

**RESOLUTION NO. 638 -2009, ADOPTING LOCAL LAW
NO. 26 -2009, A LOCAL LAW TO ESTABLISH A NEW
PROCESS FOR ADOPTING THE SUFFOLK COUNTY
COMMUNITY COLLEGE OPERATING BUDGET**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2009 a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH A NEW PROCESS FOR ADOPTING THE SUFFOLK COUNTY COMMUNITY COLLEGE OPERATING BUDGET**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 26 -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ESTABLISH A NEW PROCESS FOR
ADOPTING THE SUFFOLK COUNTY COMMUNITY COLLEGE
OPERATING BUDGET**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that changes in NEW YORK EDUCATION LAW and amendments to State University of New York ("SUNY") regulations granted greater fiscal autonomy to the state's community colleges.

This Legislature further determines that the new SUNY regulations eliminated a local sponsor's authority to veto line item appropriations in a community college budget proposed by a college's board of trustees and authorized a board of trustees to transfer appropriations within an adopted budget without the approval of the local sponsor.

This Legislature finds that as a result of these changes in state law, rule and regulations, the County of Suffolk terminated the agreement which had governed the relationship between the County and Suffolk County Community College (the Plan "C" agreement) by the adoption of Resolution No. 109-2009 and ratified a new Memorandum of Understanding of Procedures and a Sponsor Service Agreement with the Community College by the adoption of Resolution No. 188-2009.

This Legislature also finds that the Memorandum of Understanding of Procedures sets forth a new process for the adoption of the Community College's operating budget which is consistent with state law and SUNY regulations.

This Legislature also determines that it is necessary to update the SUFFOLK COUNTY ADMINISTRATIVE CODE in order to codify the new process for adopting the Community College's annual operating budget and to eliminate provisions that are now inoperable or inapplicable.

Therefore, the purpose of this local law is to codify a new process for the adoption of Suffolk Community College's operating budget that is consistent with state law, SUNY regulations and the new operating agreements entered into by the County of Suffolk and Suffolk County Community College.

Section 2. Amendment.

Section A4-3 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

* * * *

§ A4-3. Form and content of proposed budget.

* * * *

G. Community College budget.

[(1) The Suffolk County Community College recommended operating budget, budget amendment resolution(s) and budget amendment veto(s) shall contain a County contribution line for illustrative purposes only, which County contribution shall be comprised of the general fund transfer to the Community College, together with the Community College tax levy as defined in Section 3(d) of the Plan C Agreement between the Community College and the County of Suffolk.]

1. The Board of Trustees of the Community College will submit an operating budget request with line item detail to the County Executive and the County Legislature, in both printed and electronic form, no later than the third Friday in April each year unless a later date is mutually agreed upon. The operating budget request submitted by the College shall contain a County contribution line.
2. The County Executive will submit a recommended budget total and County contribution to the County Legislature no later than May 31 each year.
3. The County Legislature shall hold at least two public hearings on the Community College's operating budget request prior to approving a budget total and County contribution.
4. The County Legislature shall, by resolution, approve an operating budget total and County contribution for the Community College no later than August 15th each year. If the Legislature does not adopt an operating budget total and County contribution by August 15th, the budget total and County contribution recommended by the County Executive shall be deemed adopted as submitted.
5. The County Executive may approve the Community College operating budget total and County contribution as adopted by the County Legislature or he or she may disapprove the budget total and County contribution. If the County Executive approves the operating budget total and County contribution as submitted it shall become effective immediately upon his or her approval. If the County Executive disapproves the operating budget total and County contribution, he or she shall return the disapproved resolution to the County

Legislature no later than 10 days after such resolution was submitted to the Office of the County Executive.

6. The County Legislature may reconsider the resolution that the County Executive has returned with his or her disapproval. If, on such reconsideration, the Legislature approves the budget total/County contribution resolution by an affirmative vote of two-thirds of the total membership within 15 days after it was returned to it, but in no event later than August 31, the resolution shall become effective immediately. If the Legislature does not timely reconsider the resolution or, if on reconsideration, the Legislature does not approve the resolution by an affirmative two-thirds vote of the entire membership, the resolution shall not take effect and the operating budget total and County contribution initially recommended by the County Executive shall become effective immediately.

[(2)]7. At the conclusion of the Community College operating budget process but in no event no later than August 31 of the pertinent calendar year, the County contribution shall be calculated and certified jointly by the Director of the Executive's Budget Office and the Director of the County Legislature's Office of Budget Review for inclusion in the Recommended County Operating Budget submitted by the County Executive.

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Section 3. Applicability.

This law shall apply to all Suffolk County Community College Operating Budgets adopted on or after January 1, 2010.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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 such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

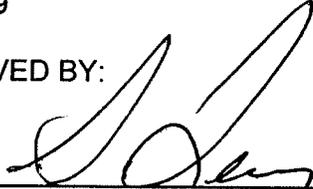
This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED: August 4, 2009

APPROVED BY:



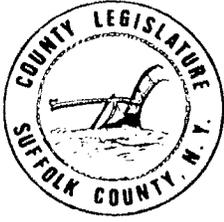
County Executive of Suffolk County

Date: 8/28/09

After a public hearing duly held on August 18, 2009

Filed with the Secretary of State on September 15, 2009

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the
of the County of Suffolk, have compared the foregoing copy of resolution with the
original resolution now on file in this office, and which was duly adopted by the
County Legislature of said County, on August 4, 2009, and signed by the
County Executive on August 28, 2009, after a public hearing duly held on
August 18, 2009 and filed with the Secretary of State on September 15, 2009
and that the same is a true and correct transcript of said resolution and of the whole
thereof.

In Witness Whereof, I have hereunto set my hand and the official
Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature