

**STRICKEN AS OF 5/16/2011**

Intro. Res. No. 2107-2010

Laid on Table 11/16/2010

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW  
NO. -2011, A CHARTER LAW STRENGTHENING THE  
BUDGET ADOPTION PROCESS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on November 16, 2010, a proposed Local Law entitled "**A CHARTER LAW STRENGTHENING THE BUDGET ADOPTION PROCESS**"; 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 form as follows:

**LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW STRENGTHENING THE BUDGET ADOPTION  
PROCESS**

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

**Section 1. Legislative Intent.**

This Legislature finds and determines that under municipal home rule law, proposed local laws must be on the desks of members of a local governing board for at least seven calendar days (exclusive of Sunday) before the local legislative body may act on it.

This legislature further finds and determines that municipal home rule recognizes a distinction between local laws and resolutions, so that under municipal home rule, local resolutions are not subject to the same seven-day requirement to which local laws are subject.

This Legislature further finds and determines that in the interest of good government and in the best interests of its residents, the Suffolk County Charter applies the same stringent parameters of the seven-day "laid on the table" rule to local resolutions so that in Suffolk County Government, no action, except in very limited circumstances may be taken by the Legislature unless a proposed resolution is in final form and laid on the tables of legislative members for seven days, exclusive of Sunday. Once such exception deals with any resolutions relating to the annual adoption of the operating budget, which exception authorizes that budget amending resolutions may be distributed at least two days before an actual vote, unless the two-day deadline is waived by the Presiding Officer at the request of the Director of the Legislative Office of Budget Review pursuant to a written determination by the Director of the Legislative Office of Budget Review that such deadline cannot be met by his or her Office.

This Legislature further finds and determines that in the last few annual budget cycles, amendments to the recommended operating budget are not being distributed within the prescribed timeline. This is not in the best interests of the residents of the County. People who are affected by the budget and these amending resolutions are not given any

time to evaluate the financial impact of budget amendments, the Budget Office is not given any time to do any financial analysis, and the public at large is deprived of information about the budget until the time of the vote. Moreover, legislators are deprived of the opportunity to read the details of the proposed budget plan. This delay makes a mockery of transparency in the budget process and deprives the public of intelligent comment during any public portion of the meeting of the Legislature wherein the budget is adopted.

Therefore the purpose of this law is to require that the cutoff date for the distribution of budget amendment resolutions by members of the County Legislature and that such resolutions be placed on the desks or tables of the County Legislators shall be at least two days immediately preceding the date scheduled for the actual vote on such budget amending resolutions.

## **Section 2. Amendments.**

- A.) Section C4-10(B)(2) of Article IV of the Suffolk County Charter is hereby amended as follows:

### **Article II** **The County Legislature**

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2. The Presiding Officer of the County Legislature shall establish a cutoff date each year for the filing of budget amendment resolutions by members of the County Legislature which date shall be a reasonable number of days immediately preceding the date scheduled for the actual vote on such budget amendment resolutions, provisions of § C2-12A of the Suffolk County Charter to the contrary notwithstanding. The Presiding Officer of the County Legislature shall also establish a cutoff date for the distribution of budget amendment resolutions by members of the County Legislature which date shall be at least two days immediately preceding the date scheduled for the actual vote on such budget amendment resolutions, provisions of § C2-12A of the Suffolk County Charter to the contrary notwithstanding. [, unless such deadline is waived by the Presiding Officer at the request of the Director of the Legislative Office of Budget Review pursuant to a written determination by the Director of the Legislative Office of Budget Review that such deadline cannot be met by his or her office.]
- B.) Section C4-10(B)(3) of Article IV of the Suffolk County Charter is hereby amended as follows:
3. In no event shall the County Legislature act upon such budget amendment resolutions unless and until such resolutions shall have been placed upon the desks or tables of the members of the County Legislature at least two days prior to such legislative action, provisions of § C2-12A of the Suffolk County Charter to the contrary

notwithstanding. Any such budget amendment resolution may be amended, prior to initial legislative action on the entire such budget amendment resolution, by a procedural vote to so amend approved by at least a majority of the entire membership of the County Legislature. [This two-day notice requirement may be waived by the Presiding Officer at the request of the Director of the Legislative Office of Budget Review pursuant to a written determination by the Director of the Legislative Office of Budget Review that such deadline cannot be met by his or her office.]

### **Section 3. Applicability.**

This law shall apply to all actions occurring 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 not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language.

\_\_\_ Underlining denotes addition of new language.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: