

# The Legislature of Rockland County



**ALDEN H. WOLFE**  
Legislator, District 6

Chair, Rules Committee

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

ROLL CALL

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

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

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RULESAGA52913  
MW

# DRAFT

Introduced by:  
Hon. Edwin J. Day, Sponsor  
Hon. Douglas J. Jobson, Sponsor

Referral No. 7065  
, 2013

**RESOLUTION NO.                      OF 2013**  
**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 POSITIONS OF**  
**COUNTY EXECUTIVE AND COUNTY LEGISLATOR**

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

RESOLVED, that this Legislature hereby sets the \_\_\_\_\_ day of  
\_\_\_\_\_, 2013, at \_\_\_\_\_ P.M. for a public hearing to provide for 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 positions of county executive and county  
legislator.

Lg3217PH  
ELY  
3/18/13

# DRAFT

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

(Introduced by: Hon. Edwin J. Day and Hon. Douglas J. Jobson)

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 positions of county executive and county legislator.

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

## Section 1.

Section 3.01 of the Rockland County Code, entitled *Charter, Article III County Executive*, is hereby amended as follows:

There shall be a County Executive who shall be elected from the county at large for a term of four years beginning with the first day of January next following his **or her** election. At the time of his **or her** nomination and election and throughout his **or her** term of office, he **or she** shall be a qualified elector of the county. He **or she** shall hold no other public office and shall devote his **or her** full time to the duties of ~~[his]~~ **the** office and shall receive therefore compensation to be fixed by the County Legislature, which shall not be decreased during his **or her** term of office. **No person shall serve as County Executive for more than three (3) consecutive four-year terms. The first year for a County Executive for the purpose of calculating years as contained in this section shall commence on or after January 1, 2014. No service for a partial term as County Executive shall be included in calculating the three consecutive four-year terms.**

## Section 2.

Section 5-8 of the Rockland County Code, entitled Administrative Code, Chapter 5 Article II, Legislative Branch, Terms of office of County legislators, is hereby amended as follows:

Section 5-8. The term of office of a County Legislator shall be for four years and shall begin on the first day of January immediately succeeding his or her election. However, notwithstanding the above provision, the term of office of all Legislators elected on November 4, 1997, shall be for two years, commencing January 1, 1998, and expiring on December 31, 1999. **No person shall serve as a member of the County Legislature for more than three (3) consecutive four-year terms. The first year for any County Legislator for the purposes of calculating years as contained in this section shall commence on or after January 1, 2016. No service for a partial term as a County Legislator shall be included in calculating the three consecutive four-year terms.**

**Section 3. Effective date.**

This local shall become effective immediately upon filing in the office of the Secretary of State pursuant to section 27 of the Municipal Home Rule Law.

New material is **bold** and underscored.

Deleted material is [~~in brackets and stricken~~]

LG3217

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3/18/13

# DRAFT

Introduced by:  
Hon. Edwin J. Day, Sponsor

Referral No. 6546  
, 2013

**RESOLUTION NO.            OF 2013**  
**URGING THE NEW YORK STATE LEGISLATURE TO PASS BILLS**  
**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**

WHEREAS, The Legislature of Rockland County wishes to express its support for bills 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; and

WHEREAS, at the present time, New York State does not have a policy in place that will forfeit the pension benefits of any elected official who is convicted of a felony offense committed through the abuse of their office; and

WHEREAS, when elected officials are sworn into office, they take an oath to uphold the Constitution and the Law of the State of New York. This oath sets the highest standard for integrity, and violating that public trust requires criminal penalties. It also demands that penalties bar elected officials from receiving benefits after their conviction and removal from office; and

WHEREAS, previous legislation has sought to reduce or eliminate the benefits of elected officials convicted of a crime related to their employment, but these pieces of legislation to do not go far enough; and

WHEREAS, it is necessary to amend the New York State Constitution to truly accomplish this purpose, as barring a pension impacts a contractual relationship and, as a result, those benefits cannot be reduced or impaired simply by changing the law; and

WHEREAS, Section 7 of Article V of the New York State Constitution currently reads as follows: "After July first, nineteen hundred forty, membership in any pension or retirement system of the state or of a civil division thereof shall be a contractual relationship, the benefits of which shall not be diminished or impaired." This legislation proposed to amend this section by adding the following: "ANY ELECTED OFFICIAL WHO IS CONVICTED OF A FELONY OFFENSE AGAINST PUBLIC

ADMINISTRATION THAT OCCURRED DURING THEIR TIME IN OFFICE SHALL FORFEIT RIGHTS TO THEIR BENEFITS EARNED WHILE IN OFFICE.”

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

RESOLVED, that the Legislature of Rockland County hereby urges the New York state legislature to pass bills 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; and that the Governor of New York sign such legislation; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, and Ann G. Rabbitt, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG3227  
ELY  
1/11/13

6263

2013-2014 Regular Sessions

I N A S S E M B L Y

March 25, 2013

Introduced by M. of A. GALEF, LAVINE, SWEENEY, GUNTHER, CASTRO, DUPREY, RAIK, KATZ, FINCH, MONTESANO -- Multi-Sponsored by -- M. of A. CERETTO, THIELE -- read once and referred to the Committee on Governmental Employees

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 5 of the constitution, in relation to removal of pension and retirement benefits from persons convicted of certain felonies

- 1 Section 1. Resolved (if the Senate concur), That section 7 of article  
2 5 of the constitution be amended to read as follows:  
3 S 7. After July first, nineteen hundred forty, membership in any  
4 pension or retirement system of the state or of a civil division thereof  
5 shall be a contractual relationship, the benefits of which shall not be  
6 diminished or impaired. ANY ELECTED OFFICIAL WHO IS CONVICTED OF A FELO-  
7 NY OFFENSE AGAINST PUBLIC ADMINISTRATION THAT OCCURRED DURING THEIR TIME  
8 IN OFFICE SHALL FORFEIT RIGHTS TO THEIR BENEFITS EARNED WHILE IN SUCH  
9 OFFICE.  
10 S 2. Resolved (if the Senate concur), That the foregoing amendment be  
11 referred to the first regular legislative session convening after the  
12 next succeeding general election of members of the assembly, and, in  
13 conformity with section 1 of article 19 of the constitution, be  
14 published for 3 months previous to the time of such election.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD89060-01-3

3048

2013-2014 Regular Sessions

IN SENATE

January 29, 2013

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and  
when printed to be committed to the Committee on Judiciary

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 7 of article 5 of the constitution, in  
relation to removal of pension and retirement benefits from persons  
convicted of certain felonies

1 Section 1. Resolved (if the Assembly concur), That section 7 of arti-  
2 cle 5 of the constitution be amended to read as follows:

3 S 7. After July first, nineteen hundred forty, membership in any  
4 pension or retirement system of the state or of a civil division thereof  
5 shall be a contractual relationship, the benefits of which shall not be  
6 diminished or impaired. ANY ELECTED OFFICIAL WHO IS CONVICTED OF A FELO-  
7 NY OFFENSE AGAINST PUBLIC ADMINISTRATION THAT OCCURRED DURING THEIR TIME  
8 IN OFFICE SHALL FORFEIT RIGHTS TO THEIR BENEFITS EARNED WHILE IN SUCH  
9 OFFICE.

10 S 2. Resolved (if the Assembly concur), That the foregoing amendment  
11 be referred to the first regular legislative session convening after the  
12 next succeeding general election of members of the assembly, and, in  
13 conformity with section 1 of article 19 of the constitution, be  
14 published for 3 months previous to the time of such election.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD89060-01-3