

STRICKEN AS OF END OF YEAR 2011
AMENDED COPY AS OF 11/29/2011

Intro. Res. No. 2030-2011

Laid on Table 11/22/2011

Introduced by Legislators Romaine, Kennedy, Nowick and Muratore

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO IMPROVE THE
PROCESS FOR ADOPTING THE COUNTY'S OPERATING
BUDGET**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 22, 2011, a proposed local law entitled, "**A CHARTER LAW TO IMPROVE THE PROCESS FOR ADOPTING THE COUNTY'S OPERATING BUDGET**"; 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 IMPROVE THE PROCESS FOR ADOPTING THE
COUNTY'S OPERATING BUDGET**

**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 SUFFOLK COUNTY CHARTER requires the County Executive to present his or her budget to the County Legislature on or before the third Friday of September each year.

This Legislature further finds that the budget should be presented to the Legislature earlier to provide the Legislature with sufficient time to review the budget and draft amendments.

This Legislature finds that, pursuant to the SUFFOLK COUNTY CHARTER, the County Legislature is required to adopt an operating budget by November 10th each year.

This Legislature further finds that the County Legislature traditionally votes on budget amending resolutions the day after Election Day.

This Legislature determines that the County Legislature should adopt an operating budget prior to Election Day so that Suffolk residents know where their legislators stand on critical spending and taxing issues before they cast their votes.

Therefore, the purpose of this law is to change the County's budget timeline to ensure that the County Legislature adopts an operating budget prior to Election Day each year.

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.

On or before noon on the third [Friday] Monday of September in each year, the County Executive shall submit to the County Legislature a proposed budget, consisting of a proposed expense budget and proposed capital budget for the ensuing year. The expense budget shall consist of two separate documents, as follows:

* * * *

§ C4-9. Public hearings on proposed budget.

- A. The County Legislature shall hold at least two public hearings on the proposed county budget not later than the [31st] 20th day of October in each year [or the 42nd day after the County Executive has actually submitted the proposed budget required by § C4-6 to the County Legislature, whichever is later]. The County Legislature shall have available for the public in advance of the hearings a reasonable number of copies of the tentative budget.

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

- A. Not [less] later than [10 days after public hearings required by § C4-9 and not later than the 10th day of November or the 52nd day after the County Executive has actually submitted the proposed budget required by § 4-6 to the County Legislature, whichever is later,] the day before Election Day of each year, the County Legislature shall adopt the proposed county budget consisting of an expense budget by voting to approve a separate mandated portion and a separate nonmandated portion, with or without amendment. If the County Legislature does not adopt a county budget on or before the [10th day of November or the 52nd day after the County Executive has actually submitted the proposed budget required by § C4-6 to the County Legislature, whichever is later,] day before Election Day, the proposed county budget shall be deemed adopted as submitted. The Suffolk County Legislature's Budget Review Office shall prepare budgetary and financial forecasts of cost to continue expenditures and revenues for major omnibus-type budget amending resolutions for the following year.
- B. The County Legislature may amend the proposed County budget by submitting a budget amendment resolution which will add or increase an item of appropriation or strike or reduce an item of appropriation except for appropriations for debt service and any other appropriations required by law.

(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] three business 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.]

The County Legislature shall list in one document all of the amendments it has made in the proposed county budget and shall include such provisions in such budget amendment resolutions as shall be necessary to implement the objectives contained therein.

* * * *

Section 3. Applicability.

This law shall apply to all operating budgets 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 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: