

STRICKEN AS OF 9/8/2011
AMENDED COPY AS OF 4/18/2011

Intro. Res. No. 1247-2011

Laid on Table 3/8/2011

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW LIMITING ANNUAL GROWTH OF
THE COUNTY OPERATING BUDGET AND TAX LEVY TO NO
MORE THAN 2%**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on March 8, 2011, a proposed local law entitled, "**A CHARTER LAW LIMITING ANNUAL GROWTH OF THE COUNTY OPERATING BUDGET AND TAX LEVY TO NO MORE THAN 2%;**" 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. -2011, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW LIMITING ANNUAL GROWTH OF THE COUNTY
OPERATING BUDGET AND TAX LEVY TO NO MORE THAN 2%**

**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 Suffolk County must curb out of control spending and take the necessary steps to avoid falling into a deeper fiscal crisis than that which is already afflicting our County and State.

This Legislature also finds and determines that balancing the budget is of utmost priority for Suffolk County Governance.

This Legislature finds that in order to secure the balancing of the budget, curbing spending and trimming excess is crucial.

Therefore, the purpose of this law is to limit year-over-year growth of the operating budget and tax levy to no more than two percent.

Section 2. Amendments.

Article IV
County Budget & Capital Program

I.) Subsection (B) of Section C4-6 of Article IV of the Suffolk County Charter is hereby amended as follows:

The proposed expense budget for any fiscal year shall not exceed the adopted and approved expense budget for the prior fiscal year by more than 2% [4%] or the amount of the increase in the [gross national product price deflator] CPI-U New York-Northern New Jersey-Long Island, whichever is [greater] less, measured by the Bureau of Labor Statistics 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 expense budget for the prior fiscal year. For the purposes of this subsection, "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 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 expense budget adopted and approved for the prior fiscal year. The proposed 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), calculated together, or net 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 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 2% [4%] or the amount of the increase in the [gross national product (GNP) price deflator], CPI-U New York-Northern New Jersey-Long Island, whichever is [greater] less, measured by the Bureau of Labor Statistics for the period of the fiscal year immediately preceding the year in which the initial public hearings on the proposed county expense budget are held.

II.) A new subsection (D) of Section C4-6 of Article IV of the Suffolk County Charter is hereby added:

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.

III.) Subsection (E) of section C4-10 of Article IV of the Suffolk County Charter is hereby amended as follows:

The adopted expense budget for any fiscal year shall not exceed the adopted and approved expense budget for the prior fiscal year by more than 2% [4%] or the amount of the increase in the CPI-U New York-Northern New Jersey-Long Island, whichever is [greater] less, measured by the Bureau of Labor Statistics 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 expense budget for the prior fiscal year. For the purposes of this subsection, "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. The adopted expense budget for any fiscal year shall also be 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), calculated together, or net tax levy, 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 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 2% or the amount of the increase in the CPI-U New York-Northern New Jersey-Long Island, whichever is less, measured by the Bureau of Labor Statistics for the period of the fiscal year immediately preceding the year in which the initial public hearings on the proposed county expense budget are held. "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.

IV.) Subsection (A) of section C4-12 of the Suffolk County Charter is hereby amended as follows:

When the county budget shall have been finally adopted, the County Legislature shall levy all taxes and assessments in the manner and within the time prescribed by law, except that no county expense budget shall be adopted or approved for any fiscal year which requires the Suffolk County General Fund and Police District Fund or any captive service fund (nursing, self-insurance and

interdepartment operation and service), calculated together, or net 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 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 2% [4%] or the amount of the increase in the [gross national product (GNP) price deflator], CPI-U New York-Northern New Jersey-Long Island, whichever is [greater] less, measured by the Bureau of Labor Statistics for the period of the fiscal year immediately preceding the year in which the initial public hearings on the proposed county expense budget are held, unless such net tax levy in excess of the limitations contained herein is approved by an affirmative vote of three-fourths (3/4) of the entire membership of the Suffolk County Legislature directed solely to that specific purpose. The Suffolk County Executive and Suffolk County Legislature shall ensure that the combined net tax levies do not exceed the limit set forth in such resolution or the limit contained in § C4-12A of this Article. The effects of prior year ending fund balances shall be excluded from the calculation of the net tax levy.

Section 3. Applicability.

This law shall apply to all proposed and adopted operating budgets submitted 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 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 hereof, 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 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 sixty (60) days after filing with the Secretary of State; provided however, that if within such sixty days electors of the County, duly registered to vote therein either for the last preceding or the next following general election in number equal to at least five per centum of the total number of votes cast in the County for governor at the last gubernatorial election, shall file a petition with the County Clerk protesting against this law, it shall become effective only if approved in conformity with section 34(4) of the New York Municipal Home Rule Law.

[] Brackets denote deletion of existing language
__ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: