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December 7, 2016

Michael Pulitzer, Clerk of the Legislature  
Nassau County Legislature  
1550 Franklin Avenue  
Mineola, NY 11501

Re: Certification of Local Law submitted by petition

Dear Mr. Pulitzer:

Pursuant to Charter section 150-a(4), I have reviewed the proposed Local Law submitted by petition, otherwise known as Clerk Item Number 282-16, in order to certify whether the summary of the proposed local law contained in the petition is an accurate summary and the local law is legal in form and substance.

Please be respectfully advised that pursuant to Charter section 150-a(4), I am unable to certify either the summary or the local law. As required by the Charter, these are my reasons for my being unable to certify the local law:

- It violates the Fourteenth Amendment of the U.S. Constitution as well as Article 1, section 1 of the N.Y. Constitution
  - o Because it disenfranchises the public by purportedly moving “independent” review of contracts from elected officials—County Legislators, and primarily County Legislators not of the same political party as the County Executive—to an officer not elected by the people or immediately accountable to an officer elected by the people.
  - o Because it violates the principle of “one person, one vote.”

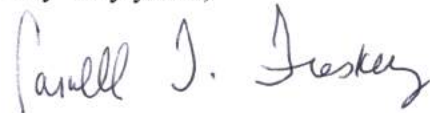
- If it was adjudged constitutional, it violates the Municipal Home Rule Law because it changes the substance of County government by moving a legislative function—review of contracts—to an unelected “expert” without permission of the State Legislature.
- It violates the “one subject rule” contained in Charter §152.
- Its title is inaccurate, inasmuch as it fails to indicate the transfer of a legislative function to an unelected official.
- The “Whereas” clauses are misleading, vague and/or disjointed and do not clearly relate to purported reason for the legislation.
- The language purporting to repeal Charter §206 is not correct.
- It confuses the concept of lack of accountability with independence.

As required by the Charter, these are my reasons for my being unable to certify the summary:

- It does not indicate that a legislative function is being moved to an unelected person.
- It does not indicate that it is disenfranchising the public.
- It does not indicate that it is establishing an office without accountability to the people.

Please be further respectfully advised that, pursuant to Charter section 150-a(4), upon your receipt of this letter the proposed local law is deemed rejected without prejudice.

Very truly yours,



Carnell T. Foskey  
Nassau County Attorney

c: Daniel Gregware