

**WITHDRAWN AS OF 7/31/2014**

Intro. Res. No. 1252-2014  
Introduced by Legislator D'Amaro

Laid on Table 3/4/2014

**RESOLUTION NO. -2014, ADOPTING LOCAL LAW  
NO. -2014, A CHARTER LAW TO UPDATE, CLARIFY AND  
IMPROVE PROCESS FOR BUDGET DEFICIT MITIGATION**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2014 a proposed local law entitled, "**A CHARTER LAW TO UPDATE, CLARIFY AND IMPROVE PROCESS FOR BUDGET DEFICIT MITIGATION**"; now, therefore be it

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

**LOCAL LAW NO. -2014, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO UPDATE, CLARIFY AND IMPROVE  
PROCESS FOR BUDGET DEFICIT MITIGATION**

**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 and Administrative Code outline procedures for the County Executive and Legislature to follow in the event the County experiences an operating budget deficit during a fiscal year.

This Legislature also finds that the Charter and Administrative Code provisions are archaic, inconsistent and confusing.

This Legislature finds that the Charter and Administrative Code provisions authorizing executive and legislative action to reduce a budget deficit are replete with references to the County's allotment system. However, the County long ago stopped using an allotment system to disperse budgeted monies to departments.

The Legislature further finds that the Administrative Code presently requires that this Legislature pass a resolution within 10 days if it wishes to block the County Executive from reducing an appropriation by more than 10%. However, State and local laws that govern the adoption of local legislation make it virtually impossible for the Legislature to pass a resolution in that 10 day timeframe.

This Legislature further finds that the County of Suffolk should have a clear set of rules that allow effective action by the County when it needs to mitigate midyear budget deficits.

This Legislature further finds that the County Executive, as chief budget officer, should continue to have robust authority to address budget shortfalls. However the County Legislature, which is vested with the power to appropriate, should have the ability to act as an effective check against any potential overreach.

Therefore, the purpose of this law is to amend the Suffolk County Charter and Administrative Code to provide a strong framework that will allow the County of Suffolk to address midyear budget deficits in a timely and effective manner.

**Section 1. Definitions.**

For the purposes of this law, the following terms shall have the meanings indicated:

“Impound” shall mean the County Executive’s authority to withhold from County departments and agencies funds that are appropriated to the departments and agencies in the operating budget.

**Section 2. Amendments.**

I. Paragraph (A) of section C4-27 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**Article IV  
COUNTY BUDGET AND CAPITAL PROGRAM**

\* \* \* \*

**§ C4-27. Action when funding deficiency is anticipated.**

A. If at any time during the fiscal year it appears to the County Executive that available revenues, net of expenditures, are expected to be less than total amounts budgeted, he or she shall forthwith advise the County Legislature of the estimated amount of the deficit, the remedial action he plans to take under § A4-7 of the Suffolk County Administrative Code and any legislation or other action he believes necessary to avoid the anticipated deficiency.

II. Sections A4-6, A-8 and A-9 of the SUFFOLK COUNTY ADMINISTRATIVE CODE are repealed.

II. Section A4-7 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

**Article IV  
COUNTY BUDGET AND CAPITAL PROGRAM**

\* \* \* \*

**§ A4-7 Impoundment of Appropriations by County Executive.**

A. After the County Executive notifies the County Legislature of a funding deficiency, as required by § C4-27 of the Suffolk County Charter, the County Executive may impound up to 10% of any unexpended appropriation. The Division of Budget and the Legislative Office of Budget Review shall jointly certify that any such impoundment does not exceed 10% of the unexpended appropriation.

B. After the County Executive notifies the County Legislature of a funding deficiency, he or she may propose impounding more than 10% of any unexpended appropriation but the

County Legislature must first authorize impounding the amount in excess of 10% by the adoption of a duly enacted resolution.

- C. If impounded monies are ultimately released and expended, the Division of Budget shall so notify, in writing, all members of the County Legislature and the Director of the Legislative Budget Review 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.

DATED:

APPROVED BY:

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

Date: