

A.

LOCAL LAW NO. 2 - 2018

A LOCAL LAW AMENDING THE ONONDAGA COUNTY CHARTER AND ADMINISTRATIVE CODE TO PROVIDE CLARIFICATION AND GUIDANCE RELATED TO THE COUNTY LEGISLATURE'S AUTHORITY TO HIRE OUTSIDE COUNSEL TO PROVIDE LEGAL SERVICES, INCLUDING THE PREPARATION OF LOCAL LAWS, ORDINANCES, RESOLUTIONS, LEGALIZING ACTS OR OTHER LEGISLATION

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, AS FOLLOWS:

Section 1. Findings.

WHEREAS, the Onondaga County Charter (the "Charter") states that the County Attorney is the "sole legal advisor of the county" and for county officers and employees; and

WHEREAS, the Onondaga County Administrative Code (the "Code") states that the County Attorney shall "prepare local laws, ordinances, resolutions, legalizing acts or other legislation upon request of the County Executive or a member of the County Legislature, together with notices and other documents in connection therewith"; and

WHEREAS, there may be unique situations where the County Legislature, through its Chairman, determines that the County Attorney, who is appointed by and serves at the pleasure of the County Executive, may have competing interests in preparation of local laws, ordinances, legalizing acts or other legislation; and

WHEREAS, the County Legislature is the policy determining body of the County and is vested with all of the powers of the County, including the authority to amend the Charter (Article XXII, Section 2202, Charter) and the Code (Article II, Section 208 Charter) (see also the Doctrine of Separation of Power and the power granted by New York State to local governments to adopt and amend local laws and ordinances under the New York State Constitution (see Article IX, §1 and §2c); Statutes of Local Governments (Article 2, §10); Municipal Home Rule Law (see §10, §10(b) and §33); and

WHEREAS, it is the desire of the County Legislature to make it clear that the Charter and the Code as drafted authorizes the Chairman to consult with and use outside counsel to provide the County Legislature with legal advice, including the preparation of local laws, ordinances, legalizing acts or other legislation; now, therefore be it

RESOLVED, that the following local law shall be enacted:

Section 2. Outside Counsel.

(a) Article VII, Section 702 of the Onondaga County Charter is amended to add the following italicized language:

Section 702. POWERS AND DUTIES.

Except as otherwise provided in this charter, or the administrative code, the county attorney shall be the sole legal advisor for the county and, on its behalf in county matters of a civil nature, advise all county officers and employees and, where in the interest of the county, prepare all necessary papers and written instruments in connection therewith; prosecute or defend all actions or

proceedings of a civil nature brought by or against the county; prepare resolutions, ordinances, legalizing acts and local laws to be presented for action by the board of supervisors, together with notices and other items in connection therewith; and perform such other and related duties as may be prescribed by law, by the county executive or by resolution of the board of supervisors. *Nothing contained herein shall prohibit the Chairman of the County Legislature, upon a finding by the Chairman that a conflict of interest may be present or that it is in the best interest of the County Legislature, from using outside counsel or a specifically designated Legislative Counsel to provide legal assistance, including, but not limited to, the preparation of resolutions, ordinances, legalizing acts and local laws to be presented for action by the County Legislature, the successor in interest of the board of supervisors. Such outside counsel or specifically designated Legislative Counsel may seek the advice of the county attorney as to form and legality in the preparation of resolutions, ordinances, legalizing acts and local laws.*

Section 3.

(a) Article VII, Section 7.02 of the Onondaga County Administrative Code is amended to add the following subsection (f):

(f) Nothing contained herein shall prohibit the Chairman of the County Legislature, upon a finding by the Chairman that a conflict of interest may be present or that it is in the best interest of the County Legislature, from using outside counsel or a specifically designated Legislative Counsel to provide legal assistance, including, but not limited to, the preparation of resolutions, ordinances, legalizing acts and local laws to be presented for action by the County Legislature. Such outside counsel or specifically designated Legislative Counsel may seek the advice of the County Attorney as to form and legality in the preparation of resolutions, ordinances, legalizing acts and local laws.

Section 4. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which the judgment shall have been rendered.

Section 5. Effective Date.

This local law shall be effective immediately upon filing, consistent with the provisions of the Municipal Home Rule Law.



Veto override

Outside Counsel Final - 4-19-18.docx

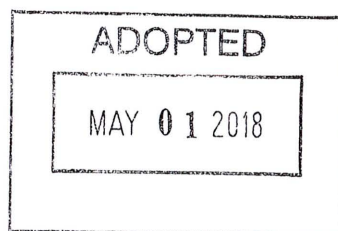
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FILED WITH CLERK

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April 19, 2018
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LEGISLATURE