

Intro. Res. No. 2046-2010  
Introduced by Presiding Officer Lindsay and Legislator Browning

Laid on Table 11/16/2010

**RESOLUTION NO. 1191 -2010, ADOPTING LOCAL LAW  
NO. -2010, A CHARTER LAW TO DISCOURAGE  
SPECULATIVE REVENUES AND ENSURE BALANCED  
BUDGETS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 16, 2010 a proposed local law entitled, "**A CHARTER LAW TO DISCOURAGE SPECULATIVE REVENUES AND ENSURE BALANCED BUDGETS;**" now, therefore be it

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

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

**A CHARTER LAW TO DISCOURAGE SPECULATIVE REVENUES  
AND ENSURE BALANCED BUDGETS**

**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 Executive is required to submit a proposed operating budget to the County Legislature each year for consideration and amendment.

This Legislature also finds that the County Executive's proposed 2011 Operating Budget includes millions of dollars of revenues from the sale of County-owned properties, including the sale of the John J. Foley Skilled Nursing Facility and 95 acres of land that is part of the County Executive's proposed Legacy Village development.

This Legislature finds that these land sale revenues are highly speculative as the County Legislature has failed to declare either property as surplus to the County's needs (as legally required) and both proposed sales have met strong public resistance and legislative opposition.

This Legislature also determines that the County Executive's decision to embrace speculative revenues is contrary to sound budgetary practices and makes it more likely that the County will confront yet another budget shortfall crisis in 2011.

This Legislature also finds that reliance on speculative revenues exacerbates the County's budgetary structural imbalance that bond rating agencies have already warned against and could lead to a future reduction in the County's bond rating.

This Legislature finds that action must be taken to ensure that future budgets are fiscally sound and based on legitimate revenue projections.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to provide that revenues from proposed land sales may not be included in a County operating

budget unless the County Legislature has determined that the property is not needed for public use.

**Section 2. Amendment.**

Article IV of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**ARTICLE IV, County Budget and Capital Program**

\* \* \* \*

**§ C4-6. Submission of proposed county budget by County Executive.**

\* \* \* \*

L. Revenue from the sale of County-owned real property shall not be included in a recommended operating budget, nor approved as part of an adopted operating budget, unless the County Legislature has previously determined that the real property is no longer necessary for public use, by a resolution adopted by the affirmative vote of two-thirds of the entire membership of the Legislature. This restriction shall not apply to the disposition of real properties acquired by the County of Suffolk pursuant to the Suffolk County Tax Act.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to operating budgets recommended and adopted on or after the effective date of this law.

**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: December 21, 2010 **\*\*NOT ADOPTED\*\***

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature 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 December 21, 2010 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.*

*Tim Laube*

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Clerk of the Legislature

Intro. Res.

2046

Res. No.

1191

December 21, 2010

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Losquadro  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN		/			
3	Kate M. BROWNING	/				
4	Thomas MURATORE		/			
6	Daniel P. LOSQUADRO		/			
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI		/			
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.		/			
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN		/			
17	Lou D'AMARO		/			
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	9	9			

MOTION	
<input checked="" type="checkbox"/>	Approve
_____	Table: _____
_____	Send To Committee
_____	Table Subject To Call
_____	Lay On The Table
_____	Discharge
_____	Take Out of Order
_____	Reconsider
_____	Waive Rule _____
_____	Override Veto
_____	Close
_____	Recess
APPROVED _____	FAILED <input checked="" type="checkbox"/>
No Motion _____	No Second _____

RESOLUTION DECLARED	
_____	ADOPTED
<input checked="" type="checkbox"/>	NOT ADOPTED

Tim Laube

Roll Call  Voice Vote \_\_\_\_\_