

STRICKEN AS OF 12/18/2019

Intro. Res. No. 1673-2019

Laid on Table 6/18/2019

Introduced by Legislators Flotteron and Muratore

**RESOLUTION NO. -2019, ADOPTING LOCAL
LAW NO. -2019, A CHARTER LAW TO ENSURE
ACCOUNTABILITY TO THE SUFFOLK COUNTY OPERATING
BUDGET**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 18, 2019, a proposed local law entitled, "**A CHARTER LAW TO ENSURE ACCOUNTABILITY TO THE SUFFOLK COUNTY OPERATING BUDGET**"; now, therefore be it

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

**LOCAL LAW NO. -2019, A CHARTER LAW TO ENSURE
ACCOUNTABILITY TO THE SUFFOLK COUNTY OPERATING
BUDGET**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature, based on the report of the "Reduce County Spending" Task Force, hereby finds and determines that as a fundamental requirement to reducing the County's spending, all departments and agencies should be required by the County Executive and the Legislature to provide accurate budgets with the expectation that spending will not exceed what has been approved and adopted.

This Legislature, based on the report of the "Reduce County Spending" Task Force, further finds and determines the county uses inadequate budget controls, allowing department expenditures to exceed the budgeted appropriation without approval by this Legislature, and that proper controls are critical to preventing further operational debt.

This Legislature concludes that every County employee and elected official should endeavor to spend within the County's adopted budget for the fiscal year.

Therefore, the purpose of this law is to require that any department spending in excess of the County's adopted budget for the fiscal year, should such request be approved by the County Executive, shall be put forward to the Suffolk County Legislature for an affirmative vote.

Section 2. Amendments.

I. Chapter 4 of THE SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C4-27. Action when funding deficiency is anticipated.

- A. [If at any time during the fiscal year it appears to the County Executive that available revenues will be less than total amounts appropriated, he] If upon consensus of the Suffolk County Legislative Budget Review Office and the County Executive's Budget Office that available revenues will be less than total amounts appropriated to any department pursuant to § C4-5, the County Executive shall forthwith advise the County Legislature of the estimated amount of the deficit, [the remedial action he has taken or plans to take under the allotment system and otherwise,] and any legislation or budget modification he believes necessary to avoid the anticipated deficiency.

- B. The County Legislature, [on receiving the County Executive's advice that he believes] upon consensus of the Suffolk County Legislative Budget Review Office and the County Executive's Budget Office that available revenues will be less than total amounts appropriated to any department pursuant to § C4-5 [or on its own determination that available revenues will be less than total amounts appropriated], may by resolution reduce or strike any unencumbered appropriation in the expense budget to provide that the department's total estimated non-tax revenues, together with the department's total estimated tax revenues, shall equal the department's total estimated expenditures.

- C. An affirmative vote of 2/3 of the total membership of the County Legislature shall be required to pass a resolution reducing or striking any unencumbered appropriation in the expense budget, returned by the County Executive with his disapproval.

- D. Nothing in this section shall be construed as limiting the County Legislature's power, in the absence of executive or legislative anticipation of a deficit, by resolution to reduce or strike any unencumbered appropriation in the expense budget. Subsection C of this section applies to such a resolution.

* * * *

§ C4-31. Modifications to budget after adoption.

- A. The head of each County department shall, [in the event that any budget modification becomes necessary] upon consensus of the Suffolk County Legislative Budget Review Office and the County Executive's Budget Office that available revenues will be less than total amounts appropriated to the department pursuant to § C4-5 or that a department's total appropriations are estimated to be insufficient for operating the department, submit to the County Executive and to the Presiding Officer of the County Legislature, on forms prescribed by the County Executive, any and all requests for budget modifications after adoption of the annual budget. The Presiding Officer of the County Legislature shall forthwith provide a copy of said request to each member of the County Legislature.

- B. The County Executive and the Presiding Officer of the County Legislature shall review and analyze such requests, during the course of which either may:
 - (1) Require the submission of additional documentation or information concerning the request;
 - (2) Schedule a budget hearing with the department head. In the event that such a hearing is held by the County Executive, it shall be open to legislative attendance. In the event that such a hearing is scheduled by the Presiding Officer of the County Legislature, then it shall be held before the legislative committee to which it is

assigned by the Presiding Officer, and it shall be open to full legislative attendance and chaired by the Chairman of that committee.

- C. Within 21 days from the date of submission of a request by a head of a department for budget modification, the County Executive shall approve, disapprove or approve with modification any such request. If he approves of such modification or parts thereof, with or without modification, he shall submit within said 21 days such proposed budget modification to the County Legislature in accordance with § C2-11 of this Charter. He shall submit with such proposed budget modification a message of explanation of such proposal. Such message shall explain the need for such budget modification. The County Legislature, or any committee thereof, may require the County Executive to submit additional information concerning such proposal. If the County Executive disapproves of such proposed budget modification, he shall submit a message of disapproval to the County Legislature setting forth such disapproval.
- D. Within 45 days of the expiration of the twenty-one-day period set forth in Subsection C hereof, the County Legislature shall accept or reject the determination of the County Executive with respect to the proposed budget modification, or, in the event of the failure of the County Executive to act with respect thereto, said County Legislature shall accept or reject the request for budget modification by the department head. In the event that no action is taken by the County Legislature with respect to such proposed budget modification within said 45 days, it shall be deemed rejected.
- E. For purposes of this section, a budget modification shall consist of any of the following which shall occur after adoption of the annual budget; or for those matters which pertain to the capital program, any that occur after adoption of the capital program:
 - (1) A transfer of funds from one appropriation to another, other than one made pursuant to the authority contained in § **C4-26**;
 - (2) The creation or abolishment of a position;
 - (3) A change in the grade, step or annual salary of any positions, other than one properly made by the Classification and Compensation Appeals Board, the Unified Court System Employees Classification and Compensation Appeals Board and the Department of Human Resources, Personnel and Civil Service;
 - (4) The appropriation of unanticipated revenues, the appropriation of unbudgeted revenues or surplus or the appropriation of proceeds of borrowing[.];
 - (5) The modification, addition or deletion of any project in the capital budget or capital program[.];
 - (6) A change in the year of authorization or method of funding of any capital project[.];
 - (7) The funding of any capital project which has been authorized but not funded[.];
 - (8) Specific appropriations in excess of the limit contained in § **C4-10E** of this article[.];
 - (9) Specific appropriations of excess revenues under § **C4-10F** of this article[.];
 - (10) Specific appropriations under § **C4-10G** of this article[.];

(11) The enactment of a resolution or local law that decreases or eliminates revenue included in the expense budget[.];

(12) Any increased appropriation not otherwise prescribed by this article.

F. Any action taken under this section which results in an increase in the expenditure of funds under the expense budget in excess of the ceiling imposed in § C4-10E shall require an affirmative vote of 3/4 of the entire membership of the Suffolk County Legislature.

G. During a fiscal year and after adoption of the annual expense budget, any budget modification to the annual expense budget may be effectuated by the adoption of an appropriate resolution introduced by any Legislator in accordance with § C2-11 of this Charter and this subsection and approved by at least a majority of the entire membership of the County Legislature, even though the head of the pertinent County department has not submitted a request for such budget modification, as long as the purpose of such budgetary modification is to reduce, lower, terminate or cancel appropriations, to abolish positions of employment; to terminate contract agencies; to terminate or reduce the size of County programs or departments; to make transfers of appropriations that are offset by reductions in other appropriations, or to decrease or eliminate revenues that are offset by a corresponding reduction of appropriations and/or increase of other revenues. Resolutions incorporating such budget modifications introduced by any Legislator may only be laid on the table at the first regular legislative meeting in February, April, June or September of any fiscal year. Any resolutions introduced by any Legislator in accordance with these provisions may then be acted upon by the full County Legislature whenever eligible for consideration pursuant to the Rules of the County Legislature and subject to the laws of Suffolk County.

II. Chapter A4-11 of THE SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

§ A4-11. Maximum amount County Executive may transfer within departments.

A. Section **C4-26** of the Suffolk County Charter authorizes the County Executive to transfer funds by executive order from the unencumbered balance of an appropriation to another item within a department if the amount transferred is less than \$1,000 or some other amount fixed by local law.

B. Pursuant to such section, there is hereby delegated to the County Executive authority to make such intradepartmental transfers to an amount not to exceed \$100,000 or 10% of any unencumbered balance of an appropriation, whichever is greater, even though such amount is \$1,000 or more; provided, however, that:

(1) The County Executive may not delegate to a department head or the Budget Director authority to transfer more than \$1,000 at any one time;

(2) The County Executive notifies the County Legislature of any transfer in excess of \$1,000, stating his reasons therefor in writing; and

(3) The County Legislature does not pass a resolution declaring that the proposed transfer in excess of \$1,000 shall not take effect, by an affirmative vote of 2/3 of its total membership, within 10 days of receipt of notice from the County Executive.

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 not take effect until at least forty-five (45) 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 forty-five (45) 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 24(2) 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.

[] Brackets denote deletion of adopted language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: