

FOR PUBLIC REFERENDUM:

Two Charter Laws



Suffolk County
Charter Revision Commission
Hauppauge, New York

FOR PUBLIC REFERENDUM:

LETTER OF TRANSMITTAL

*To the Board of Supervisors
and the County Executive
of Suffolk County:*

The Suffolk County Charter Revision Commission submits its report *For Public Referendum: Two Charter Laws*.

This report contains the proposed charter laws we recommend in major areas of government: County Legislature, County Executive, and County Budget.

We urge that these laws be enacted and submitted to public referendum at the general election in November 1969.

Respectfully submitted,

Claire Sauer
(Mrs. Frederick Sauer)
Chairman

Hauppauge, New York
August 4, 1969

LETTER OF TRANSMITTAL

**FORM OF SUBMISSION OF COUNTY
QUESTIONS CONCERNING CHARTER PROPOSALS**

1. County Legislature and County Executive

Shall a charter law containing the recommendations of the Suffolk County Charter Revision Commission defining and providing for the separation of powers and responsibilities of the County Legislature and County Executive, establishing qualifications of office, and otherwise amending Articles two, three and twenty of the Suffolk County Charter, and entitled "A Charter Law to Amend the Suffolk County Charter in Relation to the County Legislature and the County Executive" be approved?

2. County Budget and Capital Program

Shall a charter law containing the recommendations of the Suffolk County Charter Revision Commission for a county budgeting and capital programming system, and entitled "A Charter Law to Amend the Suffolk County Charter in Relation to the County Budget and Capital Program" be approved?

3. Eligibility to Serve as County Legislator

Shall a charter law containing the recommendations of the Suffolk County Charter Revision Commission providing that mayors of villages, supervisors of towns and members of legislative bodies of towns and villages shall not be eligible to serve as members of the County Legislature, declaring that such rule may be altered only upon mandatory referendum and otherwise amending Articles twenty and twenty-three of the Suffolk County Charter, and entitled "A Charter Law to Amend the Suffolk County Charter in Relation to Eligibility to Serve as County Legislator and Amendments to the County Charter" be approved?

QUESTIONS CONCERNING CHARTER PROPOSALS

Suffolk County
Charter Revision Commission

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Suffolk County
Charter Revision Commission

Mrs. Frederick Sauer, *Chairman*

CHARTER LAW NO. - YEAR 1969,
COUNTY OF SUFFOLK, NEW YORK

**A CHARTER LAW TO AMEND THE SUFFOLK COUNTY
CHARTER IN RELATION TO ELIGIBILITY TO SERVE AS
COUNTY LEGISLATOR AND AMENDMENTS TO THE
COUNTY CHARTER.**

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF
SUFFOLK COUNTY, AS FOLLOWS:

Section 1. The schedule of section headings of article twenty
of the Suffolk County Charter is amended to read as follows:

- Section 2001 Present laws to continue
- 2002 Terms of elective officers; time of elections
- 2003 County legislators
- 2004 Legislative districts
- 2005 Vacancies in elective offices
- 2006 Eligibility to serve as county legislator

Section 2. Article twenty of the Suffolk County Charter is
hereby amended by adding thereto a new section, to follow section
two thousand five, to read as follows:

*§2006. Eligibility to serve as county legislator. Mayors of
villages, supervisors of towns and members of legislative bodies
of towns and villages who reside in the county shall not be
eligible to serve as members of the county legislature, and no
local law or resolution may be adopted under this charter pro-
viding that mayors of cities or villages, supervisors of towns or
members of legislative bodies of cities, towns or villages who
reside in the county shall be eligible to serve as members of the
county legislative body.*

COUNTY OF SUFFOLK, NEW YORK

**A CHARTER LAW TO AMEND THE SUFFOLK COUNTY
CHARTER IN RELATION TO ELIGIBILITY TO SERVE AS**

Section 3. Section two thousand three hundred three of the Suffolk County Charter is hereby amended to read as follows:

§2303. *Amendment of county charter. This charter, as an alternative form of government for the County of Suffolk, may be amended in accordance with the state constitution, applicable statutes and the provisions hereof, provided that section two thousand six may be amended only upon mandatory referendum.*

Section 4. This charter law shall be submitted to the qualified electors of the County at the general election to be held in the year one thousand nine hundred and sixty-nine, and if approved by a majority of the electors voting thereon at such election, shall be effective January first, one thousand nine hundred and seventy.

SECTION 3. SECTION TWO THOUSAND THREE HUNDRED THREE OF THE Suffolk County Charter is hereby amended to read as follows:

§2303. *Amendment of county charter. This charter, as an alternative form of government for the County of Suffolk, may be amended in accordance with the state constitution, appli*

SUFFOLK COUNTY CHARTER REVISION COMMISSION

V.F. Suffolk County
Charter

August 15, 1969

On August 5, 1969 the Suffolk County Charter Revision Commission transmitted to the Board of Supervisors and County Executive of Suffolk County the report to which this note is added, requesting the Board to place on the agenda of its August 11th meeting the two charter laws set forth in Appendices B and C. The Commission also urged the Board to enact these laws and place them on the ballot for referendum at the general election in November 1969.

Acting on these suggestions, the Board placed the proposals on the agenda of its August 11th meeting. At the meeting the Board informally made three decisions:

1. Subject to referendum in November 1969, to enact without change the charter law on the county budget and capital program set forth in Appendix C.
2. Subject to referendum in November 1969, to enact as a separate charter law the Commission's proposal that elected town and village officials not be eligible to serve at the same time as county legislators.
3. Subject to referendum in November 1969, to enact without any other change the charter law on the County Legislature and County Executive set forth in Appendix B.

Three propositions printed on the next page will be on the ballot in November as a result of these decisions. The separate charter law follows.

V.F. Suffolk County
Charter

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1 BACKGROUND

In our report *County Legislature and County Executive*, issued in July, we stated that our final recommendations for charter revision in these areas would be submitted after public hearing. We also stated our intention of making recommendations concerning when these proposed laws should be submitted to the voters and in what form.

As planned, a public hearing was held on these matters on July 31st in Hauppauge. The Commission met before and after the hearing and resumed its deliberations the following day. Although many of the arguments presented at the hearing for and against specific proposals had been previously discussed by the Commission, we reviewed them once again. Careful consideration was given each of the suggestions made at the public hearing, some of which are now incorporated in our proposals.

These developments followed the schedule presented in our letter of July 7, 1969 to the Board and County Executive, a copy of which is set forth in Appendix A. The charter laws we recommend for enactment and submission to public referendum are contained in Appendices B and C. The exact language we suggest be used on the ballot is presented in Appendix D.

The reasons for our recommendations on the Legislature, Executive and Budget have been presented in detail in our earlier reports, *A Blueprint for County Budgeting and Capital Programming* and *County Legislature and County Executive*. In the following pages of this report, we discuss our recommendations on when and in what form our charter proposals should be submitted to the voters.

2 TWO

RECOMMENDATIONS

Our recommendations are:

1. The charter proposals should be submitted to the voters at the general election in November 1969.
2. They should be presented in two propositions—one containing our proposals concerning the County Budget, the other containing our proposals concerning the County Legislature and the County Executive.

A. Timing

We are unanimous in recommending that the Board of Supervisors and County Executive place the proposals on the ballot in November 1969. Nothing is to be gained by delaying the public referendum. The proposals have been tested at public hearings and have engaged public attention. They may be subjected to further public discussion in the months remaining to Election Day. The issues, in short, are ripe for decision. There is, in our opinion, no justification for waiting any longer

We are convinced that there are two other specific advantages to a public decision on our recommendations this November. If approved, the proposals would go into effect exactly when the new County Legislature comes into being. The new 18-member legislative body would thus begin its work with charter provisions specifically prepared for it. In addition, our systematic proposals on county budgeting and capital programming, which are designed to give Suffolk a truly modern budget, should be put into effect as soon as possible to give Suffolk the benefits of the improvements, without delay.

B. Separate Propositions

There are points at which different parts of a charter come together in such a way that a change in one part necessarily produces a change in other parts. This finding has led some persons to argue in favor of submitting "in one package" all of the proposals for revising a charter.

In urging that our recommendations on the Legislature, Executive and Budget be submitted to the voters in November 1969, the Commission has rejected the "one package" approach. Having begun by reviewing the charter as a whole, we soon found it extremely useful to focus on specific areas—deferring for the time being our consideration of others. Our introductory report and our reports on the budget process and on the Legislature and Executive evidence the workings of this approach.

The public hearings held by the Commission convinced us of the rightness of this approach. Those who testified were able to focus on specific proposals and advance reasons for or against them—without bringing in the entire charter or even referring to another part of the charter. The theory advanced in support of the "one package" approach was thus contradicted both by our own experience and, more importantly, by three productive public hearings.

We rely on those experiences in recommending that the charter proposals we have made to date be grouped into two separate charter laws: one on the county budget and capital program, the other on the County Legislature and County Executive.

The report *A Blueprint for County Budgeting and Capital Programming* and the hearings held on it show how naturally budget items come together—and at the same time are separate from other items.

The report *County Legislature and County Executive* and the hearing held on it similarly show how closely related these items are. In fact, this close relationship determined our own program, as we explained in the report:

It quickly became obvious that any serious review of the Legislative Article involved questions concerning the office of the County Executive and the practical relationships between the Legislature and the Executive. As a result, we again revised our tentative schedule for completing the Commission's assignment and unanimously voted to take up the Executive Article with the Legislative Article.

In recommending that our proposals concerning the Legislature and Executive be kept in one proposition, the Commission is following the natural development of its review of Articles II and III, where one issue led to the next. This experience strongly suggests the likelihood of a similar development in public discussion. Hence, we recommend against any further separation of our charter proposals into more propositions. Here, the issues are so closely related they should be presented to the voters and decided in a single proposition.

APPENDIX A

Letter Setting Forth Commission Timetable

The following letter was sent to each member of the Board of Supervisors and to the County Executive on July 7, 1969.

Re: Scheduling Action on
Proposed Charter Laws

I am pleased to inform you that the Charter Commission has completed its report on charter revisions concerning the County Legislature and the County Executive. The report of our tentative recommendations is being printed now, and we expect to have copies ready for distribution by July 15th.

As we mentioned during the Commission's meeting with the Board of Supervisors in May, there is a strong possibility that the Commission will recommend that all of its proposed revisions, which involve the County Legislature, the County Executive and the County Budget, be submitted to referendum on Election Day, November 4, 1969.

At this point, we have scheduled a public hearing for July 31st on our proposals concerning the County Legislature and the County Executive. We have also scheduled an all day Commission meeting on August 1st to review the proposals in light of the comments received at the hearing. The Commission plans to submit by August 8, 1969 the charter laws we recommend be enacted with respect to the Legislature, Executive and Budget.

Sincerely yours,

/s/Claire Sauer
(Mrs. Frederick Sauer)
Chairman

APPENDIX B

A CHARTER LAW TO AMEND THE SUFFOLK COUNTY CHARTER IN RELATION TO THE COUNTY LEGISLATURE AND THE COUNTY EXECUTIVE

BE IT ENACTED by the Board of Supervisors of the County of Suffolk as follows:

Section 1. The title and schedule of section headings of article two of the Suffolk County Charter are hereby amended to read as follows:

THE COUNTY LEGISLATURE

- Section 201 Elective county legislature
- 202 General powers of county legislature
- 203 Legislative districts
- 204 Qualifications of county legislators
- 205 Term of office
- 206 Vacancy in office of county legislator
- 207 County legislature to determine qualifications of its members
- 208 Organization of county legislature
- 209 Temporary chairman at organization meeting; tie vote for presiding officer
- 210 Functions of presiding officer
- 211 Temporary disability or absence of presiding officer
- 212 Rules of proceeding
- 213 Powers of county legislature
- 214 Regular and special meetings of county legislature
- 215 Quorum
- 216 Meetings and record of proceedings
- 217 Compensation of county legislators

- 218 Appointment and functions of clerk of the county legislature
- 219 Introduction of proposed local law and resolutions; introduction on request of county executive
- 220 Legislative consideration of proposed local laws and resolutions
- 221 Voting
- 222 Presentation of local law or resolution to county executive
- 223 Executive approval or disapproval of local law or resolution

Section 2. Article two of the Suffolk County Charter is hereby amended to read as follows:

1 §201. *Elective county legislature. There shall be an*
2 *elected county legislature, which shall determine county*
3 *policies and exercise such other functions as may be as-*
4 *signed to it by state law, this charter, or local law.*

1 §202. *General powers of county legislature. The county*
2 *legislature shall exercise the county's powers of local legis-*
3 *lation and appropriation, in accordance with the provisions*
4 *of this charter.*

1 §203. *Legislative districts.*

2 (a) *The county shall be divided into eighteen county*
3 *legislative districts, numbered from one to eighteen, in-*
4 *clusive. One county legislator shall be elected from each*
5 *county legislative district.*

6 (b) *The county legislative districts currently in effect*
7 *are continued, until changed pursuant to paragraph (c)*
8 *of this section.*

9 (c) *Not later than six months after the publication of*
10 *the results of a regular federal census or any county-wide*
11 *special population census which indicates the districts do*
12 *not contain substantially equal citizen population, but not*
13 *more often than once in five years, the county legislature*

14 shall propose by charter law appropriate revisions of the
15 boundaries of the districts so that they shall contain sub-
16 stantially equal citizen population.

1 §204. Qualifications of county legislators.

2 (a) A county legislator shall have been a resident of
3 the county for at least one year immediately preceding his
4 election, and shall reside in the county legislative district
5 which he represents during his entire term of office and at
6 the time of his nomination or designation for such office.

7 (b) Mayors of villages, supervisors of towns and mem-
8 bers of legislative bodies of towns and villages who reside
9 in the county shall not be eligible to serve as members of
10 the county legislature, and no local law or resolution may
11 be adopted under this charter providing that mayors of
12 cities or villages, supervisors of towns or members of
13 legislative bodies of cities, towns or villages who reside
14 in the county shall be eligible to serve as members of the
15 county legislative body.

1 §205. Term of office. The term of office of a county
2 legislator shall be two years, which shall begin on the first
3 day of January following the general election at which the
4 county legislators are elected.

1 §206. Vacancy in office of county legislator.

2 (a) If a vacancy occurs in the office of county legislator,
3 otherwise than by expiration of the term, the county legis-
4 lature shall fill the office within thirty days of the vacancy
5 by appointment of a resident of the district who qualifies
6 under section two hundred four to hold office as a county
7 legislator.

8 (b) A person appointed under paragraph (a) to fill a
9 vacancy in the office of county legislator shall serve until
10 and including the thirty-first day of December next suc-
11 ceeding the first general election at which such vacancy
12 can lawfully be filled by election. The person so elected
13 shall serve for the balance of the unexpired term.

1 §207. County legislature to determine qualifications of
2 its members. The county legislature shall determine the
3 qualifications of its members, for which purpose it shall

4 *have the power to subpoena witnesses, require the produc-*
5 *tion of records and take testimony. Decisions made in the*
6 *exercise of the powers granted by this subdivision shall be*
7 *deemed administrative and not legislative and shall be*
8 *subject to review by the courts.*

1 §208. *Organization of county legislature. The members*
2 *of the county legislature shall hold an organization meeting*
3 *on the first business day in January of each year. At this*
4 *meeting, the county legislature shall elect from its own*
5 *members a presiding officer and shall adopt the rules of*
6 *its own proceedings. The members may also conduct such*
7 *other business at the organization meeting as may be*
8 *authorized under the rules of the county legislature's pro-*
9 *ceedings.*

1 §209. *Temporary chairman at organization meeting; tie*
2 *vote for presiding officer. The county executive shall preside*
3 *at the organization meeting until the presiding officer has*
4 *been elected by not less than a majority of the total mem-*
5 *bership of the county legislature, whereupon such newly*
6 *elected presiding officer shall preside. In the event of a tie*
7 *vote for the election of such presiding officer of the county*
8 *legislature, the county executive shall cast the deciding vote.*

1 §210. *Functions of presiding officer. The presiding officer*
2 *shall preside and act as chairman of all meetings of the*
3 *county legislature, appoint the members of the committees*
4 *of the county legislature, and perform such other functions*
5 *as are assigned to him by rules of the county legislature.*
6 *He may call special meetings of the county legislature.*

1 §211. *Temporary disability or absence of presiding officer.*
2 *In the event of the disability or absence of the presiding*
3 *officer a majority of the county legislature shall select a*
4 *presiding officer to serve with all the powers of that office*
5 *during such disability or absence.*

1 §212. *Rules of proceeding. The rules of the county legis-*
2 *lature's proceedings, and any amendment thereto, shall be*
3 *adopted by resolution by a vote of not less than a majority*

4 of the total membership of the county legislature. Copies of
5 the rules shall be made available to the public.

1 §213. Powers of county legislature. In addition to all
2 powers conferred in sections two hundred one and two
3 hundred two and by other provisions of this charter, the
4 county legislature shall have power:

5 (a) Except as otherwise provided in this charter, to create,
6 organize, alter and abolish any unit of county government
7 or to transfer any function or duty from one such unit to
8 another not inconsistent with this charter;

9 (b) To make appropriations, levy taxes and incur indebted-
10 ness for the purpose of carrying out any of the powers
11 and duties conferred or imposed on the county or any
12 officer, board, commission or other authority thereof, by
13 this charter or otherwise by law;

14 (c) As an aid to the proper performance of its legislative
15 functions, to investigate the performance of any of the
16 functions, offices or departments of the government of
17 the county;

18 (d) To fix the amount of the bond to be given by any official
19 or employee of the county, conditioned on the faithful
20 performance of his duty, and it shall make the premium
21 on such bonds a county charge.

1 §214. Regular and special meetings of county legislature.

2 (a) The county legislature shall hold regular meetings at
3 intervals specified in the rules of its proceedings.

4 (b) Special meetings of the county legislature shall be held
5 upon the direction of the presiding officer, county execu-
6 tive or upon written request signed by a majority of the
7 members of the county legislature. Notice in writing of
8 the time, place and purpose of the special meeting shall
9 be given each member at least two days before the
10 date fixed for holding the meeting, or a member may
11 waive such notice by a writing signed by him. Only
12 business, including the enactment of local laws or
13 resolutions, specified in the notice thereof may be
14 transacted at a special meeting.

15 (c) Any meeting under this section may be adjourned from
16 time to time.

1 §215. *Quorum.* A majority of the total membership of
2 the county legislature shall constitute a quorum for the pur-
3 pose of conducting any business.

1 §216. *Meetings and record of proceedings.*
2 (a) All meetings of the county legislature shall be public.
3 Prior to the commencement of any meeting, there shall
4 be available to the public a calendar of the matters to
5 be considered at such meeting.
6 (b) The records of the county legislature on matters placed
7 upon the calendar and any and all actions taken and pro-
8 ceedings had by the county legislature shall be available
9 for inspection during office hours of the clerk of the
10 county legislature.

1 §217. *Compensation of county legislators.* The members
2 of the county legislature shall receive such compensation
3 as may be fixed by resolution.

1 §218. *Appointment and functions of clerk of the county*
2 *legislature.*
3 (a) The county legislature shall by procedural resolution
4 appoint a clerk of the county legislature, who shall serve
5 at its pleasure.
6 (b) The clerk of the county legislature shall maintain the
7 records of the county legislature, discharge such other
8 duties as may be prescribed in this charter, by law or by
9 rule of the legislature's proceedings, and perform such
10 other functions as may be assigned to him by the pre-
11 siding officer.

1 §219. *Introduction of proposed local law and resolutions;*
2 *introduction on request of county executive.* A proposed
3 local law or resolution may be introduced only by a member
4 of the county legislature. The presiding officer of the county
5 legislature shall, on request of the county executive, intro-
6 duce a proposed local law or resolution. Such proposed
7 local law or resolution shall bear the legend, "Introduced
8 by, on request of the county executive."

1 §220. *Legislative consideration of proposed local laws*
2 *and resolutions.*

- 3 (a) *No proposed local law or resolution may be enacted*
4 *until it shall have been in its final form and laid on the*
5 *table at a regular meeting of the county legislature at*
6 *least seven calendar days, exclusive of Sunday, prior to*
7 *its final passage, unless the county executive certifies as*
8 *to the necessity for its immediate passage. Such legis-*
9 *lation may be passed only by the affirmative vote of two-*
10 *thirds of the total membership of the county legislature.*
11 (b) *No proposed local law may be enacted unless it is the*
12 *subject of a public hearing by the county legislature or*
13 *one of its duly constituted committees. Such a public*
14 *hearing shall be held on public notice, the form and time*
15 *of which shall be prescribed by local law.*
16 (c) *A public hearing held on a proposed local law which is*
17 *later amended and enacted as amended is, for purposes*
18 *of paragraph (b), a public hearing on the enacted local*
19 *law.*

1 §221. *Voting. (a) Each member of the county legislature*
2 *shall have one vote.*

3 (b) *Except as otherwise provided by law, local laws and*
4 *resolutions shall be adopted by a vote of not less than*
5 *a majority of the total membership of the county legis-*
6 *lature.*

7 (c) *For purposes of paragraph (b) of this section, an absten-*
8 *tion shall not be counted as a vote.*

1 §222. *Presentation of local law or resolution to county*
2 *executive.*

3 (a) *After passage by the county legislature of a local law,*
4 *the local law shall be presented by the clerk of the county*
5 *legislature by noon, at least two days before the publi-*
6 *cation date of an official county newspaper next succeed-*
7 *ing such passage, to the office of the county executive*
8 *for his approval. If it remains possible to comply with*
9 *the advertising requirements of paragraph (b), the county*
10 *executive may accept such presentation at a later time on*
11 *said day.*

12 (b) *The county executive shall proceed to advertise the hold-*
13 *ing of a public hearing by him on such local law in the*
14 *next succeeding issue of the official county newspapers*

15 *published after said presentation. The hearing shall be*
16 *held on the fourth day after the last publication date in*
17 *said newspapers, inclusive of Sundays and holidays, ex-*
18 *cept that if said fourth day falls on a Sunday or holiday*
19 *said hearing shall be held on the next regular business*
20 *day other than Saturday.*

21 *(c) After passage by the county legislature of a resolution,*
22 *other than a resolution relating to procedure, the clerk*
23 *of the county legislature shall within two days of the*
24 *enactment of the resolution present it to the office of*
25 *the county executive for his approval.*

1 §223. *Executive approval or disapproval of local law or*
2 *resolution.*

3 *(a) No local law or resolution, other than a resolution re-*
4 *lating to procedure, shall take effect until it has been*
5 *submitted to the county executive for his approval. No*
6 *local law may be approved or disapproved by the county*
7 *executive until after he has held the public hearing re-*
8 *quired by section two hundred twenty two.*

9 *(b) If the county executive approves a local law or resolution*
10 *submitted to him for his approval, it shall take effect*
11 *immediately.*

12 *(c) If within fifteen days of its submission to him the county*
13 *executive returns such local law or resolution to the*
14 *county legislature with a statement of his reasons for*
15 *not approving it, such local law or resolution shall not*
16 *be effective, unless the county legislature on reconsider-*
17 *ation passes it by affirmative vote of two-thirds of the*
18 *total membership within thirty days of its return.*

19 *(d) If such local law or resolution is not returned by the*
20 *county executive to the county legislature within fifteen*
21 *days of its submission to him with a statement of his*
22 *reasons for not approving the same, such local law or*
23 *resolution shall be deemed to be approved as of said*
24 *fifteenth day.*

Section 3. The title and schedule of section headings of article three of the Suffolk County Charter are hereby amended to read as follows:

THE COUNTY EXECUTIVE

- Section 301 Elective county executive
- 302 Role of county executive
- 303 Function of county executive
- 304 Delegation of powers and duties to county executive
- 305 Qualifications; whole time to duties of office
- 306 Term of office
- 307 Removal of county executive
- 308 Deputy county executives
- 309 Temporary disability or absence of county executive
- 310 Vacancy in office of county executive

Section 4. Article three of the Suffolk County Charter is hereby amended to read as follows:

1 §301. *Elective county executive. There shall be a county*
2 *executive elected from the county at large.*

1 §302. *Role of county executive. The county executive*
2 *shall be the chief executive officer of the county govern-*
3 *ment and its administrative head.*

1 §303. *Function of county executive. In addition to the*
2 *functions assigned to the county executive in other provis-*
3 *ions of this charter, the county executive shall:*
4 (i) *have general supervision over all administrative units*
5 *of the county, except as otherwise provided in this charter;*
6 (ii) *except as otherwise provided by law or by this char-*

7 *ter, appoint, with the approval of the county legislature the*
8 *heads of every county department and office and the*
9 *members of county boards and commissions and appoint,*
10 *without the approval of the county legislature, but within*
11 *the appropriations therefor, such officers and employees*
12 *in his own office as may be necessary for the perform-*
13 *ance of his duties;*

14 *(c) discharge his responsibilities in county budgeting and*
15 *capital programming, as provided in article four of this*
16 *charter;*

17 *(d) take care that the laws applicable to the county and*
18 *that local laws and resolutions of the county are faithfully*
19 *executed;*

20 *(e) investigate and report to the county legislature the*
21 *failure of any county officer or other county official or the*
22 *head of any administrative agency or institution to enforce*
23 *any law or to perform any duty which such official, agency*
24 *or institution is required to enforce or perform;*

25 *(f) report to the county legislature annually at the close*
26 *of the fiscal year, or as soon thereafter as practicable, the*
27 *financial and other affairs of the county together with*
28 *the reports of the departments of county government;*

29 *(g) present to the county legislature from time to time*
30 *such information and recommendations concerning the*
31 *affairs of the county as he may deem necessary or as the*
32 *county legislature may by resolution request.*

1 §304. *Delegation of powers and duties to county execu-*
2 *tive. The county legislature may, by local law or resolution,*
3 *delegate to the county executive the exercise or performance*
4 *of any of its powers and duties consistent with law.*

1 §305. *Qualifications; whole time to duties of office. The*
2 *county executive shall have been a resident of the county for at*
3 *least one year immediately preceding his election and shall*
4 *reside in the county during his entire term of office. He shall*
5 *give his whole time to the duties of the office.*

1 §306. *Term of office.*

2 *(a) The county executive's term of office shall be four*
3 *years from and including the first day of January next*
4 *following his election.*

5 (b) *The first election of the county executive having*
6 *been conducted at the general election held in nineteen hun-*
7 *dred fifty-nine, the election of a county executive for a*
8 *full term shall be held each fourth year thereafter.*

1 §307. *Removal of county executive. The county executive*
2 *may be removed by the governor in the manner provided in*
3 *section thirty-three of the public officers law for the removal*
4 *of other county officers.*

1 §308. *Deputy county executives. The county executive*
2 *may appoint one or more deputies, within the appropriation*
3 *therefor, to assist him in discharging the responsibilities of*
4 *his office. The consent of the legislature to any such appoint-*
5 *ment shall not be required.*

1 §309. *Temporary disability or absence of county execu-*
2 *tive. The county executive shall designate one deputy to*
3 *perform the administrative duties of the county executive*
4 *during his temporary absence or disability and shall file such*
5 *designation with the county clerk. The acts so performed*
6 *by such deputy shall have the same effect in law as if per-*
7 *formed by the county executive.*

1 §310. *Vacancy in office of county executive.*

2 (a) *If the office of county executive becomes vacant other*
3 *than by expiration of the term, the deputy county execu-*
4 *tive designated under section three hundred nine shall*
5 *become acting county executive with the full powers of*
6 *the office until the vacancy is filled in accordance with*
7 *paragraph (b) or (c) of this section.*

8 (b) *The county legislature may within thirty days of the*
9 *occurrence of a vacancy in the office of county executive*
10 *other than by expiration of the term enact a resolution,*
11 *which shall not be subject to veto, providing for a special*
12 *election to fill the office for the balance of the unexpired*
13 *term. Such special election shall be scheduled for the*
14 *earliest date permissible under the election law and the*
15 *person elected shall take office immediately upon cer-*
16 *tification of the results of the election by the board of*
17 *elections.*

18 (c) *If the vacancy is not filled by special election under*

19 *paragraph (b) of this section, it shall be filled at the*
20 *first general election after the occurrence of such vacancy*
21 *at which such vacancy can lawfully be filled by election.*
22 *At such general election the successor shall be elected*
23 *for the balance of the unexpired term and shall take office*
24 *on the first day of January following the election.*

Section 5. Section two thousand three of the Suffolk County Charter and its title are hereby amended to read as follows:

1 *§2003. County legislators. County legislators shall be*
2 *elected at the general election in odd numbered years. They*
3 *shall be nominated in the same manner as other elective*
4 *county officers or as otherwise provided in the election law.*

Section 6. The first and fourth paragraphs of section two thousand four of the Suffolk County Charter are repealed, and the second and third paragraphs thereof are respectively renumbered “(1)” and “(2)”.

Section 7. Section two thousand five of the Suffolk County Charter is hereby amended to read as follows:

1 *§2005. Vacancies in elective offices. Except as otherwise*
2 *provided by law or by this charter, a vacancy occurring in*
3 *any elective office, otherwise than by the expiration of the*
4 *term, shall be filled by appointment by the county legislature*
5 *of a resident of the county. Any such appointee shall hold*
6 *office until and including the thirty-first day of December next*
7 *succeeding the first general election after the occurrence of*
8 *such vacancy at which such vacancy can lawfully be filled by*
9 *election. At such general election the successor shall be elected*
10 *for the full term provided for such officer, except as otherwise*
11 *provided by law or by this charter.*

Section 8. Section two thousand three hundred three of the Suffolk County Charter is hereby amended to read as follows:

1 *§2303. Amendment of county charter. This charter, as*
2 *an alternative form of government for the County of Suffolk,*
3 *may be amended in accordance with the state constitution,*
4 *applicable statutes and the provisions hereof, provided that*

5 *paragraph (b) of section two hundred four may be amended*
6 *only upon mandatory referendum.*

Section 9. This charter law shall be submitted to the qualified electors of the County at the general election to be held in the year one thousand nine hundred and sixty-nine, and if approved by a majority of the electors voting thereon at such election, shall be effective January first, one thousand nine hundred and seventy.

APPENDIX C

A CHARTER LAW TO AMEND THE SUFFOLK COUNTY CHARTER IN RELATION TO THE COUNTY BUDGET AND CAPITAL PROGRAM

BE IT ENACTED by the Board of Supervisors of the County of Suffolk as follows:

Section 1. The title and schedule of section headings of article four of the Suffolk County Charter are hereby amended to read as follows:

COUNTY BUDGET AND CAPITAL PROGRAM

- | | |
|-------------|--|
| Section 401 | Fiscal year |
| 402 | Chief budget officer |
| 403 | Division of the budget |
| 404 | Functions of budget director |
| 405 | Submission of departmental estimates, requests and proposals |
| 406 | Calendar for submission of departmental estimates, capital requests and capital proposals |
| 407 | Executive hearings on departmental estimates and capital requests; legislative and public attendance |
| 408 | Submission of proposed county budget |
| 409 | Budget message to accompany proposed county budget |
| 410 | Submission of proposed appropriation resolution |
| 411 | Public hearings on proposed county budget |
| 412 | Action by county legislature on proposed county budget |
| 413 | Presentation of county budget for executive action |
| 414 | Tax levies |
| 415 | Modification of capital budget during fiscal year |
| 416 | Relation between capital program and capital budget |

- 417 Executive hearings on capital proposals; legislative and public attendance
- 418 Submission of proposed capital program
- 419 Explanatory message to accompany proposed capital program
- 420 Legislative hearings on proposed capital program
- 421 Action by county legislature on capital program
- 422 Presentation of capital program for executive action
- 423 Modification of capital program
- 424 Supplemental appropriations during fiscal year
- 425 Transfers from county contingent fund during fiscal year
- 426 No transfer from special contingent fund
- 427 Transfer of unencumbered funds from one department to another
- 428 Transfer of unencumbered funds within a department
- 429 Action when deficiency is anticipated
- 430 Unexpended or unencumbered balances
- 431 Allotment system mandated
- 432 Allotments limited by appropriations
- 433 Duty to submit requests for allotments
- 434 County executive's power to alter requested allotments
- 435 Use of allotments to avoid anticipated deficiency
- 436 Manner for revising allotments

Section 2. Article four of the Suffolk County Charter is hereby amended to read as follows:

- 1 §401. *Fiscal year. The fiscal year of the county shall*
- 2 *begin on the first day of January and end on the thirty-*
- 3 *first day of December in each year.*

1 §402. *Chief budget officer. The county executive shall*
2 *be the chief budget officer of Suffolk County.*

1 §403. *Division of the budget. A division of the budget*
2 *is hereby established in the office of the county executive.*
3 *This division shall be headed by a director of the budget,*
4 *appointed by the county executive, to serve at the pleasure*
5 *of the county executive. The consent of the county legis-*
6 *lature to the appointment of a budget director shall not*
7 *be required.*

1 §404. *Functions of budget director. In addition to the*
2 *duties and functions assigned to the budget director in this*
3 *charter or by local law, the budget director shall perform*
4 *such duties and functions as the county executive may*
5 *direct.*

1 §405. *Submission of departmental estimates, requests*
2 *and proposals. The head of each county department shall*
3 *submit to the county executive, on forms prescribed by*
4 *the county executive, in each fiscal year (1) departmental*
5 *estimates of revenues and operating expenses in the en-*
6 *suuing fiscal year, (2) departmental capital requests, if any,*
7 *for capital funds in the ensuing fiscal year, and (3) depart-*
8 *mental proposals, if any, for capital improvements in*
9 *the ensuing three-year period or for such longer period as*
10 *may be prescribed by the county executive.*

1 §406. *Calendar for submission of departmental estimates,*
2 *capital requests and capital proposals.*

3 (a) *The county executive shall establish the date by*
4 *which the division of the budget shall distribute to each*
5 *department forms for departmental estimates, capital re-*
6 *quests, and capital proposals.*

7 (b) *The date by which departmental estimates and*
8 *capital requests are to be submitted to the county executive*
9 *shall be established by local law. In the absence of a local*
10 *law establishing such date, the county executive shall*
11 *establish the date.*

12 (c) *The county executive shall establish the date for*
13 *submission of capital proposals.*

1 §407. *Executive hearings on departmental estimates and*
2 *capital requests; legislative and public attendance.*

3 (a) *The county executive shall schedule and conduct*
4 *hearings in public on departmental estimates and capital re-*
5 *quests. If it is not feasible for the county executive himself*
6 *to preside over any hearing under this section, he may desig-*
7 *nate a deputy county executive or the budget director to*
8 *preside in his place.*

9 (b) *The county executive shall forward to the county*
10 *legislature a copy of the departmental estimates and capital*
11 *requests in advance of the scheduled hearings in public.*

12 (c) *The county executive shall give reasonable public*
13 *notice of the scheduled hearings on departmental estimates*
14 *and capital requests.*

15 (d) *The county planning commission shall file with*
16 *the county executive and the county legislature its recom-*
17 *mendations regarding the capital requests in advance of the*
18 *scheduled hearings in public.*

1 §408. *Submission of proposed county budget.*

2 (a) *On or before the first day of October in each*
3 *year, the county executive shall submit to the county*
4 *legislature a proposed county budget, consisting of a*
5 *proposed expense budget and proposed capital budget for*
6 *the ensuing fiscal year.*

7 (b) *The proposed expense budget shall be classified*
8 *by funds and administrative units and contain the follow-*
9 *ing information for each administrative unit:*

10 (i) *an organization chart;*

11 (ii) *a narrative statement of the programs adminis-*
12 *tered by the unit, and relevant statistical information on*
13 *those programs and the workload involved;*

14 (iii) *the character and objects of expenditures, in-*
15 *cluding (1) personal service; (2) equipment; (3) materials*
16 *and supplies; and (4) other expenses, by subdivisions of*
17 *administrative units.*

18 (c) *The proposed capital budget shall be itemized*
19 *by project and shall include, for each capital project, infor-*
20 *mation on:*

21 1. *Estimates of cost*

22 2. *Methods of financing*

23 3. *Estimated date of completion*

- 24 4. *Estimated first year operating costs*
25 5. *Description of design, location and function*
26 6. *In the case of structures, square footage or*
27 *general size.*

28 (d) *The proposed county budget shall also contain,*
29 *for the expense budget, a comparison of all expenditure*
30 *and revenue items with the actual expenditures of the last*
31 *completed fiscal year and with an estimate of the expendi-*
32 *ture and revenue in terms of the current fiscal year based*
33 *on actual fiscal data of the past eight months. For the*
34 *capital budget, the proposed county budget shall also con-*
35 *tain a statement on the status of all projects completed*
36 *during the previous fiscal year and an itemized listing of*
37 *the status of all projects previously authorized but not*
38 *yet completed.*

1 §409. *Budget message to accompany proposed county*
2 *budget. The county executive shall submit with the pro-*
3 *posed county budget a general explanation of his proposed*
4 *expense budget and capital budget. The message shall indi-*
5 *cate the status of each capital project listed in the capital*
6 *program and in what respect, if any, he proposes to modify*
7 *each project. It shall also state the county bonded indebted-*
8 *ness and other debt, and the probable impact of each capital*
9 *project in the proposed capital budget on physical, economic*
10 *and social environments.*

1 §410. *Submission of proposed appropriation resolution.*
2 *The county executive shall submit to the county legislature*
3 *with his proposed county budget a proposed appropriation*
4 *resolution, containing the information, except for descrip-*
5 *tive data, required to be included in the proposed budget*
6 *and conforming to the requirements of state and charter*
7 *law for the enactment of local legislation.*

1 §411. *Public hearings on proposed county budget. The*
2 *county legislature shall hold at least two public hearings*
3 *on the proposed county budget not later than the fifteenth*
4 *day of October in each year. The county legislature shall*
5 *have available for the public in advance of the hearings*
6 *a reasonable number of copies of the tentative budget.*

1 §412. Action by county legislature on proposed county
2 budget.

3 (a) Not less than two weeks after the public hearing
4 required by section 411, and not later than the first day
5 of November, the county legislature shall adopt the
6 proposed county budget, consisting of an expense budget
7 and a capital budget, with or without amendment. If the
8 county legislature does not adopt a county budget on or
9 before the first day of November, the proposed county
10 budget shall be deemed adopted as submitted.

11 (b) The county legislature may amend the proposed
12 county budget by adding or increasing an item of appro-
13 priation, or by striking or reducing an item of appropriation
14 except for appropriations for debt service and any other
15 appropriations required by law. The county legislature shall
16 list in one document all of the amendments it has made in
17 the proposed county budget.

18 (c) If the county legislature amends the proposed county
19 budget in any respect, it shall make any other amendments
20 that may be required to provide that total estimated non-
21 tax revenues together with estimated tax revenues shall
22 equal total estimated expenditures. The amount estimated
23 for any object or purpose for which an appropriation is
24 required to be made by law shall not be reduced below the
25 minimum so required.

26 (d) The county legislature shall enter in its minutes
27 a statement of the basis for any increase in or addition to
28 any statement of estimated revenues.

1 §413. Presentation of county budget for executive action.

2 (a) The county executive may approve of the county
3 budget, as submitted, or may disapprove of one or more
4 amendments to the proposed county budget made by the
5 county legislature and otherwise approve the county bud-
6 get. If he approves the county budget as submitted, it
7 shall become effective immediately upon his approval.
8 If he disapproves of one or more amendments and other-
9 wise approves the county budget, he shall return the
10 disapproved amendments to the county legislature for
11 reconsideration and the county budget that he otherwise
12 approves shall become effective immediately upon his
13 approval.

14 (b) *The county legislature may reconsider any amend-*
15 *ment to the proposed county budget that the county*
16 *executive has returned with his disapproval. If on such*
17 *reconsideration it passes the amendment by affirmative*
18 *vote of two-thirds of the total membership, not later than*
19 *the fifteenth day of November, the amendment shall become*
20 *effective forthwith. If it does not reconsider any such*
21 *amendment or if, on reconsideration, it does not pass the*
22 *amendment by affirmative vote of two-thirds of the total*
23 *membership not later than the fifteenth day of November,*
24 *the amendment shall not take effect and the following*
25 *rules shall apply:*

26 1. *If the amendment would have added a new item*
27 *of appropriation, the new item is not added;*

28 2. *If the amendment would have increased the amount*
29 *appropriated to an item, the increase is not effective;*

30 3. *If the amendment would have stricken an item*
31 *of appropriation, the appropriation for that item is effective;*
32 *and*

33 4. *If the amendment would have reduced the amount*
34 *appropriated to an item, the amount proposed for that*
35 *item in the proposed county budget is the amount appro-*
36 *priated to that item.*

37 (c) *In the event of any inconsistency between this section*
38 *and any provision of article two relating to the procedure*
39 *for adoption and approval of local laws and resolutions, the*
40 *provisions of this section shall control in the case of the*
41 *county budget.*

1 §414. *Tax levies; adjustment of budget calendar.*

2 (a) *When the county budget shall have been finally*
3 *adopted, the county legislature shall levy all taxes and*
4 *assessments in the manner and within the time prescribed*
5 *by law.*

6 (b) *If the Suffolk County Tax Act is amended to*
7 *establish a new date by which the county property tax rate*
8 *is to be established, the calendar of dates set forth in*
9 *sections 408(a), 411, 412(a) and 413(b) shall be changed*
10 *by local law to maintain substantially the same time inter-*
11 *vals between the dates as are now established by those*
12 *sections.*

1 §415. *Modification of capital budget during fiscal year.*
2 A capital budget for a fiscal year may not be amended
3 during the fiscal year except by a resolution passed by
4 affirmative vote of two-thirds of the total membership
5 of the county legislature. An affirmative vote of two-thirds
6 of the total membership of the county legislature shall be
7 required to pass such a resolution returned by the county
8 executive with his disapproval.

1 §416. *Relation between capital program and capital*
2 *budget. No capital project may be included in a capital*
3 *budget for a fiscal year unless it is included in the capital*
4 *program applicable to that fiscal year.*

1 §417. *Executive hearings on capital proposals; legislative*
2 *and public attendance.*

3 (a) *The county executive shall schedule and conduct*
4 *hearings in public on capital proposals. The hearings shall*
5 *commence on the first day of March and shall be com-*
6 *pleted as soon as practicable. If it is not feasible for the*
7 *county executive himself to preside over any hearing under*
8 *this section, he may designate a deputy county executive*
9 *or the budget director to preside in his place.*

10 (b) *The county executive shall forward a copy of the*
11 *capital proposals to the county legislature in advance of*
12 *the scheduled hearings in public.*

13 (c) *The county executive shall give reasonable public*
14 *notice of the scheduled hearings on capital proposals.*

1 §418. *Submission of proposed capital program.*

2 (a) *On or before the first day of May in each year,*
3 *the county executive shall submit to the county legislature*
4 *a proposed capital program for the ensuing three years*
5 *or for such longer period as may be prescribed by local law.*

6 (b) *The proposed capital program shall be itemized*
7 *by project, which shall be ranked by year and priority.*
8 *The proposed capital program shall include for each*
9 *project:*

- 10 1. *Estimates of cost*
- 11 2. *Methods of financing*
- 12 3. *Estimated date of completion*
- 13 4. *First year operating costs*

- 14 5. *Description of design, location and function*
15 6. *In the case of structures, square footage or*
16 *general size*
17 7. *Probable impact on physical, economic and*
18 *social environments.*

1 §419. *Explanatory message to accompany proposed*
2 *capital program. The county executive shall submit with*
3 *the proposed capital program a general explanation of its*
4 *purposes and priorities. The message shall contain his*
5 *assessment of the long-term capital needs and financial*
6 *resources of the county as well as his estimate of its year-*
7 *by-year needs and resources over the next three years or*
8 *for such longer period as he may deem appropriate or as*
9 *may be prescribed by local law.*

1 §420. *Legislative hearings on proposed capital program.*
2 *The county legislature shall hold at least one public hearing*
3 *on the proposed capital program not later than the fifteenth*
4 *day of May in each year.*

1 §421. *Action by county legislature on capital program.*
2 (a) *Not less than two weeks after the public hearing*
3 *required by section 420 and not later than the fifteenth*
4 *day of June, the county legislature shall adopt the proposed*
5 *capital program, with or without amendments.*

6 (b) *If the county legislature does not adopt a capital*
7 *program on or before the fifteenth day of June, the pro-*
8 *posed capital program shall be deemed adopted as sub-*
9 *mitted.*

1 §422. *Presentation of capital program for executive*
2 *action.*

3 (a) *The county executive may approve of the capital*
4 *program, as submitted, or may disapprove of one or more*
5 *amendments made by the county legislature to the pro-*
6 *posed capital program and otherwise approve the capital*
7 *program. If he approves the capital program as submitted,*
8 *it shall become effective immediately upon his approval. If*
9 *he disapproves of one or more amendments and otherwise*
10 *approves the capital program, he shall return the dis-*
11 *approved amendments to the county legislature for re-*

12 consideration and the capital program that he otherwise
13 approves shall become effective immediately upon his
14 approval.

15 (b) The county legislature may reconsider any amend-
16 ments to the proposed capital program that the county
17 executive has returned with his disapproval. If on such
18 reconsideration it passes the amendment by affirmative vote
19 of two-thirds of the total membership within ten days of
20 the date it was returned to it, the amendment shall become
21 effective forthwith. If it does not reconsider any such
22 amendment or if, on reconsideration, it does not pass the
23 amendment by affirmative vote of two-thirds of the total
24 membership within ten days of the date it was returned
25 to it, the amendment shall not take effect and the following
26 rules shall apply:

- 27 1. If the amendment would have added a new proj-
28 ect, the new project is not added;
- 29 2. If the amendment would have increased the
30 amount estimated for a project, the increase
31 is not effective;
- 32 3. If the amendment would have stricken a project,
33 the project shall remain in the capital program;
- 34 4. If the amendment would have reduced the
35 amount estimated for a project, the amount
36 proposed for that item in the proposed county
37 budget is the amount estimated for that item;
- 38 5. If the amendment would change the ranking
39 by year or priority of any project, the ranking
40 contained in the proposed capital program re-
41 mains effective.

42 (c) In the event of any inconsistency between this section
43 and any provision of article two relating to the procedure
44 for adoption and approval of local laws and resolutions, the
45 provisions of this section shall control in the case of the
46 capital program.

1 §423. Modification of capital program. The capital pro-
2 gram may be amended by resolution passed by a majority
3 of the county legislature. An affirmative vote of two-thirds
4 of the total membership of the county legislature shall be
5 required to pass such a resolution returned by the county
6 executive with his disapproval.

1 §424. *Supplemental appropriations during fiscal year.*

2 (a) *The county legislature by resolution may at any*
3 *time during the fiscal year appropriate for any lawful pur-*
4 *pose the unanticipated revenues or unappropriated cash*
5 *surplus within a particular fund, but only to the extent,*
6 *in each case, that the total of all revenues of such fund*
7 *received by the county for the fiscal year, including un-*
8 *appropriated cash surplus, exceeds the total of all revenues*
9 *of such fund as estimated in the budget, including appro-*
10 *priated cash surplus.*

11 (b) *Grants in aid received from the state and federal*
12 *governments, other gifts which are required to be expended*
13 *for particular objects or purposes and insurance proceeds*
14 *received for the loss, theft, damage or destruction of real*
15 *or personal property, when proposed to be used or applied*
16 *to repair or replace such property, may be appropriated by*
17 *resolution of the county legislature at any time for such*
18 *objects or purposes.*

19 (c) *An affirmative vote of two-thirds of the total mem-*
20 *bership of the county legislature shall be required to pass a*
21 *resolution or local law to authorize a budget note returned*
22 *by the county executive with his disapproval.*

1 §425. *Transfers from county contingent fund during*
2 *fiscal year.*

3 (a) *The expense budget portion of the county budget*
4 *may appropriate monies to a county contingent fund.*
5 *The total amount appropriated to the county contingent*
6 *fund shall not exceed three percent of the total estimated*
7 *expenditures for all purposes other than debt service.*

8 (b) *The county executive may file in the office of the*
9 *clerk of the county legislature a resolution to transfer a*
10 *specified sum from the county contingent fund for a speci-*
11 *fied purpose. The resolution shall be deemed to have been*
12 *introduced and, if passed as provided in the Municipal*
13 *Home Rule Law, shall be effective immediately.*

14 (c) *An affirmative vote of two-thirds of the total mem-*
15 *bership of the county legislature shall be required to pass*
16 *a resolution or local law to transfer a specified sum from*
17 *the county contingent fund for a specified purpose, returned*
18 *by the county executive with his disapproval.*

1 §426. No transfer from special contingent fund. When-
2 ever taxes to meet appropriations for a county purpose
3 may be raised only upon taxable real estate in a district
4 or area including less than the entire area of the county,
5 the county executive may include in the tentative budget
6 an amount recommended as necessary to be appropriated
7 for a contingent fund for such purpose not exceeding ten
8 percent of the total amount otherwise appropriated for such
9 purpose, which contingent fund shall be used for no other
10 purpose.

1 §427. Transfer of unencumbered funds from one de-
2 partment to another.

3 (a) The county executive may file in the office of the
4 clerk of the county legislature a resolution to transfer
5 specified unencumbered funds from one department to
6 another for a specified purpose. The resolution shall be
7 deemed to have been introduced and, if passed as provided
8 in the Municipal Home Rule Law, shall be effective immedi-
9 ately.

10 (b) An affirmative vote of two-thirds of the total mem-
11 bership of the county legislature shall be required to pass
12 a resolution or local law to transfer specified unencumbered
13 funds from one department to another for a specified pur-
14 pose, returned by the county executive with his disapproval.

1 §428. Transfer of unencumbered funds within a depart-
2 ment.

3 (a) The county executive may transfer funds by execu-
4 tive order from the unencumbered balance of an appropri-
5 ation to another item within a department, if the amount
6 transferred is less than one thousand dollars or less than
7 some other amount fixed by local law. The county executive
8 may delegate to a department head the power conferred in
9 this paragraph to transfer within a department.

10 (b) If the county executive wishes to transfer from the
11 unencumbered balance of an appropriation to another
12 item within a department funds in excess of one thousand
13 dollars or some other amount fixed by local law, he may
14 file in the office of the clerk of the county legislature a
15 resolution to transfer such funds to another item within
16 a department. The resolution shall be deemed to have
17 been introduced and, if passed as provided in the Municipal
18 Home Rule Law, shall be effective immediately.

1 §429. *Action when deficiency is anticipated.*

2 (a) *If at any time during the fiscal year it appears*
3 *to the county executive that available revenues will be*
4 *less than total amounts appropriated, he shall forthwith*
5 *advise the county legislature of (1) the estimated amount*
6 *of the deficit, (2) the remedial action he has taken or plans*
7 *to take under the allotment system, and otherwise, and*
8 *(3) any legislation he believes necessary to avoid the antici-*
9 *ipated deficiency.*

10 (b) *The county legislature, on receiving the county*
11 *executive's advice that he believes available revenues will*
12 *be less than total amounts appropriated or on its own*
13 *determination that available revenues will be less than*
14 *total amounts appropriated, may by resolution reduce*
15 *or strike any unencumbered appropriation in the expense*
16 *budget.*

17 (c) *An affirmative vote of two-thirds of the total mem-*
18 *bership of the county legislature shall be required to pass*
19 *a resolution reducing or striking any unencumbered appro-*
20 *priation in the expense budget, returned by the county*
21 *executive with his disapproval.*

22 (d) *Nothing in this section shall be construed as limiting*
23 *the county legislature's power, in the absence of executive*
24 *or legislative anticipation of a deficit, by resolution to*
25 *reduce or strike any unencumbered appropriation in the*
26 *expense budget. Paragraph (c) of this section applies to*
27 *such a resolution.*

1 §430. *Unencumbered balances. The unencumbered bal-*
2 *ance in each appropriation account of the expense budget*
3 *at the close of the fiscal year shall be returned to the county*
4 *general fund.*

1 §431. *Allotment system mandated. There shall be a sys-*
2 *tem for the allotment of funds by the county executive to*
3 *department heads from appropriations authorized for the*
4 *agency involved. No appropriation authorized for any*
5 *department shall be available for expenditure unless the*
6 *county executive approves an allotment of funds to the*
7 *department or a requested allotment becomes effective*
8 *pursuant to section 434 of this charter.*

1 §432. *Allotments limited by appropriations. The total*
2 *amount allotted to any department for any fiscal year*
3 *or other term for which an appropriation was made shall*
4 *not exceed the amount appropriated for that fiscal year*
5 *or term.*

1 §433. *Duty to submit requests for allotments. Each*
2 *department head shall submit not later than the time*
3 *prescribed by local law his requests for allotments for*
4 *each of the allotment periods into which the fiscal year*
5 *has been divided.*

1 §434. *County executive's power to alter requested allot-*
2 *ments.*

3 (i) *The county executive may alter any requested*
4 *allotment by not more than ten percent, if within the*
5 *terms of the appropriation involved as to amount and*
6 *purpose.*

7 (b) *The county executive may alter any requested*
8 *allotment by more than ten percent, if:*

9 (i) *He notifies the county legislature of the revision,*
10 *stating his reasons therefor in writing, and*

11 (ii) *The county legislature does not pass a resolu-*
12 *tion, declaring that the proposed revision shall*
13 *not take effect, by an affirmative vote of two-*
14 *thirds of its total membership within ten days*
15 *of receipt of notice from the county executive.*

16 (c) *If the county executive does not act on a requested*
17 *allotment within the time specified by local law, the request*
18 *shall be deemed approved to the extent it is within the*
19 *terms of the appropriation as to amount and purpose.*

1 §435. *Use of allotments to avoid anticipated deficiency.*
2 *If the county executive concludes during the fiscal year*
3 *that total available revenues during the year will be less*
4 *than total appropriations for the year, he shall reconsider*
5 *the work programs and allotments of the several depart-*
6 *ments and make a revision thereof to prevent expenditures*
7 *in excess of the amounts available therefor, in accordance*
8 *with section 434 of this charter.*

1 §436. *Manner for revising allotments. Allotments may*
2 *be revised by the county executive, using the same pro-*
3 *cedures as may have been prescribed by local law and in*
4 *this charter for the making of the original allotment.*

Section 3. This charter law shall be submitted to the qualified electors of the County at the general election to be held in the year one thousand nine hundred and sixty-nine, and if approved by a majority of the electors voting thereon at such election, shall be effective January first, one thousand nine hundred and seventy.

APPENDIX D

FORM OF SUBMISSION OF COUNTY QUESTIONS CONCERNING CHARTER PROPOSALS

This appendix states the exact language the Commission recommends be used in the form of submission of county questions concerning the Commission's proposed charter laws.

County Legislature and County Executive

Shall a charter law containing the recommendations of the Suffolk County Charter Revision Commission defining and providing for the separation of powers and responsibilities of the County Legislature and County Executive, establishing qualifications of office, and otherwise amending Articles two, three, twenty and twenty-three of the Suffolk County Charter, and entitled "A Charter Law to Amend the Suffolk County Charter in Relation to the County Legislature and the County Executive" be approved?

County Budget and Capital Program

Shall a charter law containing the recommendations of the Suffolk County Charter Revision Commission for a county budgeting and capital programming system, and entitled "A Charter Law to Amend the Suffolk County Charter in Relation to the County Budget and Capital Program" be approved?

APPENDIX E

SUFFOLK COUNTY CHARTER

Existing Article II*

The County Legislature

- Section 201. The county legislature; general powers.
- 202. Specific powers.
 - 203. Voting; quorum.
 - 204. Procedure.
 - 205. Presiding officer.
 - 206. Procedure for adoption and approval of local laws and resolutions.
 - 207. Compensation.
 - 208. Employees.

§201.* The county legislature; general powers. The legislative and policy determining branch of the government of the county shall be the county legislature, an elective governing body whose members shall be known as county legislators one of whom shall be elected from each single member district into which the county shall be divided as hereinafter provided. Whenever such terms as "county board", "board of supervisors", "county governing board", "elective governing body of the county", or words of similar import are referred to in this charter or any law, they shall be deemed to mean and refer to the county legislature. Whenever the word "supervisor" is referred to in this charter or any law in such context as to indicate his

* As amended after November 1968 referendum.

capacity as a county officer rather than a town supervisor, it shall be deemed to mean and refer to county legislator. The county legislature, when lawfully convened, shall have such specific powers and duties as are provided by this charter and shall, except as otherwise provided by this charter, have and exercise all the powers and duties of the county including those which now are or may hereafter be conferred or imposed upon the elective governing bodies of counties by all laws applicable to the county not inconsistent with this charter.

§202. Specific powers. In addition to all powers conferred by section two hundred one or by other provisions of this charter, the board of supervisors shall have the power to:

(1) Exercise all powers of legislation as provided in article nine of the constitution of the state and this charter;

(2) Adopt, amend and repeal local laws as provided by law and for the purpose of making effective any of the provisions of this charter and to carry out all powers conferred upon the county or the board of supervisors by any other law;

(3) Except as otherwise provided in this charter, create, organize, alter and abolish departments, commissions, bureaus, offices and employments and/or transfer their functions and duties not inconsistent with this charter;

(4) Except as otherwise provided in this charter and subject to the constitution and general laws of the state, fix the compensation of all officers and employees of the county paid from county funds, except members of the judiciary;

(5) Provide for the enforcement of local laws by legal or equitable proceedings or actions in a court of competent jurisdiction and prescribe that violations thereof shall constitute offenses or misdemeanors and provide for the punishment of violations thereof by civil penalty, forfeiture, fine not exceeding five hundred dollars, or imprisonment for not more than six months, or by any two or more such penalties;

(6) Fix the amount of the bond to be given by any official or employee of the county, conditioned on the faithful performance of his duty, and make the premium on such bonds a county charge;

(7) Make appropriations, levy taxes and incur indebtedness for the purpose of carrying out any of the powers and duties conferred or imposed on the county or any officer, board, commission or other authority thereof, by this charter or otherwise by law;

(8) Make rules and regulations, by resolution, covering the use of, parking on, and traffic in and through, any county-owned property, except as to any roads or other property under the jurisdiction and control of the state or any of its agencies and to provide that upon conviction for violation of any one or more of such rules or regulations a person so offending may be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days or by both such fine and imprisonment, and to provide further that a violation of any speed limitation shall constitute an offense;

(9) Investigate the performance of any of the functions, offices or departments of the government of the county;

(10) Employ such legal, financial or other technical advisors as it may from time to time deem necessary for the performance of any of its functions;

(11) *determine the qualifications of its members, for which purpose it shall have the power to subpoena witnesses, require the production of records and take testimony. Decisions made in the exercise of the powers granted by this subdivision shall be deemed administrative and not legislative and shall be subject to review by the courts.

§203. Voting; quorum. Each supervisor shall have one vote. A majority of the whole number of the members of the board shall constitute a quorum. Except as otherwise provided by law, local laws and resolutions shall be adopted by a vote of not less than a majority of the total membership of the board. In case of a tie vote on any matter at any meeting of the board of supervisors the county executive shall have a casting vote, provided, however, that he shall not have a vote as to any local law or resolution which provides a new form of government, for the county or changes the voting strength of the supervisors, or which changes the location of the county seat.

* As added after November 1968 referendum.

§204. Procedure. (1) The board of supervisors shall hold regular meeting* at stated intervals.

(2) Special meetings of the board shall be held at the call of the clerk of the board upon the direction of the presiding officer, county executive or upon written request signed by a majority of the members of the board. Notice in writing of the time, place and purpose of the meeting shall be served personally or by mail upon each member at least forty-eight hours before the date fixed for holding the meeting, or a member may waive the service of the notice for such meetings by a writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting.

(3) All meetings of the board of supervisors shall be public. Any meeting of the board may be adjourned from time to time.

(4) The board of supervisors, by resolution, may establish rules for its own proceedings, including rules for the preparation, posting and distribution of a calendar of matters to be considered at all meetings and notices of all special meetings of, and public hearings before, the board.

(5) The records of the board of supervisors on matters placed upon the calendar and any and all actions taken and proceedings had by such board shall be available for inspection during office hours of the clerk of the board.

§205. Presiding officer. The board of supervisors shall annually at an organization meeting held as provided by the county law select from its own members a presiding officer who shall preside and act as chairman of all meetings of the board except as herein provided. The county executive shall preside at the organization meeting until the presiding officer has been selected whereupon such newly selected presiding officer shall preside. In the event of a tie vote for the selection of such presiding officer of the board of supervisors the county executive shall cast the deciding vote.

§206† Procedure for adoption and approval of local laws and resolutions. A local law may be introduced only by a member of the

* So in original. [Evidently should read "meetings".]

† As amended by Local Law No. 3-1964.

Board of Supervisors. After passage, as provided in the Municipal Home Rule Law, it shall be presented and submitted by the clerk of the board of supervisors to the office of the county executive for his approval before noon, prevailing time, on the second day before the first publication date of an official county newspaper next succeeding such passage. The county executive may accept such presentation and submission at a later time on said day, provided there can be compliance with the advertisement hereinafter required to be made by the county executive. The county executive shall proceed to advertise, in the next succeeding issue of the official county newspapers published after said presentation and submission, the holding of a public hearing by him on said local law. The said hearing shall be held on the fourth day after the last publication date in said newspapers, inclusive of Sundays and holidays, except that if said fourth day falls on a Sunday or holiday said hearing shall be held on the next regular business day other than Saturday. No local law or resolution, other than a resolution relating to procedure, shall take effect until it has been submitted to the county executive for his approval. If so approved, it shall be effective immediately upon his approval. If such local law or resolution is not returned by the county executive to the board within ten days of its submission to him with a statement of his reasons for not approving the same, such local law or resolution shall be deemed to be approved as of said tenth day. Any local law or resolution returned to the board with the disapproval of the county executive shall nevertheless become effective forthwith if upon further consideration it is passed by the board of supervisors by affirmative vote of two-thirds of the total membership. After a lapse of ten days from the date a local law or resolution has been returned to the board of supervisors with the disapproval of the county executive it shall become effective forthwith if upon further consideration it is passed by the board of supervisors by affirmative vote of a majority of the total membership.

§207. Compensation. The members of the board of supervisors shall receive such compensation as may be fixed by resolution of the board of supervisors.

§208. Employees. The board of supervisors shall appoint to serve at their pleasure a clerk of the board of supervisors and such other employees as may be provided by resolution.

APPENDIX F

SUFFOLK COUNTY CHARTER

Existing Article III

The County Executive

- Section 301. Election; qualifications.
302. Powers and duties.
303. Assignment of supervisors' powers and duties to county executive.
304. Acting county executive.
305. Removal of county executive.
306. Department of county affairs and office of county coordinator abolished.

§301. Election; qualifications. There shall be a county executive who shall be elected from the county at large. His term of office shall be four years from and including the first day of January next following his election. He shall be at all times a qualified elector of the county. He shall give his whole time to the duties of the office.

§302. Powers and duties. In addition to all powers conferred by other provisions of this charter, the county executive shall

(1) Be the administrative head of the county government; and have general supervision over all administrative units of the county except the elective officers thereof;

(2) Advise, consult with and assist all officers, boards, commissions and other units of the county government;

(3) Except as otherwise provided by law or by this charter, appoint, with the approval of the board of supervisors, the heads of every county department and office and the members of county boards and commissions and appoint, without the approval of the board of supervisors, but within the appropriations therefor, such officers and employees in his own office as may be necessary for the performance of his duties;

(4) Prepare and present to the board of supervisors the annual budget in the manner and form provided in article four of this charter;

(5) Do and perform such additional acts, duties and governmental functions as may be delegated to him by local law or resolution of the board of supervisors;

(6) Report to the board of supervisors annually at the close of the fiscal year, or as soon thereafter as practicable, the financial and other transactions of the county together with the reports of the departments of the county government;

(7) See that all laws pertaining to the administration of the government of the county are enforced;

(8) Investigate and report to the board of supervisors the failure of any county officer or other official paid from county funds, or the head of any administrative agency or institution to enforce any law or to perform any duty which such official, agency or institution is required to enforce or perform;

(9) Report to the board of supervisors the removal of any appointive officer or employee of the county pursuant to section two thousand two hundred nine of this charter or otherwise;

(10) Present to the board of supervisors, from time to time such information concerning the affairs of the county as he may deem necessary or as the board of supervisors may by resolution request.

§303. Assignment of supervisors' powers and duties to county executive. The board of supervisors may, by local law or resolution, delegate to the county executive the exercise or performance of any of its powers and duties, except those which it must exercise or per-

form by local law or resolution as provided in this charter or the laws of the state applicable to the county, and except its powers and duties of a distinctly legislative character. The action of the county executive in any manner so devolved shall have the same effect in law as if performed by the board of supervisors.

§304. Acting county executive. The county executive shall, subject to the approval of the board of supervisors, designate a deputy to perform the administrative duties of the county executive during his absence or disability and file such designation with the county clerk. During the absence or disability of both the county executive and the deputy county executive so designated, the presiding officer of the board of supervisors may perform such administrative duties. The acts so performed by such deputy or presiding officer shall have the same effect in law as if performed by the county executive.

§305. Removal of county executive. The county executive may be removed by the governor in the manner provided in section thirty-three of the public officers law for the removal of other county officers.

§306. Department of county affairs and office of county coordinator abolished. The department of county affairs and the office of county coordinator, both established by local law number two of the year nineteen hundred fifty-seven, are abolished effective on the first day of January of the year following the election of the county executive.

APPENDIX G

SUFFOLK COUNTY CHARTER

Existing Article IV*

County Budgeting

- Section 401 Fiscal year
- 402 County budget
- 403 Budget officer
- 404 Tax levies; adjustment of budget calendar
- 405 Submission of departmental estimates and requests
- 406 Calendar for submission of departmental estimates and capital requests
- 407 Executive hearings on departmental estimates and capital requests; legislative and public attendance
- 408 Submission of proposed county budget
- 409 Budget message to accompany proposed county budget
- 410 Submission of proposed appropriation resolution
- 411 Public hearings on proposed county budget
- 412 Action by county legislature on proposed county budget

* As amended, June 16, 1969

§ 401. Fiscal year. The fiscal year of the county shall begin on the first day of January and end with the thirty-first day of December in each year.

§ 402. County budget. Except as otherwise expressly provided in this charter or by law, all provisions of article seven of the county law, as now in force or hereafter amended, shall apply to the county.

§ 403. Budget officer. The budget officer shall be the county executive or the deputy county executive if so designated by the county executive, with the approval of the board of supervisors.

Section 404. Tax levies; adjustment of budget calendar.

(a) When the county budget shall have been finally adopted, the county legislature shall levy all taxes and assessments in the manner and within the time prescribed by law.

(b) If the Suffolk County Tax Act is amended to establish a new date by which the county property tax rate is to be established, the calendar of dates set forth in sections 408(a), 411 and 412(a) shall be changed by local law to maintain substantially the same intervals between the dates as are now established by those sections.

Section 405. Submission of departmental estimates and requests.

The head of each county department shall submit to the county executive, on forms prescribed by the county executive, in each fiscal year (1) departmental estimates of revenues and operating expenses in the ensuing fiscal year and (2) departmental capital requests, if any, for capital funds in the ensuing fiscal year.

Section 406. Calendar for submission of departmental estimates and capital requests.

(a) The county executive shall establish the date by which the division of the budget shall distribute to each department forms for departmental estimates and capital requests.

(b) The date by which departmental estimates and capital requests are to be submitted to the county executive shall be established by local law. In the absence of a local law establishing such date, the county executive shall establish the date.

Section 407. Executive hearings on departmental estimates and capital requests; legislative and public attendance.

(a) The county executive shall schedule and conduct hearings in public on departmental estimates and capital requests. If it is not feasible for the county executive himself to preside over any hearing under this section, he may designate a deputy county executive or the budget director to preside in his place.

(b) The county executive shall forward to the county legislature a copy of the departmental estimates and capital requests in advance of the scheduled hearings in public.

(c) The county executive shall give reasonable public notice of the scheduled hearings on departmental estimates and capital requests.

(d) The county planning commission shall file with the county executive and the county legislature its recommendations regarding the capital requests in advance of the scheduled hearings in public.

Section 408. Submission of proposed county budget.

(a) On or before the first day of October in each year, the county executive shall submit to the county legislature a proposed county budget, consisting of a proposed expense budget and proposed capital budget for the ensuing fiscal year.

(b) The proposed expense budget shall be classified by funds and administrative units and contain the following information for each administrative unit:

- (i) an organization chart;
- (ii) a narrative statement of the programs administered by the unit, and relevant statistical information on those programs and the workload involved;
- (iii) the character and objects of expenditure, including (1) personal service; (2) equipment; (3) materials and supplies; and (4) other expenses, by subdivisions of administrative units.

(c) The proposed capital budget shall be itemized by project and shall include, for each capital project, information on:

- (i) Estimates of cost
- (ii) Methods of financing
- (iii) Estimated date of completion
- (iv) Estimated first year operating costs

(v) Description of design, location and function

(vi) In the case of structures, square footage or general size

(d) The proposed county budget shall also contain, for the expense budget, a comparison of all expenditure and revenue items with the actual expenditures of the last completed fiscal year and with an estimate of the expenditure and revenue in terms of the current fiscal year based on actual fiscal data of the past eight months. For the capital budget, the proposed county budget shall also contain a statement on the status of all projects completed during the previous fiscal year and an itemized listing of the status of all projects previously authorized but not yet completed.

Section 409. Budget message to accompany proposed county budget.

The county executive shall submit with the proposed county budget a general explanation of his proposed expense budget and capital budget. The message shall indicate the status of each capital project listed in the capital program and in what respect, if any, he proposes to modify each project. It shall also state the county bonded indebtedness and other debt, and the probable impact of each capital project in the proposed capital budget on physical, economic and social environments.

Section 410. Submission of proposed appropriation resolution.

The county executive shall submit to the county legislature with his proposed county budget a proposed appropriation resolution, containing the information, except for descriptive data, required to be included in the proposed budget and conforming to the requirements of state and charter law for the enactment of local legislation.

Section 411. Public hearings on proposed county budget.

The county legislature shall hold at least two public hearings on the proposed county budget not later than the fifteenth day of October in each year. The county legislature shall have available for the public in advance of the hearings a reasonable number of copies of the tentative budget.

Section 412. Action by county legislature on proposed county budget.

(a) Not less than two weeks after the public hearings required by section 411, and not later than the first day of November, the

county legislature shall adopt the proposed county budget, consisting of an expense budget and a capital budget, with or without amendment. If the county legislature does not adopt a county budget on or before the first day of November, the proposed county budget shall be deemed adopted as submitted.

(b) The county legislature may amend the proposed county budget by adding or increasing an item of appropriation, or by striking or reducing an item of appropriation except for appropriations for debt service and any other appropriations required by law. The county legislature shall list in one document all of the amendments it has made in the proposed county budget.

(c) If the county legislature amends the proposed county budget in any respect, it shall make any other amendments that may be required to provide that total estimated non-tax revenues together with estimated tax revenues shall equal total estimated expenditures. The amount estimated for any object or purpose for which an appropriation is required to be made by law shall not be reduced below the minimum so required.

(d) The county legislature shall enter in its minutes a statement of the basis for any increase in or addition to any statement of estimated revenues.

APPENDIX H

SUFFOLK COUNTY CHARTER

Existing Article XX*

Elections

- Section 2001. Present laws to continue.
2002. Terms of elective officers; time of elections.
2003. County legislators; qualifications; terms.
2004. Legislative districts.
2005. Vacancies in elective offices.

§2001. Present laws to continue. All elections shall be conducted in the manner provided by law.

§2002. Terms of elective officers; time of election.

(1) The sheriff, county clerk and district attorney shall continue to be elected for terms of three years.

(2) The first county executive elected under this charter shall be elected at the first general election following the adoption of this charter. The term of office of the county executive shall be four years from and including the first day of January next following his election.

(3) The first comptroller elected under this charter shall be elected at the first general election following the adoption of this charter, except that if the county has an elective county auditor at the time of such adoption, the first comptroller shall be elected at the

* As amended after November 1968 referendum.

general election in the last year of the term of said county auditor, or if the office of such auditor becomes vacant before the last year of his term, the next general election thereafter at which the vacancy can be filled by the election of a comptroller. The term of office of the comptroller shall be four years from and including the first day of January next following his election.

(4) If the county has an elective county auditor when this charter becomes effective in the county, he shall perform the duties of comptroller, unless a vacancy otherwise occurs, until the expiration of the term for which he was elected county auditor. If the office of the last auditor elected becomes vacant otherwise than by expiration of term, the board of supervisors shall forthwith appoint a comptroller, who shall serve until his successor is elected and has qualified, pursuant to subdivision three of this section.

§2003.* County legislators; qualifications; terms. A county legislator shall have been a resident of the county for at least one year immediately preceding his election, and shall reside in the county legislative district which he represents during his entire term of office and at the time of his nomination or designation for such office.

County legislators shall be elected at the general election in odd numbered years and hold office for a term of two years which shall begin on the first day of January following their election. They shall be nominated in the same manner as other elective county officers or as otherwise provided in the election law. Until such time as the first county legislators are duly elected and lawfully convened, the supervisors of the several towns of the county, when lawfully convened, shall constitute the county legislature, provided, however, that they shall not have the powers set forth in subdivision eleven of section two hundred two.

§2004.* Legislative districts.

(1) For the purpose of determining the residence of and, except as otherwise provided, choosing county legislators, the county shall be divided into eighteen county legislative districts, numbered from one to eighteen, inclusive.

* As added after November 1968 referendum.

(2) The county legislative districts are described as follows:

[Sub-sections (a) through (r) are omitted here.]

(3) The foregoing districts are intended to encompass all the inhabited territory within the county, to be mutually exclusive of each other and to contain substantially equal citizen population.

(4) Not later than six months after the publication of the results of a regular federal census or any special population census which indicates the districts do not contain substantially equal citizen population, but not more often than once in five years, the county legislature shall propose by charter law appropriate revisions of the boundaries of the districts so that they shall contain substantially equal citizen population.

§2005.* Vacancies in elective offices. Except as otherwise provided by law, a vacancy occurring in any elective office, otherwise than by the expiration of the term, shall be filled by appointment by the county legislature of a resident of the county. Any such appointee shall hold office until and including the thirty-first day of December next succeeding the first general election after the occurrence of such vacancy at which such vacancy can lawfully be filled by election. At such general election the successor shall be elected for the full term provided for such officer.

If the vacancy be in the office of county legislator, the person appointed shall be a resident of the district for which the office is vacant and shall serve until and including the thirty-first of December next succeeding the first general election at which such vacancy can lawfully be filled by election, and if such general election shall be held in an even numbered year, the successor shall serve for the balance of the unexpired term.

* As re-numbered and amended after November 1968 referendum.

APPENDIX I

THE COMMISSIONERS

Claire Sauer (Mrs. Frederick Sauer), *Chairman*

Huntington. B.S., Industrial and Labor Relations, Cornell University, 1951. Board of Directors, League of Women Voters of New York State, 1967-69; President, Suffolk County Council, League of Women Voters, 1963-67; Assistant to President, Glover Associates, Management Consultants, New York City, 1951-53.

Morris I. Karpen, *Treasurer*

Lloyd Harbor. President, Karpen Steel Products, Farmingdale. Mechanics Institute, New York City, 1938. Executive Board, Suffolk County Council, Boy Scouts of America; member, National Jewish Committee, Boy Scouts of America; Life Member, National Audubon Society; Life Member, Wilderness Society; former member, Suffolk County Industrial Commission; former Chairman, Suffolk County Liberal Party.

Frederic Block

Port Jefferson. Partner, Baranello, Block & Namm (attorneys-at-law), Centereach. L.L.B. Cornell Law School, 1959; A.B. Indiana University, 1956. Member, New York State Democratic Law Committee; Chairman, Suffolk County Democratic Law Committee; Chief Counsel, Education Committee, 1967 New York State Constitutional Convention; Law Secretary to Justices of Appellate Division, 3rd Department, Supreme Court of the State of New York, 1959-61.

Louis H. Buck

Lloyd Harbor. Partner, Toaz, Buck, Myers, Brower, Bernst & Meserve (attorneys-at-law), Huntington. L.L.B. Harvard Law School, 1937; A.B. Hamilton College, 1934. Founder and President, Suffolk County Legal Aid Society, 1967- ; former President, Suffolk County Bar Association; former member and President, Lloyd Harbor Board of Education.

Bernard L. Burton

Patchogue. Partner, Mars and Burton (attorneys-at-law), Patchogue. J.D. Brooklyn Law School, 1955; A.B. Brooklyn College, 1954. Member, New York State Bar Association Committee on the State Constitution; Assistant County Attorney, Suffolk County, 1962-69; Delegate, 1967 New York State Constitutional Convention (Vice-chairman, Committee on Bill of Rights and Suffrage); Charter President, Brookhaven Town Lawyers Club; former director, Patchogue Chamber of Commerce; past Director, Patchogue Kiwanis Club.

John R. Danes

Sayville. President, A. C. Edwards, Inc. (insurance agency), Sayville. B.S. University of Denver, Colorado, 1950. Commodore, Sayville Yacht Club; Director, Oystermen's Bank & Trust Co.; past President, Sayville Rotary Club.

Evelyn Hnatov (Mrs. Fred W. Hnatov)

Huntington. William Cullen Bryant High School, New York. Member, Steering Committee for Budget & Finance for Huntington District #3 Board of Education; Council Delegate, Parent Teacher's Association; Chairman, Drive for Cultural Arts Program to Benefit Disadvantaged Children; Chairman, Drive for District #3 Summer Recreation Program; former Finance Chairwoman, Huntington Township Conservative Party; former Vice-president, Parent Teacher's Association.

Leon D. Lazer

Huntington. Attorney-at-law, Huntington. L.L.B. New York University, 1948; B.S.S. City College of New York, 1942. Member, Municipal Law and Judicial Section, American Bar Association; member, Board of Directors, Huntington Chamber of Commerce, 1964- ; Attorney, South Huntington Water District, 1965- ; Chairman, Huntington Town Democratic Committee, 1968-69; member, New York State Democratic Committee, 1966-68; Director, Suffolk County Bar Association, 1963-66 (Chairman, Municipal Law Committee, 3 years); Town Attorney, Town of Huntington, 1960-64.

Irving Like

Babylon. Partner, Reilly, Like & Schneider (attorneys-at-law), Babylon. L.L.B. Columbia University Law School, 1949; B.S.S. City College of New York. Member, Phi Beta Kappa; Chairman, Town of Babylon Conservation Commission; Counsel, Citizens Committee for Fire Island National Seashore; Special Counsel, Assessors, Town of Babylon; Trustee, Babylon Public Library; Executive Board, Scenic Hudson Preservation Conference; Atlantic Advisory Board, Sierra Club Atlantic Chapter.

Albert J. Luglio

West Babylon. Partner, Kelly & Luglio (attorneys-at-law), Deer Park. L.L.B. St. John's University, 1959. Member, Advisory Board, Catholic Charities Mental Health Center; Democratic State Committeeman, 5th Assembly District, 1966- ; Chairman, Democratic Judicial Convention, 10th Judicial District, 1966; past President, West Babylon Lions Club.

Richard C. Magsamen

West Islip. Special Agent, New Hampshire Insurance Company. College of Insurance, New York City; Pace College, Business Administration, 1964. Member, Executive Committee, Long Island Fieldmen's Insurance Association; Chairman, Secatogue Conservative Party Club, 1966-68.

Charles J. Melton

Bay Shore. Retail liquor dealer, Bay Shore. Bay Shore High School, 1937. Former member, New York State Assembly, 1965-68 (member, Assembly Speaker's Advisory Committee and Assembly Committees on Banks, Public Employees, Conservation and Villages). Democratic Committeeman; former President, Bay Shore Rotary Club; former Grand Knight and District Deputy, Knights of Columbus.

Frank J. Polacek, Jr.

Jamesport. Dial Service Supervisor, Traffic Department, New York Telephone Company, Riverhead. New York University;

Irving Like

Babylon. Partner, Reilly, Like & Schneider (attorneys-at-law), Babylon. L.L.B. Columbia University Law School, 1949; B.S.S. City College of New York. Member, Phi Beta Kappa; Chairman, Town of Babylon Conservation Commission; Counsel, Citizens Committee for Fire Island National Seashore; Special Counsel, Assessors, Town of Babylon; Trustee, Babylon Public Library; Executive Board, Scenic Hudson Preservation Conference; Atlantic Advisory Board, Sierra Club Atlantic Chapter.

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Frank J. Polacek, Jr.

Jamesport. Dial Service Supervisor, Traffic Department, New York Telephone Company, Riverhead. New York University;

Suffolk County Democratic Executive Committee; Honorary Life Member, New York State Congress of Parents and Teachers; former President, Suffolk County Village Officials Association; Life Member, Patchogue Chamber of Commerce; Patchogue Village Trustee, 1952-60.

Louis Lauer, *Executive Director and Counsel*

New York. Partner, Delson & Gordon (attorneys-at-law), New York. L.L.B. Columbia University School of Law, 1953; A.B. New York University, 1950. Chief Counsel, New York Commission on the Constitutional Convention, 1966-67; Consultant, New York Judicial Conference, 1962-66; Law Clerk, Judge Harold R. Medina, U.S. Court of Appeals, 1956-57.

Stuyvesant High School, New York. Bronze Star. Member, Riverhead Town Planning Board; past President, Riverhead Lions Club; President, Aquebogue Men's Club; Chairman, New York Telephone Company Community Relations Team; former Planning Co-chairman, Aquebogue Cub Scout Pack, 1959-62; former President, Water-view Terrace Civic Association.

William H. Price

Greenport. Owner, general insurance agency, Greenport. B.S. Wharton School of Finance, University of Pennsylvania, 1940. Trustee, Southold Savings Bank; member, Board of Cooperative Educational Services, 1st Supervisory School District, 1958-1969; member, Greenport Volunteer Fire Department; member, Greenport Board of Education, 1953-58.

Merton L. Reichler

Stony Brook. Assistant to the Academic Vice-President and Chairman of Committee on Academic Standing, State University of New York at Stony Brook. A.B., M.A. Columbia University, 1948. Vice-president, North Shore Jewish Center; former faculty member, Columbia University, Wellesley College, University of Southern California.

Fred Slater

Blue Point. Davis Brothers Engineering Corporation, Blue Point. Commissioner and former Chairman, Blue Point Fire District; member, Legislative Committee, New York State Fire Chiefs Association; Executive Board, Association of Fire Districts State of New York; President, Suffolk County Fire Districts Assn., 1964-65; member, Suffolk County Fire Advisory Board, 1955-65.

Robert T. Waldbauer

Patchogue. Mayor, Village of Patchogue, 1960- ; Secretary-Treasurer, George Waldbauer & Son, Inc. (automotive wholesale parts business), Patchogue. Ohio University, College of Commerce, 1940-43. Congressional Staff of Congressman Otis G. Pike; member,

Suffolk County Democratic Executive Committee; Honorary Life Member, New York State Congress of Parents and Teachers; former President, Suffolk County Village Officials Association; Life Member, Patchogue Chamber of Commerce; Patchogue Village Trustee, 1952-60.

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Suffolk County Charter Revision Commission

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