

WITHDRAWN AS OF 4/29/2011
UPDATED AS OF 3/3/2011

Intro. Res. No. 1147-2011
Introduced by Legislator Schneiderman

Laid on Table 3/8/2011

RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO PROTECT TAXPAYERS
FROM LARGE SPIKES IN PROPERTY TAXES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2011 a proposed local law entitled, "**A CHARTER LAW TO PROTECT TAXPAYERS FROM LARGE SPIKES IN PROPERTY TAXES;**" 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 TO PROTECT TAXPAYERS FROM LARGE
SPIKES IN PROPERTY TAXES

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 sound budgeting principles require that the ongoing, regular expenses of County government be supported by adequate recurring revenues.

This Legislature also finds that while it is sometimes appropriate to address short term fluctuations in revenues with a non-recurring revenue source, an over reliance on "one shots" or "special items" creates a structural imbalance in a municipality's budget and insures future fiscal problems.

This Legislature determines that in recent years, the County of Suffolk has increasingly relied on non-recurring revenues to balance its budgets. Since 2004, the County Executive has utilized a variety of one shots to balance the County budget including securitizing tobacco settlement proceeds, selling the Suffolk County Health Plan, amortizing County retirement costs, drawing down the County's Tax Stabilization Fund and proposing the sale of the John J. Foley Skilled Nursing Facility.

This Legislature further finds that the County's reliance on one shot revenues has helped create huge structural deficits that are only worsening and leaves Suffolk County in a perpetual state of fiscal emergency.

This Legislature further finds that the time has come to end Suffolk County's addiction to one shot revenues and restore sound budgeting policies in Suffolk County.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER and cap the amount of non-recurring revenues that can be included in the County's operating budget.

Section 2. Definitions.

As used in this law, the term below shall have the meaning indicated:

"SPECIAL ITEM" - revenue or savings that are not expected to recur on a regular basis. This term shall include, but not be limited to, revenue from the sale or securitization of a County asset, the amortization of non-capital County expenses, transfers from the tax stabilization reserve fund and savings generated by a lag payroll. This term shall not include any General Fund balance from the prior fiscal year.

Section 3. Amendments.

Article 4 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

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

* * * *

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

* * * *

L. The General Fund portion of the proposed expense budget in any fiscal year shall not include special items which, in the aggregate, exceed fifty percent (50%) of the prior fiscal year's property tax levy in the General Fund.

* * * *

§ C4-10. Action by County Legislature on proposed budget.

* * * *

K. The General Fund portion of the adopted expense budget in any fiscal year shall not include special items which, in the aggregate, exceed fifty percent (50%) of the prior fiscal year's tax levy for the General Fund unless the County Legislature adopts a resolution by a two-thirds (2/3) vote approving special items in excess of this limit. Such a resolution shall be subject to the veto and override provisions set forth in Section C4-11 of the SUFFOLK COUNTY CHARTER, and any veto may be overridden by a two-thirds (2/3) vote of the County Legislature.

L. Upon approval by a 2/3 vote of the County Legislature, the special item funds in excess of the 50% limit may be expended only to finance a public emergency, an unanticipated expenditure or an unanticipated revenue loss, subject to the definitions contained in New York State General Municipal Law Section 6-e, and must be accompanied by a corrective action plan as a precondition for use of these funds. The corrective action plan shall detail the recurring revenues and/or recurring expenditure reductions to be

utilized to mitigate the current use of special item funds that exceed the standard set forth in Section C4-6(L).

* * * *

Section 4. Applicability.

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

Section 5. 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 6. 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 7. 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.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: