

Intro. Res. No. 1414-2011  
Introduced by Legislators Cilmi and Romaine

Laid on Table 5/10/2011

**RESOLUTION NO. 676 -2011, ADOPTING LOCAL LAW  
NO. -2011, A CHARTER LAW TO REQUIRE TIMELY  
SUBMISSION OF BUDGET AMENDMENTS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on May 10, 2011, a proposed Local Law entitled, "**A CHARTER LAW TO REQUIRE TIMELY SUBMISSION OF BUDGET AMENDMENTS**;" 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 REQUIRE TIMELY SUBMISSION OF  
BUDGET AMENDMENTS**

**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 County Legislature amends the County Executive's Recommended Operating Budget each year by adopting a series of budget amendment resolutions.

This Legislature further finds that under existing law, budget amendment resolutions are supposed to be "laid on the table" and distributed to legislators at least two days prior to the scheduled vote on said amendments. However, the Presiding Officer may waive the two-day notice requirement at the request of the Director of the Budget Review Office.

This Legislature further finds and determines that a budget amending resolution may also be amended by the Legislature at any time prior to a final vote on the resolutions.

This Legislature determines that while it is desirable for the County Legislature to maintain flexibility in the budget-making process, the absence of any real deadline for filing budget amendment resolutions and the Legislature's unlimited authority to amend such resolutions "on the floor" can lead to unnecessary confusion, controversy and simple human errors.

This Legislature also finds that the current budget process deprives Legislators and the citizens of Suffolk County the opportunity to fully review and debate proposed changes to the County's Operating Budget.

This Legislature further finds that the County's budget process would benefit from stronger deadlines and greater transparency.

Therefore, the purpose of this law is to require that budget amendment resolutions be filed at least five days prior to any vote on said resolutions and that amendments to said resolutions be authorized by a super majority vote of the Legislature. Further, this law

will advance the date by which the County Executive must submit his recommended budget to allow the Legislature adequate time to submit budget amending resolutions.

**Section 2. Amendment.**

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

**ARTICLE IV,  
County Budget and Capital Program**

\* \* \* \*

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

- A. On or before the [third] second Friday of September in each year, the County Executive shall submit to the County Legislature a proposed budget, consisting of a proposed expense budget and proposed capital budget for the ensuing year. The expense budget shall consist of two separate documents, as follows:
- (1) A budget document outlining and identifying all of the expenditures or outlays by the County of Suffolk for goods, programs or services that are statutorily required by the state or federal government, or for the repayment of all debt principal and interest thereon (mandated portion).
  - (2) A budget document outlining and identifying all of the goods, programs and services to be provided by the County of Suffolk that are not statutorily required by the state or federal government (nonmandated portion also known as "expense budget").

\* \* \* \*

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

\* \* \* \*

- B. The County Legislature may amend the proposed county budget by submitting a budget amendment resolution which will add or increase an item of appropriation or strike or reduce an item of appropriation except for appropriations for debt service and any other appropriations required by law.

\* \* \* \*

- (2) The Presiding Officer of the County Legislature shall establish a cutoff date each year for the filing of budget amendment resolutions by members of the County Legislature which date shall be a reasonable number of days immediately preceding the date scheduled for the actual vote on such budget amendment resolutions, provisions of § C2-12A of the Suffolk County Charter to the contrary notwithstanding. The Presiding Officer of the County Legislature shall also establish a cutoff date for the distribution of budget amendment resolutions by members of the County Legislature which date shall be at least [two] five days immediately preceding the date scheduled for the actual vote on such budget amendment resolutions,

provisions of § C2-12A of the Suffolk County Charter to the contrary notwithstanding, unless such deadline is waived by the Presiding Officer at the request of the Director of the Legislative Office of Budget Review pursuant to a written determination by the Director of the Legislative Office of Budget Review that such deadline cannot be met by his or her office.]

- (3) In no event shall the County Legislature act upon such budget amendment resolutions unless [and until] such resolutions shall have been [placed upon the desks or tables of] filed with the Clerk of the County Legislature and distributed to the members of the County Legislature at least [two] five days prior to such legislative action, provisions of § C2-12A of the Suffolk County Charter to the contrary notwithstanding. Any such budget amendment resolution may be amended, prior to initial legislative action on the entire such budget amendment resolution, by a procedural vote to so amend approved by at least a [majority] two-thirds vote of the entire membership of the County Legislature. This [two] five-day notice requirement may be waived [by the Presiding Officer] at the written request of the Director of the Legislative Office of Budget Review [pursuant to a written determination by the Director of the Legislative Office of Budget Review that such deadline cannot be met by his or her office.] by a written petition signed by at least two-thirds of the entire membership of the County Legislature which shall be filed with the Clerk of the County Legislature.

The County Legislature shall list in one document all of the amendments it has made in the proposed county budget and shall include such provisions in such budget amendment resolutions as shall be necessary to implement the objectives contained therein.

\* \* \* \*

### **Section 3. Applicability.**

This law shall apply to actions occurring on or after January 1, 2012.

### **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.**

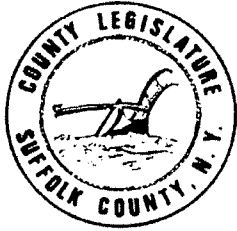
This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk 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: August 16, 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 August 16, 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*

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Clerk of the Legislature

Intro. Res. **1414**

Res. No. **676**

August 16, 2011

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

**Romaine**, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-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	Sarah S. ANKER		/			
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	9	9			

**MOTION**

Approve  
 Table: \_\_\_\_\_  
 Send To Committee  
 Table Subject To Call  
 Lay On The Table  
 Discharge  
 Take Out of Order  
 Reconsider  
 Waive Rule \_\_\_\_\_  
 Override Veto  
 Close  
 Recess

APPROVED \_\_\_\_\_ FAILED

No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 NOT ADOPTED

*Tim Laube*

Roll Call  Voice Vote \_\_\_\_\_