

**WITHDRAWN AS OF 8/30/2016**

Intro. Res. No. 1656-2016

Laid on Table 6/21/2016

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2016, ADOPTING LOCAL LAW  
NO. -2016, A CHARTER LAW TO ENSURE REVENUE  
REPLACEMENT**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 21, 2016, a proposed local law entitled, "**A CHARTER LAW TO ENSURE REVENUE REPLACEMENT**;" 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. -2016, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO ENSURE REVENUE REPLACEMENT**

**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 modifications to the County's operating budget and the introduction of local laws, resolutions or charter laws often have negative fiscal impacts on the County's operating budget.

This Legislature also finds that the negative fiscal impacts may have both short and long term consequences to the fiscal viability of the County.

This Legislature further finds that while budget modifications that make transfers of appropriations or decrease or eliminate revenues are required to be offset by corresponding reductions of appropriations and/or increases of other revenues, the negative fiscal impact of long term reduction or elimination of revenue should require an offset for the entire duration of the impact, or for at least five years, whichever is shorter.

This Legislature also finds that proposed legislation that results in a decrease or elimination of revenues should require that the revenue impact statement contain a written statement as to how the loss of revenue shall be accommodated by the County of Suffolk for a period of at least five years.

Therefore, the purpose of this law is to require a corresponding offset for the entire duration of the impact or for at least five years for budget modifications that will result in a negative fiscal impact and to require a written statement as to how loss of revenue shall be accommodated by the County of Suffolk for a period of at least five years for a local law, resolution or charter law which proposes to reduce or eliminate a County-generated revenue.

**Section 2. AMENDMENTS**

I. Section C4-31 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§ C4-31. Modifications to budget after adoption.**

\* \* \*

G. During a fiscal year and after adoption of the annual expense budget, any budget modification to the annual expense budget may be effectuated by the adoption of an appropriate resolution introduced by any Legislator in accordance with § C2-11 of this Charter and this subsection and approved by at least a majority of the entire membership of the County Legislature, even though the head of the pertinent County department has not submitted a request for such budget modification, as long as the purpose of such budgetary modification is to reduce, lower, terminate or cancel appropriations, to abolish positions of employment; to terminate contract agencies; to terminate or reduce the size of County programs or departments; to make transfers of appropriations that are offset by reductions in other appropriations, or to decrease or eliminate revenues that are offset by a corresponding reduction of appropriations and/or increase of other revenues. Any budgetary modification that requires an offset as set forth above or that otherwise results in a negative fiscal impact shall require a corresponding offset or revenue replacement for the entire duration of the fiscal impact, or for at least five years, whichever is shorter. Resolutions incorporating such budget modifications introduced by any Legislator may only be laid on the table at the first regular legislative meeting in February, April, June or September of any fiscal year. Any resolutions introduced by any Legislator in accordance with these provisions may then be acted upon by the full County Legislature whenever eligible for consideration pursuant to the Rules of the County Legislature and subject to the laws of Suffolk County.

\* \* \*

II. Section C2-12 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§ C2-12. Legislative consideration of proposed local laws and resolutions.**

\* \* \*

E. Revenue impact statement (RIS).

(1) No proposed local law, resolution or charter law which proposes to reduce or eliminate a County-generated revenue (imposed or established by Suffolk County, not a state, federal, town or village grant) may be discharged from the legislative committee of the County Legislature to which it has been assigned or be eligible for approval by the full Legislature and no operating budget which proposes to reduce or eliminate a County-generated revenue (imposed or established by Suffolk County, not a state, federal, town or village grant) may be enacted into law by the County of Suffolk, unless it shall have appended thereto a written statement as to how the loss of revenue shall be accommodated by the County of Suffolk for a period of at least [three] five years from the standpoint of:

- (a) Adjustments in other revenues;
- (b) Reductions in appropriations;
- (c) Reductions or elimination of programs;
- (d) Abolition of positions of employment;
- (e) Consolidation of government functions; and/or
- (f) Use of reserves or fund balances.

\* \* \*

**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 lead agency under the State Environmental Quality Review Act ("SEQRA"), N.Y. Environmental Conservation Law Article 8 and Chapter 450 of the Suffolk County Code, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS ("NYCRR") in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. 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 resolution.

**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: