of Suffolk and a contractor, for the sale of goods or services, including construction work, or a lease or contract relating to real or personal property or a license or concession awarded to such contractor.

"CONTRIBUTION" – as defined in Section 14-100 of the New York Election Law.

"COUNTY" - any department, board, bureau, commission, division, office, or other agency of Suffolk County government.

"COUNTY-WIDE ELECTED OFFICE" - the Suffolk County Executive, Suffolk County Clerk, Suffolk County Sheriff, Suffolk County District Attorney and Suffolk County Comptroller.

"ELECTION CYCLE" – the period between elections for public office, i.e. the four year period between elections for the offices County Executive, County Clerk, County Sheriff, District Attorney and County Comptroller and the two year period between elections for County Legislature.

"EMPLOYEE ORGANIZATION" – an organization recognized and certified pursuant to the provisions of Article 14 of New York Civil Service Law, to negotiate collectively the terms and conditions of employment or employees with the County of Suffolk and to negotiate and enter into written agreement with the County of Suffolk in determining the terms and conditions of employment.

"PROFESSIONAL BUSINESS ENTITY" - any individual, partnership, joint venture, corporation, limited liability corporation or other business entity of any kind that contracts with the County of Suffolk. This definition shall include all principals who own 10% or more of the equity in the professional business entity, officers, directors, partners and members of the professional business entity, as well as any subsidiaries directly controlled by the professional business entity.

Section 3. Limitation of Contributions.

- A. No professional business entity which enters into a contract with the County which, when aggregated with the value of other contracts awarded to such professional business entity during the immediately preceding twelve (12) month period, is valued at \$25,000 or more, shall make a contribution or contributions to an individual holding the Office of County Legislator or a candidate for the Office of County Legislator totaling more than \$500 during the election cycle then prevailing
- B. No professional business entity which enters into a contract with the County which, when aggregated with the value of other contracts awarded to such professional business entity during the immediately preceding twelve (12) month period, is valued at \$25,000 or more, shall make a contribution or contributions to an individual holding a county-wide

elected office or a candidate for County-wide elected office totaling more than \$3,000 during the election cycle then prevailing.

- C. No employee organization shall make a contribution or contributions to an individual holding the office of County Legislator or a candidate for the office of County Legislator totaling more than \$500 during the election cycle then prevailing.
- D. No employee organization shall make a contribution or contributions to an individual holding a County-wide elected office or a candidate for County-wide elected office totaling more than \$3,000 during the election cycle then prevailing.

Section 4. Contributions Made Prior to Effective Date.

No contribution made by a professional business entity or employee organization to those individuals set forth in Section 3 of this law shall be deemed a violation of this law, or be disqualified thereby, if that contribution was made by the professional business entity or employee organization prior to the effective date of this law.

Section 5. Contribution Statement by Professional Business Entity.

Prior to the awarding of a contract, the County department administering the contract shall receive a sworn statement from the professional business entity under penalty of perjury that the entity has not made a campaign contribution in violation of Section 3. The professional business entity under penalty of perjury will make a statement that it has not knowingly made a contribution in violation of the law hereof, and has not made or solicited contributions through intermediaries, third parties or immediate relatives for the purpose of concealing the source of the contribution.

Section 6. Incorporation by Reference.

The regulatory and penalty provisions of this law shall be incorporated by reference into all Suffolk County contracts covered by this law as well as the bid documents and Requests for Proposals associated with such contracts.

Section 7. Penalties.

- A. A professional business entity that files a false sworn contributions statement will have its contract with Suffolk County declared null and void and will be disqualified from being awarded any contract with the County for a period of four (4) years from the date of the filing of the false sworn contributions statement.
- B. Any professional business entity who violates Section 3 of this law shall be in material breach of the terms of the contract, and the County Attorney may seek damages against the professional business entity as provided for in said contract.
- C. Any professional business entity which violates Section 3 of this law shall be disqualified from eligibility for the submission of proposals or applications for future contracts for a period of four (4) calendar years from the date of such violation.

- D. Any professional business entity organization or employee organization that violates Section 3 of this law shall be guilty of a misdemeanor subject to a fine of \$1,000 and/or four (4) months in jail.

Section 8. Applicability.

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

Section 9. Form of Proposition.

The proposition to be submitted at the next general election, pursuant to § 12 of this law, shall be in the following form:

Resolution No. -2019, A Local Law to Enact a Campaign Finance Reform Act to Limit Campaign Contributions from County Contractors and Public Employee Unions

Resolution No. -2019, is a local law that proposes to limit the amount of campaign contributions that contractors who do business with the County and public employee organizations, which negotiate with the County on behalf of County employees, can make to County elected officials and candidates for County office.

Shall Resolution No. -2019 be approved?

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), (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 12. Effective Date.

This law shall not take effect until it has been approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the MUNICIPAL HOME RULE LAW and has been filed in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: