

STRICKEN AS OF 10/25/2017

Intro. Res. No. 1273-2017
Introduced by Legislators Trotta and Cilmi

Laid on Table 4/25/2017

**RESOLUTION NO. -2017, ADOPTING LOCAL LAW
NO. -2017, A CHARTER LAW REQUIRING
DEPARTMENTAL JUSTIFICATION OF PROPOSED FEE
INCREASES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2017 a proposed local law entitled, "**A CHARTER LAW REQUIRING DEPARTMENTAL JUSTIFICATION OF PROPOSED FEE INCREASES**"; now, therefore be it

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

LOCAL LAW NO. -2017, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW REQUIRING DEPARTMENTAL
JUSTIFICATION OF PROPOSED FEE INCREASES**

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 continues to face substantial financial difficulties and chronic budget shortfalls.

This Legislature further finds and determines that in recent years the County has sharply increased multiple fees to generate revenues and ease the pressure on the operating budget. In some cases the fees charged for simple administrative or ministerial actions have doubled from one year to the next. For example, one year after the County's Tax Map Verification Fee was increased from \$60 to \$200, the County imposed an additional \$300 charge for the verification of tax map numbers on mortgage instruments.

This Legislature determines that a policy which seeks to generate needed revenue through fee increases is inequitable and unfair because it forces a disproportionate share of the County's operating costs onto small segments of the County's populace.

This Legislature further finds that the fee charged by the County for a service should be reasonably commensurate with the actual costs associated with providing the service.

This Legislature concludes that department heads should provide justification to the County Legislature when they request an increase in an existing fee. Specifically, department heads should demonstrate that the costs incurred by their department providing a service exceeds the revenue generated from the fee associated with such service, before a fee increase is approved.

Therefore, the purpose of this law is to require department heads to submit fee justification statements to the County Legislature prior to the enactment of any County fee increase.

Section 2. Amendment.

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

**ARTICLE II.
COUNTY LEGISLATURE**

§ C2-12. Legislative consideration of proposed local laws and resolutions.

* * * *

F. Fee justification statement.

No proposed local law or resolution, which seeks to increase an existing County fee may be discharged from the legislative committee of the County Legislature to which it is assigned, or be eligible for approval by the full Legislature, unless it shall have appended thereto a written statement prepared and signed by the head of the department or agency which collects the fee, stating that the revenues generated by the existing fee are not sufficient to offset the costs incurred by the department or agency providing the service associated with the fee. Such statement shall provide a detailed description of the costs incurred by the department or agency providing the service, and the revenue produced by the fee associated with said service, during the preceding twelve month period. Additionally, the statement will estimate the costs the department or agency expects to incur providing the service, and the revenue the increased fee will generate, in the succeeding twelve month period.

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Section 3. Applicability.

This law shall apply to all actions 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.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: