

STRICKEN AS OF 10/24/2018

Intro. Res. No. 1313-2018
Introduced by Legislator Trotta

Laid on Table 4/24/2018

**RESOLUTION NO. -2018, ADOPTING LOCAL LAW
NO. -2018, A CHARTER LAW TO REFORM THE CAPITAL
APPROPRIATING AND BORROWING PROCEDURES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2018 a proposed local law entitled, "**A CHARTER LAW TO REFORM THE CAPITAL APPROPRIATING AND BORROWING PROCEDURES**"; now, therefore be it

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

LOCAL LAW NO. -2018, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO REFORM THE CAPITAL APPROPRIATING AND
BORROWING PROCEDURES**

**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 of Suffolk expends tens of millions of dollars each year on capital projects.

This Legislature also finds that typically, the County Legislature is asked to appropriate monies and authorize borrowing for capital projects before bids or Request for Proposals ("RFPs") are issued by the County for such projects.

This Legislature determines that bids and RFPs for capital projects should be issued by the Department of Public Works' Purchasing Division before monies are appropriated for these projects. Such a policy would give members of the County Legislature a more accurate understanding of the true cost of a project before acting on an appropriating resolution. Additionally, contractors would not know the County's costs estimate for a project prior to bidding, which could result in lower costs for County capital projects.

Therefore, the purpose of this law is to require that the County issue bids, solicitations or RFPs for capital projects prior to the Legislature appropriating monies and authorizing bonding for such projects.

Section 2. Amendment.

Article IV of the SUFFOLK COUNTY CHARTER is amended by the addition of a new Section C4-35 to read as follows:

§ C4-35. Appropriations for Capital Projects.

No monies shall be appropriated by the County of Suffolk for a capital project prior to the issuance of a bid or a Request for Proposals for the work and/or services to be performed under said capital project and the County's receipt of responses to said solicitations from contractors/vendors.

Section 3. Applicability.

This law shall apply to the appropriation for any capital project 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 take effect sixty (60) days after its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: