

**RESOLUTION NO. 15 -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO
INCREASE TRANSPARENCY AND ACCOUNTABILITY IN
COUNTY BUDGET PROCESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 16, 2010, a proposed local law entitled, "**A CHARTER LAW TO INCREASE TRANSPARENCY AND ACCOUNTABILITY IN COUNTY BUDGET PROCESS**"; 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 INCREASE TRANSPARENCY AND
ACCOUNTABILITY IN COUNTY BUDGET PROCESS**

**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 empowers the County Legislature to amend the operating budget proposed by the County Executive.

This Legislature finds that a practice has evolved over time whereby the County Legislature amends the proposed operating budget each year through an "omnibus" resolution, which typically bundles hundreds of line item changes in a single resolution.

This Legislature determines that legislators are often required to cast a vote on an omnibus resolution before they, and the public, have a meaningful opportunity to review and debate the many line item changes contained therein or to consider the omnibus resolution's fiscal impact.

This Legislature further finds that for many years, the County Legislature exercised its budget amending authority in a different manner, considering each proposed amendment individually. While this process was time consuming, it was transparent and helped produce a meaningful and open debate of budget issues.

Therefore, the purpose of this law is to bar the use of omnibus-type budget amending resolutions and to require the County Legislature to consider proposed budget amendments on an individual basis.

Section 2. Amendments.

Section C4-10 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

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

- A. Not less 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 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, 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] adopting budget amendment resolutions which [will] add or increase an [item of appropriation] expenditure; [or] strike or reduce an [item of appropriation] expenditure except for [appropriations for] debt service and any other [appropriations] expenditures required by law[.]; add, increase, reduce, or eliminate a revenue; add, reduce or transfer personnel. The Legislature shall not amend the proposed budget in an omnibus fashion but may combine a limited number of line item changes in one resolution to achieve a single purpose or to provide an offset for an increased expenditure, addition of personnel or change in revenue.

* * * *

Section 3. Applicability.

This law shall apply to amendments of the proposed budget 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: February 1, 2011 **NOT ADOPTED**

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on February 1, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 2057-10

Res. No. 15

February 1, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore,
Eddington, Montano, Cilmi, Lindsay, Vitoria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/	/			
2	Jay H. SCHNEIDERMAN	/	/			
3	Kate M. BROWNING	/	/			
4	Thomas MURATORE	/	/			
6						
7	Jack EDDINGTON	/	/			
9	Ricardo MONTANO	/	/			
10	Thomas CILMI	/	/			
11	Thomas F. BARRAGA	/	/			
12	John M. KENNEDY, JR.	/	/			
13	Lynne C. NOWICK	/	/			
14	Wayne R. HORSLEY	/	/			
15	DuWayne GREGORY	/	/			
16	Steven H. STERN	/	/			
17	Lou D'AMARO	/	/			
18	Jon COOPER	/	/			
5	Vivian VILORIA-FISHER, D.P.O.	/	/			
8	William J. LINDSAY, P.O.	/	/			
Totals		6	11			

MOTION
<input checked="" type="checkbox"/> Approve
<input type="checkbox"/> Table
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input type="checkbox"/> FAILED <input checked="" type="checkbox"/>
No Motion <input type="checkbox"/> No Second <input type="checkbox"/>

RESOLUTION DECLARED
<input type="checkbox"/> ADOPTED
<input checked="" type="checkbox"/> NOT ADOPTED

Tim Laube

Roll Call Voice Vote

Tim Laube, Clerk of the Legislature