

STRICKEN AS OF 12/8/2021

Intro. Res. No. 1475-2021

Laid on Table 6/8/2021

Introduced by Legislators McCaffrey, Piccirillo and Mazzarella

**RESOLUTION NO. -2021, ADOPTING LOCAL LAW
NO. -2021, A CHARTER LAW TO SET TERM LIMITS FOR
THE OFFICES OF COUNTY EXECUTIVE, COUNTY
LEGISLATOR AND COUNTY COMPTROLLER AT 12 YEARS IN
TOTAL**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 8, 2021 a proposed local law entitled, **“A CHARTER LAW TO SET TERM LIMITS FOR THE OFFICES OF COUNTY EXECUTIVE, COUNTY LEGISLATOR AND COUNTY COMPTROLLER AT 12 YEARS IN TOTAL”** now, therefore be it

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

LOCAL LAW NO. -2021, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO SET TERM LIMITS FOR THE OFFICES
OF COUNTY EXECUTIVE, COUNTY LEGISLATOR AND
COUNTY COMPTROLLER AT 12 YEARS IN TOTAL**

**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 in 1993, the County of Suffolk via Local Law No. 27-1993 and subsequent voter referendum, established term limits on the offices of County Executive, County Comptroller and County Legislator.

This Legislature also determines that the offices of County Clerk, District Attorney and Sheriff were included in the 1993 law, but such restrictions were struck by the courts due to these County officers also being offices established pursuant to the New York State Constitution.

This Legislature also finds and determines that pursuant to the terms of Local Law No. 27-1993, the term limits imposed prohibit an individual from serving in any of these offices for a period of more than “twelve consecutive years”.

This Legislature further finds and determines that questions have recently been raised regarding whether or not the terms of Local Law No. 27-1993 constitute a lifetime limitation on service or if breaks in service allow for individuals to return to their prior position.

This Legislature finds that the question of whether a lifetime limitation should be imposed for the positions of County Executive, County Comptroller or County Legislator should be presented to the electorate for their consideration and ultimate determination.

This Legislature determines that lifetime limitations on service in these offices would provide elected representatives with the time necessary to fulfill their goals in office, while also ensuring that new generations have the ability to enter into public service as elected officials.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to clarify that term limits for the office of County Executive, County Comptroller and County Legislator are for a total period of 12 years in an individual's lifetime.

Section 2. Amendment.

I. Section C2-5 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C2-5. Term of office for Legislators.

* * * *

B. No person shall serve as a County Legislator for more than 12 [consecutive] years in a lifetime, regardless of whether those terms are served consecutively or non-consecutively.

II. Section C3-6 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C3-6. Term of office.

* * * *

C. No person shall serve as a County Executive for more than 12 [consecutive] years in a lifetime, regardless of whether those terms are served consecutively or non-consecutively.

III. Section C5-1 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C5-1. Department established; Comptroller to be Department head.

* * * *

B. No person shall serve as County Comptroller for more than 12 [consecutive] years in a lifetime, regardless of whether those terms are served consecutively or non-consecutively.

Section 3. Applicability.

This law shall apply to the County Executive, all County Legislators and the Comptroller currently in office and shall apply to all subsequent terms of office for County Executive, County Legislator and County Comptroller. This law shall not be construed to extend the time a County Executive County Legislator or Comptroller may serve beyond the twelve consecutive years that is presently authorized in the applicable sections of the SUFFOLK

COUNTY CHARTER for each office. Consistent with the provisions of Local Law 27-1993, if a County Legislator reaches the limit of twelve consecutive years of service in office during a term of office, as measured from on or after January 1, 1994, the office will be deemed vacant as of the conclusion of the last day of December of the twelfth consecutive year in which such individual has served.

Section 4. Reverse Preemption.

This local law shall be null and void on the day that federal and statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via duly enacted resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purpose of triggering the provision of this section.

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)(26), (27) and (33) 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 in that the action constitutes 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 7. Form of Proposition.

The question to be submitted to the electorate pursuant to Section 8 of this law shall read as follows:

Shall Resolution No. -2021, Adopting A Charter Law, A CHARTER LAW TO SET TERM LIMITS FOR THE OFFICES OF COUNTY EXECUTIVE, COUNTY LEGISLATOR AND COUNTY COMPTROLLER AT 12 YEARS IN TOTAL, Be Approved?

Section 8. Effective Date.

This law shall not take effect until the first day of the first fiscal year after its approval 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 Sections 23 and 34 of the NEW YORK MUNICIPAL HOME RULE LAW. After approval by the electorate, this law, as well as any other law converted into a mandatory referendum pursuant to Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW, by a vote of the County Legislature, may only be amended, modified, repealed, or altered by enactment of an appropriate Charter law subject to mandatory referendum in accordance with prevailing law.

Section 9. Conflicting Referenda.

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes, shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

[] Brackets denote deletion of existing language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: