

Intro. Res. No. 1127-2010

Laid on Table 2/2/2010

Introduced by Legislator Stern, Presiding Officer Lindsay, Legislators Browning, Horsley and Gregory

RESOLUTION NO. 205 -2010, ADOPTING LOCAL LAW NO. 6 -2010, A CHARTER LAW REQUIRING SOUND BUDGET PRACTICES TO ENSURE FISCAL RESPONSIBILITY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 2, 2010 a proposed local law entitled, "**A CHARTER LAW REQUIRING SOUND BUDGET PRACTICES TO ENSURE SOUND FISCAL RESPONSIBILITY**"; now, therefore be it

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

LOCAL LAW NO. 6 -2010, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW REQUIRING SOUND BUDGET PRACTICES TO ENSURE FISCAL RESPONSIBILITY

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 the County of Suffolk has enacted many budgetary reform measures for the purposes of controlling spending and debt, insuring transparency in the budget process and maintaining the County's fiscal stability.

This Legislature also finds that the Suffolk County Charter requires that any spending increase in the County's operating or capital budget during a fiscal year be offset by a corresponding reduction in other appropriations. This requirement helps the County control spending and debt and avoid mid-year budget deficits.

This Legislature also recognizes that the elimination or reduction of budgeted revenues in the middle of a fiscal year can be just as damaging to the County's fiscal health as unplanned increases in spending. Accordingly, this Legislature enacted Local Law 16-2000 which requires that any resolution that proposes to reduce or eliminate County-generated revenue mid-year "must have appended thereto a written statement as to how the loss of revenue shall be accommodated....for a period of at least three years."

This Legislature determines that while revenue impact statements help expose the serious consequences of irresponsible mid-year revenue reductions, stronger legislation is required to prevent mid-year revenue reductions that have the potential to damage the County finances and bond rating.

Therefore, the purpose of this local law is to require that any proposed mid-year reduction or elimination of County revenue be offset by corresponding cuts in appropriations and/or increases in other revenues.

Section 2. Amendments.

Section C4-31 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

C4-31. Modifications to budget after adoption.

* * * *

- E. For purposes of this section, a budget modification shall consist of any of the following which shall occur after adoption of the annual budget; or for those matters which pertain to the capital program, any that occur after adoption of the capital program:

* * * *

- 11) The enactment of a resolution or local law that decreases or eliminates revenue included in the expense budget.

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- F. During a fiscal year and after adoption of the annual expense budget, any budget modification to the annual expense budget may be effectuated by the adoption of an appropriate resolution introduced by any Legislator in accordance with C2-11 of this Charter and this subsection and approved by at least a majority of the entire membership of the County Legislature, even though the head of the pertinent county department has not submitted a request for such budget modification, as long as the purpose of such budgetary modification is to reduce, lower, terminate or cancel appropriations; to abolish positions of employment; to terminate contract agencies; to terminate or reduce the size of county programs or departments; [or] to make transfers of appropriations that are offset by reductions in other appropriations; or to decrease or eliminate revenues that are offset by a corresponding reduction of appropriations and/or increase of other revenues. Resolutions incorporating such budget modifications introduced by any Legislator may only be laid on the table at the first regular legislative meeting in February, April, June or September of any fiscal year. Any resolution[s] introduced by any Legislator in accordance with these provisions may then be acted upon by the full County Legislature whenever eligible for consideration pursuant to the Rules of the County Legislature and subject to the laws of Suffolk County.

Section 3. Applicability.

- A) This law shall apply to resolutions and local laws laid on the table on or after the effective date of this law.

- B) This law shall not be construed to affect the revenue impact statement requirements set forth in § C2-11(E) of the SUFFOLK COUNTY CHARTER.

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: March 23, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: April 13, 2010

After a public hearing duly held on April 6, 2010
Filed with the Secretary of State on April 28, 2010