

STRICKEN AS OF END OF YEAR

Intro. Res. No. 1570-2013
Introduced by Legislator Cilmi

Laid on Table 7/30/2013

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO IMPROVE THE COUNTY'S
BUDGET APPROVAL AND AMENDMENT PROCESS TO
INCREASE TRANSPARENCY AND ACCOUNTABILITY
("TAXPAYER AWARENESS ACT")**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2013 a proposed local law entitled, "**A CHARTER LAW TO IMPROVE THE COUNTY'S BUDGET APPROVAL AND AMENDMENT PROCESS TO INCREASE TRANSPARENCY AND ACCOUNTABILITY ("TAXPAYER AWARENESS ACT")**"; 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 IMPROVE THE COUNTY'S BUDGET
APPROVAL AND AMENDMENT PROCESS TO INCREASE
TRANSPARENCY AND ACCOUNTABILITY ("TAXPAYER
AWARENESS ACT")**

**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 ("CHARTER") establishes a timeline and mechanisms for the adoption of the County's operating budget.

This Legislature also finds and determines that the CHARTER currently requires that the County Legislature adopt an operating budget by November 10th of each year, with votes on the operating budget and amending resolutions traditionally occurring the day after Election Day.

This Legislature further finds and determines that the County Legislature should adopt an operating budget prior to Election Day so that County residents are aware of their legislator's positions on spending and taxing issues prior to voting.

This Legislature finds that the CHARTER also allows the County Legislature to amend the operating budget in an omnibus fashion, bundling hundreds of line item changes into a single resolution.

This Legislature determines that omnibus budget resolutions are generally developed by a group of legislators meeting in private sessions that are not open to the public.

This Legislature also finds that omnibus budget resolutions should not be crafted behind closed doors, but rather in meetings that are open to the full legislature and the public.

This Legislature further finds that all operating 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. The CHARTER allows the Presiding Officer to waive the two-day notice requirement at the request of the Director of the Budget Review Office.

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

This Legislature concludes 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 error.

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

Therefore, the purpose of this law is to amend Section C4-10 of the SUFFOLK COUNTY CHARTER to change the timelines and mechanisms by which the County’s operating budget is approved to enhance transparency, encourage public input and strengthen legislative oversight.

Section 2. Amendment.

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

ARTICLE IV, County Budget and Capital Program

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

- A. No later than the day before Election Day of each year, [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 day before Election Day of each year [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 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] to 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.] This five-day notice requirement may be waived on the written request of the Director of the Legislative Office of Budget Review by a written petition signed by at least a majority of the entire membership of the County Legislature, which shall be filed with the Clerk of the County Legislature.
- (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 the members of the County Legislature at least 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 of the entire membership of the County Legislature. [This five-day notice requirement may be 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.]

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.

- (4) Meetings of any committee or working group charged with the responsibility of an omnibus budget amending resolution shall be held during regular business hours and be open to the public. Each meeting of such a committee or group shall begin with a one hour public portion.

Section 3. Applicability.

This law shall apply to all operating budgets 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: