

Amendment in the Nature of a Substitution – Clerk Item Number 481-17

Introduced by Presiding Officer Norma L. Gonsalves and Legislator Ellen W. Birnbaum

LOCAL LAW 12 -2017

A LOCAL LAW TO AMEND ARTICLE II AND ARTICLE VI OF THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY REGARDING LEGISLATIVE APPROVAL OF ACTING DEPARTMENT HEADS

Passed by the Nassau County Legislature on December 18, 2017.

Voting: ayes: 15 nays: 0 abstained: 0

Became a law on December 26, 2017 with the approval of the County Executive.

APPROVED AS TO FORM

Majority Counsel

WHEREAS, § 203 of the County Government Law of Nassau County (“Nassau County Charter”) requires the Nassau County Legislature to confirm the County Executive’s appointment of the head of every County department and office; and

WHEREAS, this legislative requirement is circumvented when an individual is designated to serve the above-mentioned positions in an “acting” capacity; and

WHEREAS, to preserve the legislative branch’s critical “check” on County Executive appointments, this Legislature determines that it must establish a deadline by which the County Executive must submit appointments of the head of every department and office to the Legislature for its approval; now, therefore,

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section One. Subdivision (1) of Section 203 of the Nassau County Charter is hereby amended to read as follows:

§ 203. Responsibility for administration; powers of appointment and removal.

1. It shall be the duty of the County Executive to supervise, direct, and control, subject to the provisions of the act, the administration of all departments, offices and functions of the county government. In the exercise of this responsibility, the County Executive shall be authorized, in addition to such other powers as may be necessary to maintain the efficient operation of county government, to develop, maintain and administer services on a county-wide basis that are common needs of all departments of county government, including, but not limited to, personnel and labor management; building security; management of county-owned vehicles; the provision of services to departments involving relations with the press and photography, mail, printing, reproduction and graphic art; grant application and administration; and the receipt and response to communications from members of the public. The County Executive shall appoint, except as otherwise provided in this act, subject to confirmation by the County Legislature, the head of every county department and office and members of county boards and commissions. No individual shall serve as acting head of a county department or office for a period longer than six months without confirmation by the County Legislature, to the extent such confirmation is required under this subsection or any other provision of this Charter. However, upon approval by the County Legislature specific to the acting head, this six month period may be extended by one additional six month period. The County Executive may at any time remove any person so appointed; provided that in the case of members of boards and commissions appointed for definite terms, no removal shall be made until the person to be removed has been serviced with a notice of the reasons for such removal and given an opportunity to be heard, publicly if he or she desires, thereon by the County Executive. The decision of the County Executive shall be final. The County Executive shall also appoint without confirmation by the County Legislature, and remove at his or her

pleasure, the employees in his or her own office and such employees shall not be members of the classified service.


§ 2. Subdivision a of Section 601, Article VI of the Nassau County Charter is amended to read as follows:

§ 601. Department established. a. There shall be a Department of Assessment, the head of which shall be the County Assessor, who shall be appointed by the County Executive, subject to confirmation by the County legislature, for a term of three years. No individual shall serve as acting assessor for a period longer than six months without confirmation by the County Legislature and no individual shall serve as acting assessor for any period of time without meeting the minimum qualifications established by subdivisions one, two or three of subsection b of this section. However, upon approval of the County Legislature, this six month period may be extended by one additional six month period. The Assessor may appoint such officers and employees, within the appropriations therefor, as necessary to effectuate the purposes of the department and may appoint such Deputy Assessors as he or she shall find necessary and appropriate, who may act on behalf and in place of the Assessor in the exercise of his or her duties.

§ 3. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§ 4. SEQRA Determination. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 9 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this Local Law is a "Type II" Action, and accordingly, is of a class of actions which do not have a significant effect on the environment; and ~~no further review is~~ **APPROVED** required.

§ 5. Effective Date. This local law shall take effect on January 1, 2018.

  
County Executive