

Intro. Res. No. 1515-2020
Introduced by Legislator Richberg

Laid on Table 6/9/2020

**RESOLUTION NO. 574 -2020, ADOPTING LOCAL LAW
NO. 33 -2020, A CHARTER LAW TO CODIFY THE POSITION
OF COUNSEL TO THE LEGISLATURE**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 9, 2020 a proposed local law entitled, " **A CHARTER LAW TO CODIFY THE POSITION OF COUNSEL TO THE LEGISLATURE** "; now, therefore be it

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

LOCAL LAW NO. 33 -2020, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO CODIFY THE POSITION OF COUNSEL TO
THE LEGISLATURE**

**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, since at least 1980, the Suffolk County Legislature has appointed its own Counsel to represent the body and the interests of its individual members.

This Legislature also finds and determines that over the decades, the Office of Legislative Counsel has become an integral element to the functioning of the body, yet it is not established in Article II of the Suffolk County Charter, which governs the Legislature.

This Legislature further finds and determines that the charters of several counties in New York State require the appointment of Counsel to the Legislature and prescribe the terms of such role.

This Legislature finds that the Suffolk County Legislature should memorialize its long-standing practice of maintaining independent Counsel to the Legislature as an element of the County Charter and establish the responsibilities of such office.

Therefore, the purpose of this law is to amend Article II of the Suffolk County Charter to establish the role and responsibilities of Counsel to the Legislature.

Section 2. Amendment.

Section 2-18 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

Article II. County Legislature.

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§ C2-18. Counsel to the Legislature.

- A. There shall be a Counsel to the Legislature, who shall be appointed at the organizational meeting of the Legislature each year by an affirmative vote of the County Legislature. At the time of his or her appointment, and throughout their term of office, Counsel to the Legislature shall be and remain duly licensed to practice law in the State of New York. He or she shall be appointed based on their legal experience and other qualifications for the responsibilities of this office. Counsel shall be directly responsible to, and serve at the pleasure of, the County Legislature.
- B. Powers and duties of Counsel.
Except as may be otherwise provided in the Charter, Counsel to the Legislature shall, with respect to matters of the County Legislature:
1. Render legal advice to the County Legislature;
 2. prepare all local laws, resolutions or other legislation upon request of a member of the County Legislature, together with notices and other documents in connection therewith;
 3. attend all regular and special meetings of the County Legislature and be available to attend all committee meetings of the Legislature;
 4. prepare all necessary memoranda and opinions surrounding the various issues addressed by the legislation of this County;
 5. be prepared at all times to give legal counsel to the Legislators and the various officers of the Legislature surrounding their respective functions; and
 6. perform such other related and nonconflicting duties as may be required by the County Legislature.
- C. Acting Counsel to the Legislature.
Counsel to the Legislature, subject to approval by the Presiding Officer, shall designate, in writing, the Assistant Counsel who shall be Acting Counsel in the event of his or her absence from the County or inability to perform and exercise the powers and duties of the office. Such designation shall be filed with the Clerk of the Legislature and may be revoked at any time by Counsel to the Legislature filing a new written designation and order of succession. The Acting Counsel shall have all the powers and perform all the duties of Counsel to the Legislature.

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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)(26) 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 routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 deletion of existing language.
___ Underlining denotes addition of new language.

DATED: July 21, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 21, 2020

After a public hearing duly held on August 3, 2020
Filed with the Secretary of State on September 10, 2020