

**RESOLUTION NO. -2018, ADOPTING LOCAL LAW  
NO. -2018, A CHARTER LAW TO ENSURE THE LEGALITY  
OF SUFFOLK COUNTY FEES**

**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 ENSURE THE LEGALITY OF SUFFOLK COUNTY FEES**"; 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 ENSURE THE LEGALITY OF SUFFOLK  
COUNTY FEES**

**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 some fees charged by the County in connection with certain services, the revenues of which are transferred to the County General Fund for the purpose of providing unrelated services or funding the general operations of Suffolk County government are excessive and are not consistent with State law.

This Legislature further determines that imposing fees for the purpose of supplementing the County's General Fund to pay for unrelated services and general operations exceeds the County's authority to raise revenue under state law.

This Legislature further determines that providing the public with full transparency pertaining to the cost of services related to fees, and the revenue generated by such fees, empowers the public to protect their rights against unauthorized taxation.

This Legislature concludes that it is in the best interest of all Suffolk County residents to prohibit the use of fee revenues to pay for unrelated services and general operations and to publish a list of fees for services, and the expense of providing such services, within the proposed budget and on the Suffolk County website.

Therefore, the purpose of this law is to ensure all Suffolk County fees are calculated and collected in a manner consistent with Suffolk County's authority to raise revenue under state law by restricting fee revenues to the reasonable cost of providing the related service and by making publicly available all information pertaining to fee revenue generated and the cost of the related services provided.

**Section 2. Amendments.**

I. Chapter C2-19(D) of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE II.  
COUNTY LEGISLATURE**

\* \* \* \*

**§ C2-19. Legislative Budget Review Office.**

\* \* \* \*

D. Scope of authority, duties, powers and responsibilities. The Director of the Legislative Budget Review Office shall perform the following staff and oversight functions and be charged with the following responsibilities for the Suffolk County Legislature within the appropriations provided to the Legislative Budget Review Office:

\* \* \* \*

- (6) [Such other duties and responsibilities as the Legislature may assign.] To determine that fees charged for services provided by the County are calculated to fund such services without generating surplus revenue.
- (7) Such other duties and responsibilities as the Legislature may assign.

\* \* \* \*

II. Chapter C4-6 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE IV.  
COUNTY BUDGET AND CAPITAL PROGRAM**

\* \* \* \*

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

\* \* \* \*

O. The proposed expense budget for any fiscal year shall include, as an appendix, a listing of all fees charged by the County to provide services. Such listing shall describe the services provided for each fee; the budgeted expense for providing such service; the projected revenue generated by the fee; and, any surplus revenue accumulated from previous years.

III. Chapter C4-28 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**§ C4-28. Disposition of unencumbered balances.**

A. The unencumbered balance in each appropriation account of the expense budgets at the close of the fiscal year shall be returned to the County General Fund, except that those appropriations funded by grant moneys which have been accepted by the County Legislature, pursuant to a duly enacted resolution, shall continue to be appropriated on a

grant fiscal year basis and shall not require the reappropriation of any such unencumbered grant moneys at the end of the County fiscal year.

B. Notwithstanding the provisions of any special law, charter law, administrative law, local law or resolution which may be inconsistent herewith, in whole or in part, all appropriations funded by fees in connection with services provided by the County shall be encumbered to the expense budget for the services related to such fees and will be restricted from the County General Fund.

IV. Chapter 1177 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 1177.  
WEB SITES**

\* \* \* \*

**ARTICLE III.  
POSTING OF FEES ON SUFFOLK COUNTY WEBSITE.**

**§ 1177-6. Required compilation and publication required.**

The Suffolk County Executive shall direct the Office of Budget and Management to post a listing of all fees charged by Suffolk County to provide services, which shall describe the services provided for each fee; the budgeted expense for providing such service; the projected revenue generated by the fee for the current fiscal year; and, any surplus revenue accumulated from previous years; on or after the effective date of this chapter, on the County's website for public access.

**§ 1177-7. Implementation of policy.**

At least one individual in the Management Information Systems Division of the County Department of Civil Service and Human Resources (the agency which performs the actual physical work of placing the data on the website), shall oversee the implementation of this policy.

**Section 3. Applicability.**

This law shall apply to budgets proposed by the Suffolk County Executive and adopted by the Suffolk County Legislature 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 immediately upon its 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: