

WITHDRAWN AS OF 5/28/2010
AMENDED COPY AS OF 1/14/2010

Intro. Res. No. 1024-2010

Laid on Table 1/4/2010

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2010, ADOPTED LOCAL NO. -2010,
A CHARTER LAW TO IMPLEMENT A COST SAVING
MEASURE TO HELP MITIGATE BUDGETARY SHORTFALL BY
PURCHASING 5000 CORPORATE COURT, TOWN OF
BROOKHAVEN**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____, 2010, a proposed local law entitled, "**A CHARTER LAW TO IMPLEMENT A COST SAVING MEASURE TO HELP MITIGATE BUDGETARY SHORTFALL BY PURCHASING 5000 CORPORATE COURT, TOWN OF BROOKHAVEN**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

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

**LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW
YORK A CHARTER LAW TO IMPLEMENT A COST SAVING
MEASURE TO HELP MITIGATE BUDGETARY SHORTFALL BY
PURCHASING 5000 CORPORATE COURT, TOWN OF
BROOKHAVEN**

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 Local Law No. 37-1989, "A Charter Law to Amend Article IV of the Suffolk County Charter in Connection with Limits on Amendments to Capital Budget and Program", was adopted for the purpose of requiring that increases in the Capital Budget and Program during the fiscal year be offset by a corresponding reduction in the Capital Budget and Program.

This Legislature also finds and determines that the purpose of Local Law No. 37-1989 was to prevent large unplanned increases in the Capital Budget and Program during the fiscal year and to maintain County debt and General Fund debt service expenditures at manageable levels.

This Legislature also finds and determines that the County of Suffolk has an opportunity to purchase a 265,000-square foot building located at 5000 Corporate Court in the Town of Brookhaven. Such purchase would also include the assumption of three corporate lease obligations through 2016, 2020, and 2025 respectively.

This Legislature also finds and determines that it has been proposed that the purchase of 5000 Corporate Court will result in an increase to the Capital Budget and Program, but no corresponding offset, as required by Suffolk County Charter Sections C4-13 (A) and C4-21 (A) is available.

This Legislature also finds and determines that the proposed purchase of 5000 Corporate Court will result in positive cash flow to the County of Suffolk over the remaining life of the aforementioned leases and that such income would serve to offset amortization costs of acquisition for 5000 Corporate Court.

This Legislature also finds that taking advantage of this opportunity is especially important at a time when the County has already taken several actions to close projected budget shortfalls.

Therefore, the purpose of this local law is to waive the requirement that increases in the Capital Budget and Program during the fiscal year be offset by a corresponding reduction in the Capital Budget and Program in order for the County to proceed with the purchase of 5000 Corporate Court.

Section 2. Amendments

I. Section C4-13 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-13. Modification of the capital budget during the fiscal year.

A.) A capital budget for a fiscal year may not be amended during the fiscal year unless the resolution is introduced by the County Executive or a County Legislator and is approved by an affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature and constitutes an amendment to change the method of financing; to change the title of a project; to provide funding to correct, repair or to respond to a public emergency declared, in writing, to the Legislature by the County Executive and arising out of or caused by a sudden unforeseen occurrence or disaster, such as a hurricane, fire, tornado, flood, blizzard, explosion, airplane crash, earthquake, nuclear war, radiological emergency, war, civil unrest or disobedience, act of God or comparable event; to provide funding for projects that have gone out to bid and require budgetary modifications because the bid price exceeds the estimated costs included in the capital budget and/or program; or to correct a technical defect. An affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature shall be required to pass such a resolution returned by the County Executive with his disapproval. This requirement for an affirmative vote of at least 3/4 of the entire membership of the County Legislature shall not apply to any such amendment to increase the capital budget, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, which provides for a corresponding reduction or offset of a dollar amount in the capital budget equivalent to the amount of the proposed increase, nor to any such amendment to decrease the capital budget, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, nor to any such amendment which is financed in an amount of at least 50% of the total authorization or appropriation of such amendment by federal or state funding. Any such amendment shall also be accompanied by a written analysis of the capital budget affected by such amendment prepared by

the Legislative Office of Budget Review for its annual report on the Capital Budget and Program, including but not limited to a statement as to the proposal's impact and effect on the County's operating budget, the County's tax rate and the County's real property tax levy for all County funds so affected. This written analysis shall also include a detailed statement as to the specific function and service to be provided with a comparison of the cost to provide such services by outside contractors or consultants versus utilization of in-house County personnel, regardless of whether or not positions of employment for such in-house personnel exist in the County budget at the time of the preparation of the analysis.

B.) The requirement of Subsection A of this section, that an increase in the capital budget during the fiscal year be offset by a corresponding reduction in the capital budget, shall not apply to the County's purchase of the Suffolk County Judicial Agency's ownership interest in the John P. Cohalan Court Complex located in Central Islip, New York.

C.) The requirement of Subsection A of this section, that an increase in the capital budget during the fiscal year by offset by a corresponding reduction in the capital budget, shall not apply to the County's purchase of 5000 Corporate Court, Town of Brookhaven.

[C.] D.) A resolution that increases the capital budget for a non-sewer-district project may not utilize a County sewer district project to achieve the corresponding reduction that is required by Subsection A of this section.

[D.] E.) A resolution that increases the capital budget in relation to a project within a County sewer district shall be offset by a corresponding reduction for the same sewer district in the capital budget, a transfer from the Assessment Stabilization Reserve Fund, connection fees for the same sewer district, fund balance surplus for the same sewer district or other revenues generated by the same sewer district. Such a resolution shall be approved by a majority vote of the Suffolk County Legislature.

[E.] F.) A resolution that increases the capital budget may not utilize federal and state aid included in the capital budget to achieve the corresponding reduction that is required by Subsection A of this section.

II. Section 4-21 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-21. Modification of capital program.

A.) The capital program may be amended only by resolution introduced by the County Executive or a County Legislator if passed by an affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature to change the method of financing; to change the title of project; to provide funding to correct, repair or respond to a public emergency declared, in writing, to the Legislature by the County Executive and arising out of or caused by a sudden unforeseen occurrence or disaster such as a hurricane, fire, tornado, flood, blizzard,

explosion, airplane crash, earthquake, nuclear war, radiological emergency, war, civil unrest or disobedience, act of God or comparable event; to provide funding for projects that have gone out to bid and require budgetary modifications because the bid price exceeds the estimated costs included in the capital budget and/or program; or to correct a technical defect. An affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature shall be required to pass such a resolution returned by the County Executive with his disapproval. This requirement for an affirmative vote of at least three-fourths (3/4) of the total membership of the County Legislature shall not apply to any such amendment, to increase the capital program, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, which provides for a corresponding reduction or offset of a dollar amount in the capital program equivalent to the amount of the proposed increase, nor to any such amendment to decrease the capital program, as finally enacted at the conclusion of the process set forth in § C4-19 of this article, nor to any such amendment which is financed in an amount of at least 50% of the total authorization or appropriation of such amendment by federal or state funding.

- B.) The requirement of Subsection A of this section, that an increase in the capital program during the fiscal year be offset by a corresponding reduction in the capital program, shall not apply to the County's purchase of the Suffolk County Judicial Agency's ownership interest in the John P. Cohalan Court Complex located in Central Islip, New York.
- C.) The requirement of Subsection A of this section, that an increase in the capital program during the fiscal year be offset by a corresponding reduction in the capital program, shall not apply to the County's purchase of 5000 Corporate Court, Town of Brookhaven.
- [C.] D. A resolution that increases the capital program for a non-sewer-district project may not utilize a County sewer district project to achieve the corresponding reduction that is required by Subsection A of this section.
- [D.] E. A resolution that increases the capital program in relation to a project within a County sewer district shall be offset by a corresponding reduction for the same sewer district in the capital [budget] program, a transfer from the Assessment Stabilization Reserve Fund, connection fees for the same sewer district, fund balance surplus for the same sewer district or other revenues generated by the same sewer district. Such a resolution shall be approved by a majority vote of the Suffolk County Legislature.
- [E.] F. A resolution that increases the capital program may not utilize federal and state aid included in the capital program to achieve the corresponding reduction that is required by Subsection A of this section.

Section 3. Applicability.

This law shall only apply to the County of Suffolk's purchase of the building and property located at 5000 Corporate Court, Town of Brookhaven.

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 filing with the Office of the Secretary of State.

[] Brackets denote deletion of language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: