

STRICKEN AS OF 9/8/2011
AMENDED COPY AS OF 3/22/2011

Intro. Res. No. 1228-2011

Laid on Table 3/8/2011

Introduced by Legislators Cooper, Romaine, Schneiderman and Lindsay

RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO ESTABLISH A 2%
DISCRETIONARY SPENDING CAP IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 8, 2011 a proposed local law entitled, "**A CHARTER LAW TO ESTABLISH A 2% DISCRETIONARY SPENDING CAP IN SUFFOLK COUNTY;**" 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 ESTABLISH A 2% DISCRETIONARY
SPENDING CAP IN SUFFOLK COUNTY

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 Local Law No. 21-1983 established a 4% limit on increases in discretionary spending in the annual County operating budget. Mandated expenses are exempt from this cap.

This Legislature further finds that the expense cap has helped restrain County spending and hold down property taxes. However, the spending cap has been weakened in recent years by the reclassification of some discretionary expenses into mandatory expenses.

This Legislature also determines that the State of New York is considering a law that would require school districts and local governments to adhere to a 2% spending cap.

This Legislature also finds that Suffolk County taxpayers would benefit from a tighter cap on County expenses.

This Legislature finds and determines that the County of Suffolk should proactively enact a 2% spending cap rather than wait for State action.

Therefore, the purpose of this local law is to amend the SUFFOLK COUNTY CHARTER to enact a 2% cap on discretionary County spending and to bar the executive branch from unilaterally reclassifying discretionary expenses as mandatory expenses.

Section 2. Amendment.

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

ARTICLE IV, County Budget and Capital Program

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

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- B. The proposed discretionary expense budget for any fiscal year shall not exceed the adopted and approved discretionary expense budget for the prior fiscal year by more than [4%] 2% or the amount of the increase in the [gross national product price deflator] CPI-U New York - Northeast New Jersey - Long Island, all items, whichever is greater, measured by the [Bureau of Labor Statistics] United States Department of Labor for the period of the fiscal year preceding the year in which the initial public hearings on the proposed county budget are held, as calculated against the adopted and approved discretionary expense budget for the prior fiscal year. For the purposes of this subsection, "discretionary expense budget" shall include all expenditures and all revenues except outlays of federal and state grants or aid, receipts of federal or state grants or aid, outlays by the County of Suffolk for goods or services statutorily required by the state or federal government and outlays used for repayment of all debt principal. The discretionary expense budget for the community college shall be treated as a separate budget for the purposes of compliance with the provisions of this subsection. The amount of real property tax revenues and non-real-property-tax revenues attributable to the community college budget shall continue to be the ratio between the two sources of revenue as shall have applied to the discretionary expense budget adopted and approved for the prior fiscal year. The proposed discretionary expense budget for any fiscal year shall also be submitted by the Executive to the County Legislature in such a form as to require the Suffolk County General Fund and Police District Fund or any captive service fund (nursing, self-insurance and interdepartment operation and service), or net discretionary tax levy, calculated together, [exclusive of the amount necessary to be raised by tax on real estate to provide for the interest on and principal of all indebtedness in the Suffolk County General Fund and Police District Fund or any captive service fund (nursing, self-insurance and interdepartment operation and service),] not to exceed the combined Suffolk County General Fund and Police District Fund or any captive service fund (nursing, self-insurance and interdepartment operation and service) or net discretionary tax levy for the prior fiscal year, [exclusive of the amount necessary to be raised by tax on real estate to provide for the interest on and principal of all indebtedness in the Suffolk County General Fund and Police District Fund or any captive service fund (nursing, self-insurance and interdepartment operation and service)] by more than 4% or the amount of the increase in the [gross national product (GNP) price deflator] CPI-U New York - Northeast New Jersey - Long Island, all items, whichever is greater, measured by the [Bureau of Labor Statistics] United States Department of Labor for the period of the fiscal year immediately preceding the year in which the initial public hearings on the proposed county discretionary expense budget are held.

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- D. The proposed expense budget in any fiscal year shall not designate an expense as mandated, which was classified as discretionary in the prior fiscal year, unless such reclassification was previously approved by a duly enacted resolution of the Suffolk County Legislature by a two-thirds vote.

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

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- E. The adopted discretionary expense budget for any fiscal year shall not exceed the adopted and approved discretionary expense budget for the prior fiscal year by more than [4%] 2% or the amount of the increase in the [gross national product (GNP) price deflator] CPI-U New York - Northeast New Jersey - Long Island, all items, whichever is greater, measured by the [Bureau of Labor Statistics] United States Department of Labor for the period of the fiscal year preceding the year in which the initial public hearings on the proposed county budget are held, as calculated against the adopted and approved discretionary expense budget for the prior fiscal year. For the purposes of this subsection, "discretionary expense budget" shall include all expenditures and all revenues, except outlays of federal or state grants or aid, receipts of federal or state grants or aid, outlays by the County of Suffolk for goods or services statutorily required by the state or federal government and outlays used for repayment of all debt principal. "Outlays for goods or services statutorily required by the state or federal government" shall not mean the cost to deliver statutorily required goods or services if the pertinent state or federal statute does not mandate a specific level, quantity or degree of goods or services to be provided by the County of Suffolk. Increases in expenditures required by the Governmental Accounting Standards Board through its generally accepted accounting principles for governmental units shall be deemed outlays by the County of Suffolk for goods or services statutorily required by the state or federal government.

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Section 3. Applicability.

This law shall apply to operating budgets recommended and 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 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:

APPROVED BY:

County Executive of Suffolk County

Date: