

The Legislature of Rockland County



JAY HOOD, JR.
Legislator, District 3

Chair, Rules Committee

AGENDA
RULES COMMITTEE MEETING
Wednesday, February 26, 2014
8:00 PM

ROLL CALL

ADOPTION OF MINUTES, May 29, 2013

1. REF #4065- AMENDING RULE 149-9 OF THE RULES OF THE LEGISLATURE TO REORGANIZE THE ORDER OF BUSINESS FOR LEGISLATIVE SESSIONS (LG3299) (HON. ALDEN H. WOLFE)
2. REF #4065- **DISCUSSION ITEM:** A LOCAL LAW AMENDING THE ROCKLAND COUNTY CHARTER AND THE ADMINISTRATIVE CODE (HON. ALDEN H. WOLFE)

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs."

RULESAGENDA022614
MW

The Legislature of Rockland County



ALDEN H. WOLFE

Legislator, District 6

Chair, Rules Committee

Members Present:

Leg. A. Wolfe, Chair
Leg. Chair, H. Cornell
Leg. C. Carey
Leg. T. Earl
Leg. J. Hood, Jr.

Members Absent:

Leg. Sparaco

Others Present:

Leg. E. Day
Leg. D. Jobson
Elana Yeger, Esq.
Media

DRAFT

MINUTES **RULES COMMITTEE MEETING** Wednesday, May 29, 2013 5:15 PM

Chair Wolfe called meeting to order at 5:19 PM

ADOPTION OF MINUTES, JOINT MEETING OF RULES AND GOVERNMENT OPERATION on February 27, 2013

MOTION TO ADOPT:

CHAIR WOLFE/LEG. CHAIR CORNELL:

UNAN.

1. REF #4065- SETTING A DATE FOR A PUBLIC HEARING: A LOCAL LAW AMENDING THE ROCKLAND COUNTY CHARTER ARTICLE III ENTITLED COUNTY EXECUTIVE AND THE ROCKLAND COUNTY ADMINISTRATIVE CODE (CHAPTER 5 OF THE LAWS OF ROCKLAND COUNTY) ARTICLE II ENTITLED LEGISLATIVE BRANCH FOR THE PURPOSE OF ADOPTING TERM LIMITS FOR THE ELECTED POSITION OF COUNTY EXECUTIVE AND COUNTY LEGISLATOR (Lg3217PH) (HON. EDWIN J. DAY AND HON. DOUGLAS J. JOBSON)

MOTION TO APPROVE:

FAILED

LEG CAREY/NO SECOND

2. REF#6546- URGING THE NYS LEGISLATURE TO PASS BILL S.3048 AND A.6263-A CONCURRENT RESOLUTION PROPOSING AN AMENDMENT TO THE NEW YORK CONSTITUTION IN RELATION TO THE REMOVAL OF PENSION AND RETIREMENT BENEFITS FROM ELECTED OFFICIALS CONVICTED OF CERTAIN FELONIES (LG3227) (HON. EDWIN J. DAY) (PASSED B&F ON 4/30-CO-SPONSORS: LEGS. GRANT, WOLFE, CORNELL, SCHOENBERGER, HOOD JR., SOSKIN, LOW-HOGAN AND JOBSON)

MOTION TO APPROVE:

CHAIR WOLFE/LEGS. CAREY, EARL:

UNAN.

ADD CO-SPONOR (S): LEG. EARL

3. REF#4065 – DISCUSSION ITEM: A LOCAL LAW AMENDING THE ROCKLAND COUNTY CHARTER AND THE ADMINISTRATIVE CODE (HON. ALDEN WOLFE)

DISCUSSED

Chair Wolfe noted that the budget process is a check and balance.

Contingency Budget – effect of a no vote really is a default –yes vote for the County Executive Budget. (Section c4.08-consider fail to adopt-then contingency budget)

Contingency Budget would be: Leg. Counsel Yeager stated “problems figuring what department are necessary ex. Sheriff, Nurses, etc. Could consider previous years budget as contingency budget” (Chair Wolfe like this idea)

Leg. Chair Cornell like the idea of a multi-year budget where the County Executive has to come to the Legislature in June

Leg. Carey would like to call in each department - take the last years budget on an excel spreadsheet work on it line for line.

Chair Cornell notes the each department has been coming into committees and updating. The Executive/Legislative Task Force should be working on budget together.

Leg. Carey –Multi-Year budgeting is just a check mark –not driving our decisions.

Chair Wolfe –look into a County Controller

Leg. Counsel Yeager was as to DRAFT Charter changes

MOTION TO ADJOURN: 6:05 PM

LEG. CAREY/ CHAIR WOLFE

UNAN.

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LEGISLATIVE REFERRAL INFORMATIONAL FORM

4065

Date: 2/14/14

To: Clerk to the Legislature

Legislator(s): Hon. ALDEN H. WOLFE

From: Legislature

LG# LG3299

Title of Referral: AMENDING RULE 149-9 OF THE RULES OF THE LEGISLATURE TO REORGANIZE THE ORDER OF BUSINESS FOR LEGISLATIVE SESSIONS

Comments:

2/18/14

Rules

To be completed by Legislature

Date Received:

Accepted

Rejected

Date Accepted/Rejected 2/14/14

Reason for Rejection

Legislator(s) information missing or incomplete

Legislative Counsel information missing or incomplete

Legislative Fiscal Analyst information missing or incomplete

Legislative Fiscal Analyst Personnel information missing or incomplete

Other - Explanation

LEGISLATIVE INTERNAL FULL DISCLOSURE FORM
INFORMATIONAL SHEET.

Please complete this form and place under cover/signature sheet.

Requesting Legislator(s) proposing the resolution, setting forth in specific detail an **outline** of the proposal, its **positives and negatives** and the possible **consideration or options** of adopting or altering the proposal.

Legislative Counsel stating that the item to be passed is **legal and proper in all respects** and if there are any **legal infirmities** to fully disclose same.

Legislative Fiscal Analyst stating to the best of his/her ability the **financial impact** of the proposed referral upon the County of Rockland, not only for the **current fiscal year** but in each **successive fiscal year**.

No fiscal impact - NMD

Legislative Fiscal Analyst stating to the best of his/her ability the **personnel impacts** of the proposed resolution and that discloses such information as to whether any new position will be created, whether any positions will be abolished, and the impact of same.

No personnel impact - NMD

DRAFT

Introduced by:
Hon. Alden H. Wolfe, Sponsor

Referral No.
, 2014

**RESOLUTION NO. OF 2014
AMENDING RULE 149-9 OF THE RULES OF THE LEGISLATURE TO
REORGANIZE THE ORDER OF BUSINESS FOR LEGISLATIVE SESSIONS**

WHEREAS, §149-9 of the rules of the Legislature sets forth what the order of business shall be for each session; and

WHEREAS, §149-9 currently reads as follow:

§149-9. Order of Business

A. The order of business shall be:

- (1) Roll call.
- (2) Salute to the Flag.
- (3) Invocation.
- (4) Adoption of minutes.
- (5) Presentation of communications.
- (6) Special order of the day.
- (7) Public Participation.
- (8) Unfinished business.
- (9) Reports of standing committees.
- (10) Reports of special committees.
- (11) New business.
- (12) Reports of County officers.
- (13) Announcement from the Chairperson.
- (14) Comments from Legislators (limited to three minutes per Legislator).
- (15) Adjournment.

WHEREAS; the Legislature deems that the functions of government would be better served if items 5-14 of the Order of Business were reorganized; and

WHEREAS, the Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, that Section 149-9 of the Rules of the Legislature shall read as follows:

§149-9. Order of Business

B. The order of business shall be:

- (1) Roll call.
- (2) Salute to the Flag.
- (3) Invocation.
- (4) Adoption of minutes.
- (5) Special order of the day.
- (6) Public Participation.
- (7) Presentation of communications.
- (8) **Comments** [Announcement] from the Chairperson.
- (9) Comments from Legislators (limited to three minutes per Legislator).
- (10) Unfinished business.
- (11) Reports of standing committees.
- (12) Reports of special committees.
- (13) New business.
- (14) Reports of County officers.
- (15) Adjournment.

Material to be deleted [bracketed]

Material to be added **bold and underlined**

LG3299

ELY

2/11/14

2/14/14

MEMORANDUM

TO: Mary Zippilli
Legislative Analyst

FROM: Elana L. Yeger, Esq. 
Legislative Counsel

DATE: February 14, 2014

RE: **DRAFT RESOLUTION –
AMENDING RULE 149-9 OF THE RULES OF THE LEGISLATURE TO
REORGANIZE THE ORDER OF BUSINESS FOR LEGISLATIVE
SESSIONS**

Attached please find draft resolution as captioned above. Chair Alden H. Wolfe will be sponsoring this resolution.

Additional back-up is attached.

ELY

Enc.

LG3299

From: Laurence Toole
To: Yeger, Elana
CC: Alvarez, Damaris; Hood, Jr., Jay; McKay, Ricardo; Seidel, Chris; Wid...
Date: 2/4/2014 4:58 PM
Subject: Referral Request - Review Rules of the Legislature - Section 149-9 Order of Business
Attachments: Referral Request

Elana -

Please initiate a draft referral with regard to the above matter. Please find attached supporting documentation outlining the scope of the initiative from Chair Alden Wolfe that should be reviewed and incorporated into the request. Please provide a draft copy of the measure to sponsor Chair Alden Wolfe for review prior to release to committee.

Upon completion, please direct this matter to the Rules committee and list Chair Alden Wolfe as the sponsor.

Thank you.

Larry

[electronic request replaces prior staff routing/memorandum]

From: Alden Wolfe
To: Toole, Laurence
CC: Widmer, Mary
Date: 1/31/2014 8:52 AM
Subject: Referral Request

Larry

Please create a referral to the appropriate committee which will amend the Rules of the Legislature (specifically Section 149-9 Order of Business) formalizing the order of our agenda as follows:

1. Roll Call
2. Salute to the Flay
3. Invocation
4. Adoption of Minutes
- \ 5. Special Order of the Day
- \ 6. Public Participation
- \ 7. Presentation of Communications
- \ 8. Comments from the Chairman
- \ 9. Comments from Legislators (limited to three minutes per Legislator)**
- \ 10. Unfinished Business
- \ 11. Report of standing committees
- \ 12. Reports of special committees
- \ 13. New business
- \ 14. Reports of county officers
15. Adjournment

Thank you.

Alden H. Wolfe
Chairman of the Legislature
Allison-Parris County Office Building
11 New Hempstead Road
New City, NY 10956
845-638-5269
845-638-5675 (fax)

LEGISLATIVE REFERRAL INFORMATIONAL FORM #4065

Date: 11/29/12

To: Clerk to the Legislature

Legislator(s): Hon. Alden Wolfe

From: Legislature

LG#

Title of Referral: DISCUSSION ITEM -- LOCAL LAW ON CHARTER REVISION

Comments:

11/29/12
RULES COMMITTEE

To be completed by Legislature

Date Received:

Accepted

Rejected

Date Accepted/Rejected _____

Reason for Rejection

Legislator(s) information missing or incomplete

Legislative Counsel information missing or incomplete

Legislative Fiscal Analyst information missing or incomplete

Legislative Fiscal Analyst Personnel information missing or incomplete

Other – Explanation

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Legislative Counsel stating that the item to be passed is **legal and proper in all respects** and if there are any **legal infirmities** to fully disclose same.

Legislative Fiscal Analyst stating to the best of his/her ability the **financial impact** of the proposed referral upon the County of Rockland, not only for the **current fiscal year** but in each **successive fiscal year**.

Legislative Fiscal Analyst stating to the best of his/her ability the **personnel impacts** of the proposed resolution and that discloses such information as to whether any new position will be created, whether any positions will be abolished, and the impact of same.

DRAFT

LOCAL LAW NO. OF 2013
COUNTY OF ROCKLAND
STATE OF NEW YORK

(Introduced by: Hon. Alden H. Wolfe)

A local law amending the Rockland County Charter and the Administrative Code.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Legislative Intent.

Section 2. The following sections of the Rockland County Charter are hereby amended as follows:

A. Section C2.04 shall read as follows:

§ C2.04. Officers and committees of the County Legislature.

On January first of each year or as soon thereafter as practicable, the County Legislature shall meet and organize by electing from among its members a [~~Chairman~~] **Chairperson and Vice-Chairperson** who shall serve for the balance of the year so appointed and such other officials as are deemed required. The Chairman shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature. The Clerk of the County Legislature shall preside at all meetings of the Legislature until such time as a Chairman has been designated by election or appointment. The failure to elect a Chairman or appoint committee members shall not prevent the County Legislature from transacting its ordinary business. **In the event there is a vacancy in the position of Chairperson, the Vice-Chairperson shall serve as acting Chairperson until either a new Chairperson is elected or for the balance of the calendar year.**

B. Section C2.06 shall read as follows:

§ C2.06. Confirmations of Appointments.

1. Appointments made by the County Executive, which require confirmation by the County Legislature, shall be presented to the [~~full Legislature~~] **Clerk to the Legislature within five days of the appointment** by the County Executive **for consideration by the**

Legislature pursuant to its rules [at least a week prior to the next scheduled meeting].

2. If the Legislature **or its committees** fail[s] to [confirm or reject] **consider** the appointment within sixty days thereafter, the appointment shall be deemed confirmed.

3. If the committee rejects or fails to confirm the appointment, the appointment shall be rejected with no further action by the Legislature.

4. If the Legislature rejects or fails to confirm the appointment, the appointment shall be rejected with no further action by the Legislature.

5. When an appointment is rejected by the Legislature, the same appointment may not be resubmitted by the County Executive without the approval of the Legislature.

C. Section C3.02 shall read as follows:

§ C3.02. Powers and duties.

It shall be the duty of the County Executive, subject to the provisions of this law, to supervise, direct and control the administration of all departments of the county government and, subject to confirmation by the County Legislature, he shall appoint the head of every county department and members of county boards and commissions, who shall serve at his pleasure, except as otherwise may be provided in this County Charter. He shall have no power of appointment with regard to Rockland Community College, Rockland County Sewer District Number One, the Board of Elections, the Commissioner of Jurors, or any elective officer, except as provided in this local law. In addition to any other powers and duties otherwise provided, the County Executive shall:

(e) Appoint a member of the County Legislature to serve as [Chairman] **Chairperson** thereof [(1)] for the remainder of the calendar year in case the County Legislature has failed to select a [Chairman] **Chairperson** on or before February first of the calendar year [or (2) for the unexpired term of the previous Chairman in case the County legislature has failed to select a Chairman within thirty days after a vacancy has occurred in the office of the Chairman].

(v) To see that the laws of the state, pertaining to the affairs and government of the county, and the duly adopted resolutions and local laws of the County are executed and enforced within the county.

D. Section C4.04(1) shall read as follows:

§ C4.04. Submission of county budget.

1. On or before the [~~twenty-third day of October~~] **twentieth day of September** in each year, the County Executive shall submit to the Clerk to the Legislature, for consideration by the County Legislature, a proposed expense and capital budget for the ensuing fiscal year and a proposed capital program for the next six fiscal years or such other period as may be authorized by law, together with a budget message as provided in § C4.05. Upon their submission, the proposed expense and capital budgets, hereinafter called the county budget, together with the budget message, shall become public records in the office of the Clerk for distribution.

E. Section C4.08(2) shall read as follows:

§ C4.08. Adoption of county budget.

2. **(a)** The county budget as changed, altered or revised shall be adopted by resolution of the Legislature not later than the seventh day of December.
(b) If the Legislature [~~takes no action~~] **fails to consider the proposed budget** by December seventh, the budget submitted by the County Executive shall be deemed to be the adopted budget. If the county budget, as submitted by the County Executive, is adopted by resolution of the Legislature with no changes, it shall be deemed to have been adopted without any further action by the County Executive.
(c) If the proposed budget either as submitted by the County Executive or as changed, altered or revised by the Legislature is rejected by the Legislature, then the adopted budget shall be a contingency budget consisting of
(d) If, however, the county budget as adopted by the Legislature contains any increases, additions, decreases or deletions, it shall be immediately presented by the Clerk to the Legislature to the County Executive for examination and reconsideration. If the County Executive approves all the increases or additions and the decreases or deletions, **he or she** shall affix his **or her** signature to a statement thereof and return the county budget together with such statement to the Clerk of the Legislature, and the county budget, including the increases or additions and the decreases or deletions as part thereof, shall then be deemed to be adopted.

F. Section C4.10 shall read as follows:

§ C4.10. Budget modification after adoption.

1. The County Executive may, during any fiscal year, transfer part or all of any unit of appropriation within any department, office or unit to another unit of appropriation within such department, office or unit. Written notice thereof shall be given to the Legislature **within five days of said transfer. Any transfers within a department, office or unit that in the aggregate are equal to \$100,000 or more shall be subject to legislative approval.**

G. Section C4.11 shall read as follows:

§ C4.11. Capital Projects Committee.

There shall be a Capital Projects Committee to consider the necessity, priority, feasibility, location, cost and method of financing of all proposed capital projects and to prepare at least once annually and submit to the County Executive, not later than the first day of June, a capital plan for the ensuing fiscal year and a proposed capital program for the next six fiscal years. The Capital Projects Committee shall consist of **the following or their designees:** the County Executive as [Chairman] **Chairperson**; the [Chairman] **Chairperson** of the Legislature; the Superintendent of Highways; the Commissioner of Planning; and such other persons as the County Executive may direct to serve on such Committee.

H. Section § C10.03. shall be removed in its entirety

~~§ C10.03. Social Services Board.~~

~~There shall be a Social Services Board consisting of fifteen members who shall be appointed by the County Executive for a term of five years, subject to confirmation by the Legislature. Of the members first appointed to the Social Services Board, three shall hold office for the term of one year; three for the term of two years; three for the term of three years; three for the term of four years; and three for the term of five years from and after their appointment. The composition of membership shall comply with federal and state regulations. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by appointment for the unexpired term. The Chairman of such Board shall be selected by the members of the Board for a term of one year. The Board shall advise the County Executive and the Legislature in matters relating to the powers and duties of the Commissioner of Social Services. The members of the Social Services Board shall further have the power to inspect and review all facilities and programs of the Department of Social Services, with or without notice to the Commissioner of Social Services, and may report and make recommendations to the County Executive, County Legislature and Commissioner of Social Services. All such reports shall be deemed public records and available for inspection at the office of the County~~

~~Executive at all reasonable times. The Social Services Board shall also advise and consult with the Capital Projects Committee with respect to all capital projects necessary for the Department of Social Services. The Social Services Board shall have and exercise such other and related duties required by the Legislature or the County Executive.]~~

I. Section C15.01 shall read as follows:

§ C15.01. Appointment and qualifications.

There shall be a Public Defender who shall be appointed by the County Executive for the term of the County Executive, subject to confirmation by the Legislature. The Public Defender shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the county [~~and shall devote his full working time to the duties of the office~~]. He or she shall have been duly admitted to the practice of law in this state for at least five years prior to such appointment and at all times during his or her term of office.

J. Article XVI shall read as follows:

ARTICLE XVI. County Attorney

§ C16.01. Appointment and qualifications.

There shall be a County Attorney, who shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the Legislature. The County Attorney shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the county and shall devote his or her full working time to the duties of the office. He or she shall also have been duly admitted to the practice of law in this state and at all times during his or her term of office.

§ C16.02. Powers and duties.

The County Attorney shall be the legal advisor of the county and all county agencies on civil matters and shall prosecute or defend all actions or proceedings of a civil nature brought by or against the county. He or she shall have and exercise such other and related powers and duties as may be conferred or imposed upon him or her by law and perform such other related duties or actions required by the County Executive or by resolution of the Legislature.

K. Article XVIII shall read as follows:

CURRENTLY READS:

Article XVIII. County Auditor

§ C18.01. County Auditor.

There shall be a County Auditor who shall be appointed by the County Executive for the term of office for which the County Executive is elected, subject to confirmation by the Legislature. He shall be appointed on the basis of his experience and qualifications for the duties of his office.

§ C.18.02. Powers and duties.

Except as otherwise provided in this Charter, the County Auditor shall audit the financial records and accounts of all units of county government charged with any duty relating to the funds of the county or for which the county is responsible. The Auditor shall perform such other and related duties required by the County Executive.

Section 3. The entire Rockland County Charter is hereby amended as follows:

In all sections, the word [his] shall be amended to read **his or her**.

In all sections, the word [Chairman] shall be amended to read **Chairperson**.

In all sections, the word [he] shall be amended to read **he or she**.

Section 4. The following sections of the Rockland County Administrative Code are hereby amended as follows:

A. Section 5-11 shall read as follows:

§ 5-11 Chairperson of County Legislature

A. The County Legislature shall meet on January 1 of each year, or as soon thereafter as practicable, and elect one of its members to be Chairperson **and another of its members to be Vice-Chairperson**, who shall serve for and whose term shall be the balance of the year so appointed. At the same time, the Legislature shall also elect such other officials as are deemed required.

D. In the event there is a vacancy in the position of Chairperson, the Vice-Chairperson shall serve as acting Chairperson until either a new Chairperson is elected or for the balance of the calendar year.

B. Section 5-18 shall read as follows:

§ 5-18 Confirmation of Appointments

Appointments made by the County Executive which require confirmation by the County Legislature shall be presented to the ~~[full legislature]~~ **Clerk to the Legislature within five days of the appointment** by the County Executive **for consideration by the Legislature pursuant to its** rules ~~[at least one week prior to the next scheduled meeting]~~. If the Legislature **or its committees** fail[s] to ~~[confirm or reject]~~ **consider** the appointment within 60 days thereafter, the appointment shall be deemed confirmed. **If the committee rejects or fails to confirm the appointment, the appointment shall be rejected with no further action by the Legislature. If the Legislature rejects or fails to confirm the appointment, the appointment shall be rejected with no further action by the Legislature.** When an appointment is rejected by the Legislature, the same appointment may not be resubmitted by the County Executive without the approval of the Legislature. Any such appointment subject to legislative approval shall be submitted to the County Legislature no more than 21 working days after the appointment of said individual. The County Executive shall forward to the appropriate committee of the Legislature any background information pertinent to said appointment in a sealed envelope addressed to each legislator on said committee, said material to be reviewed in executive session prior to said committee voting thereon

C. Section 5-29 shall read as follows:

§ 5-29 Powers and Duties of County Executive

B. In addition to any other powers and duties, the County Executive shall have the following duties and functions:

(14) Appoint a member of the County Legislature to serve as ~~[Chairman]~~ **Chairperson** thereof ~~[(1)]~~ for the remainder of the calendar year in case the County Legislature has failed to select a ~~[Chairman]~~ **Chairperson** on or before February first of the calendar year ~~[or (2) for the unexpired term of the previous Chairman in case the County legislature has failed to select a Chairman within thirty days after a vacancy has occurred in the office of the Chairman].~~

(31) To see that the laws of the state, pertaining to the affairs and government of the county, and the duly adopted resolutions and local laws of the County are executed and enforced within the county.

(32) In addition to the powers set forth in this code, the County Executive shall have and be responsible for the exercise of all executive and administrative powers in relation to any and all functions of County government not otherwise specified in the Charter and have all necessary incidental powers to perform and exercise any of the duties and functions specified herein or lawfully designated to him or her.

D. Section 5-40 shall read as follows:

§ 5-40 Submission of Proposed Budget

A. The County Executive shall review the Budget Director's recommended proposed operating budget, capital budget and the capital program. The County Executive shall prepare the proposed budget for the County for the ensuing year for both operating and capital purposes and shall submit said budget to the Clerk to the County Legislature on or before the ~~[23rd day of October]~~ **twentieth day of September** of each year for consideration by the County Legislature, together with an accompanying budget message as prescribed by C4.05 of Article IV of the Charter.

E. Section 5-44 shall read as follows

§ 5-44 Adoption of Budget

B. **(1)** The County budget, as changed, altered or revised, shall be adopted by resolution of the Legislature not later than the seventh day of December. **(2)** If the Legislature ~~[takes no action]~~ **fails to consider the proposed budget** by December 7, the budget submitted by the County Executive shall be deemed to be the adopted budget. If the County budget, as submitted by the County Executive, is adopted by resolution of the Legislature with no changes, it shall be deemed to have been adopted without any further action by the County Executive. **(3)** **If the proposed budget either as submitted by the County Executive or as changed, altered or revised by the Legislature is rejected by the Legislature, then the adopted budget shall be a contingency budget consisting of** **(4)** If, however, the County budget, as adopted by the Legislature, contains any increases, additions, decreases or deletions, it shall be immediately presented by the Clerk to the Legislature to the County Executive for examination and reconsideration. If the County Executive approves all the increases or additions and the decreases or deletions, he or she shall affix his or her signature to a statement thereof and return the County budget, together with such statement, to the Clerk to the Legislature; and the County budget, including the increases or additions and the

decreases or deletions as part thereof, shall then be deemed to be adopted

F. Section 5-47 shall read as follows:

§ 5-47 Budget Modification after Adoption

A. The County Executive may, during any fiscal year, transfer part or all of any unit of appropriation within any department, office or unit to another unit of appropriation within such department, office or unit. Written notice thereof shall be given to the Legislature **within five days of said transfer. Any transfers within a department, office or unit that in the aggregate are equal to \$100,000 or more shall be subject to legislative approval.**

G. Section 5-39 shall read as follows:

§ 5-39 Preparation of Proposed Capital Program

A. To consider the necessity, priority, feasibility, location, cost and method of financing of all existing and proposed capital projects and to assist in the consideration of a capital program, there shall be a Capital Projects Committee consisting of **the following or their designees:** the County Executive as Chairperson, the Chairperson of the Legislature, the Superintendent of Highways, the Commissioner of Finance, the Commissioner of Planning and such other persons as the County Executive may designate. The County Executive shall be responsible for the capital program as submitted to the County Legislature.

H. Section 5-127 shall be removed in its entirety.

§ 5-127 **Repealed** [~~Social Services Board~~]

~~There shall be a Social Services Board consisting of 15 members, who shall be appointed by the County Executive for terms of five years, subject to confirmation by the County Legislature. Of the members first appointed to the Social Services Board, three shall hold office for terms of one year; three for terms of two years; three for terms of three years; three for terms of four years; and three for terms of five years, from and after their appointment. The composition of membership shall comply with federal and state regulations. If a vacancy shall occur otherwise than by expiration of a term, it shall be filled by appointment for the unexpired term. The Chairman of such Board shall be selected by the members of the Board for a term of one year. The Board shall advise the County Legislature and the County Executive in matters~~

~~relating to the powers and duties of the Commissioner of Social Services. The members of the Social Services Board shall further have the power to inspect and review all facilities and programs of the Department of Social Services, with or without notice to the Commissioner of Social Services, and may report and make recommendations to the County Executive, County Legislature and Commissioner of Social Services. All such reports shall be deemed public records and available for inspection at the office of the County Executive at all reasonable times. The Social Services Board shall also advise and consult with the Capital Projects Committee with respect to all capital projects necessary for the Department of Social Services. The Social Services Board shall have and exercise such other and related duties required by the County Legislature or the County Executive.]~~

I. Section 5-157 shall read as follows:

§ 5-157 Appointment; qualifications

There shall be a Public Defender's Office, headed by a Public Defender. The method of choosing the Public Defender shall be as provided in § C15.01 of Article XV of the Charter. **The Public Defender shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the county.** He or she shall be duly admitted to the practice of law in the State of New York for at least five years prior to his or her appointment and at all times during his or her term of office

J. Section 5-76 shall read as follows:

§ 5-76 County Attorney; qualifications

There shall be a Department of Law headed by a County Attorney. The method of choosing the County Attorney shall be as provided in § C16.01 of Article XVI of the Charter. **The County Attorney shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the county and shall devote his or her full working time to the duties of the office.** The County Attorney shall be duly admitted to the practice of law in the State of New York and a resident of the County of Rockland.

K. Section 5-77 shall read as follows:

§ 5-77 Power and Duties of County Attorney

A. Except as otherwise provided in the Charter or this code, with regard to the County Legislature or otherwise, the County Attorney shall be the chief legal advisor for the County. The County Attorney may, upon the request of the governing body of any Town, Village, school district or special district and with the approval of the County Legislature, act as the legal advisor for such body. The County Attorney shall also have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by the Charter, this code, local law, ordinance or resolution of the County Legislature or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this code. The County Attorney ~~[shall also perform such other related legal functions as the County Legislature or the County Executive may designate in order to implement and accomplish the policies and responsibilities the County Legislature has prescribed.]~~ **shall have and exercise such other and related powers and duties as may be conferred or imposed upon him or her by law and perform such other related duties or actions required by the County Executive or by resolution of the Legislature.**

Section 5. The entire Rockland County Administrative Code is hereby amended as follows:

In all sections, the word ~~[his]~~ shall be amended to read **his or her**.

In all sections, the word ~~[Chairman]~~ shall be amended to read **Chairperson**.

In all sections, the word ~~[he]~~ shall be amended to read **he or she**.

Section 6. Effective date.

This local law shall take effect immediately upon its approval by a majority of the qualified voters at the general election to be held November 5, 2013.

ELY

LG3144II

7/31/12

10/18/12

11/14/12

2/21/13

4/25/13

5/1/13

5/23/13

Deleted material is ~~[bracketed]~~ and struck through

New Material is **Bold** and underscored

The Legislature of Rockland County



HARRIET D. CORNELL
Chairwoman

LAURENCE O. TOOLE
Clerk to the Legislature

MEMORANDUM

TO: Damaris Alvarez
Calendar Clerk

FROM: Laurence O. Toole
Clerk to the Legislature

DATE: November 20, 2012

RE: *Discussion Item – Local Law On Charter Revision*
Vice-Chair Alden Wolfe

Please place a **Discussion Item** on our committee calendar addressing the above topic. I have been advised by Elana Yeger, Legislative Counsel that the local law is ready to be placed on the calendar for committee review. Please find instructions attached as to initiating discussion and please note that staff should secure the draft and include at this time.

Please direct this to the Special Committee On Rules and list Vice-Chair Alden Wolfe as the sponsor. Please note Vice-Chair Wolfe intends to include a communication to members of the Government Operations Committee as this matter progresses.

Thank you.

CC: Hon. Harriet D. Cornell, Chair, Rockland County Legislature
Hon. Alden H. Wolfe, Chair, Special Committee On Rules
Hon. Nancy Low-Hogan, Chair, Government Operations Committee
Mary Widmer, Deputy Clerk to the Legislature
Elana Yeger, Legislative Counsel
Ricardo McKay, Legislative Counsel
Nicole Doliner, Legislative Fiscal Analyst
Mary Zippilli, Legislative Analyst

LOT/la

From: Laurence Toole
To: Ahlert, Laura
CC: Alvarez, Damaris; McKay, Ricardo; Seldel, Chris; Thomas, Colleen; Wi...
Date: 11/19/2012 4:26 PM
Subject: Discussion Item - Local Law on Charter Revision - Vice-Chair Alden Wolfe
Attachments: Re: Charter Revision

Laura -

Please prepare a note to Damaris Alvarez requesting her to place a Discussion Item on our committee calendar addressing the above topic. I have been advised by Elana Yeger, legislative counsel that the local law is ready to be placed on the calendar for committee review. Please find instructions attached as to initiating discussion and please note that staff should secure the draft and include at this time.

Please direct this to the Rules committee and list Vice-Chair Alden Wolfe as the sponsor. Please note Vice-Chair Wolfe intends to include a communication to members of the government operations committee as this matter progresses.

Thank you.

Larry

From: <EsquireAW@aol.com>
To: <YegerE@co.rockland.ny.us>, <TooleL@co.rockland.ny.us>
Date: 11/15/2012 10:42 AM
Subject: Re: Charter Revision

In that case, please consider this a referral request - consideration of a local law amending the Rockland County Charter.

Alden

Alden H. Wolfe, P.C.
Attorney at Law
151 South Main Street
Suite 110
New City, NY 10956
845-634-6760

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In a message dated 11/15/2012 10:41:39 A.M. Eastern Standard Time, YegerE@co.rockland.ny.us writes:

I have been working on a local law regarding charter revision, an assignment that came out of Rules/Govt. Ops. It is ready to be placed on an agenda as a discussion item with a draft of the local law. I guess I need an official referral.

Elana

Elana L. Yeger
Legislative Counsel
Rockland County Legislature
(845) 638-5774

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