

STRICKEN AS OF END OF YEAR

Intro. Res. No. 1591-2013
Introduced by Legislator Cilmi

Laid on Table 7/30/2013

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO INSTITUTE A
DEPARTMENTAL OMNIBUS BUDGET AMENDMENT
PROCESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, a proposed local law entitled, "**A CHARTER LAW TO INSTITUTE A DEPARTMENTAL OMNIBUS BUDGET AMENDMENT PROCESS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO INSTITUTE A DEPARTMENTAL OMNIBUS
BUDGET AMENDMENT 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 unrelated item changes in a single resolution.

This Legislature further finds that, in addition to the use of omnibus amendments, the County Legislature may also amend the budget through the use of stand-alone resolutions.

This Legislature determines that combining hundreds of line item changes, which affects unrelated departments, into one bill prevents constructive debate, leads to confusion and diminishes the individual significance of the services impacted.

This Legislature also finds that, while it is necessary to preserve the County Legislature's ability to reduce certain appropriations in one department for the purpose of increasing appropriations in another, restricting the scope of omnibus budget amendments to changes which impact a single department will improve transparency and lead to a better understanding of the effects of said changes

Therefore, the purpose of this law is to limit the use of omnibus budget amending resolutions to changes that impact individual departments or agencies in County government.

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] departmental omnibus[-type] budget amending resolutions, as authorized in paragraph B of this section, 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 effect of omnibus budget amendment resolutions shall be limited to individual departments or agencies of County government and related non-departmental changes to employee benefits or similar line items. Stand-alone budget amendments that affect more than one County department or agency are permissible.

* * * *

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:

APPROVED BY:

County Executive of Suffolk County

Date: