

**RESOLUTION NO. 548 -2020, ADOPTING LOCAL LAW NO. 34-2020, A CHARTER LAW TO PROVIDE GREATER FLEXIBILITY IN THE OVERRIDE OF VETOES RELATING TO BUDGETS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 9, 2020 a proposed local law entitled, "**A CHARTER LAW TO PROVIDE GREATER FLEXIBILITY IN THE OVERRIDE OF VETOES RELATING TO BUDGETS**"; now, therefore be it

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

**LOCAL LAW NO. 34-2020, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO PROVIDE GREATER FLEXIBILITY IN THE OVERRIDE OF VETOES RELATING TO BUDGETS**

**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 Article IV of the SUFFOLK COUNTY CHARTER establishes the procedures for the proposal, adoption, and amendment of the County's operating and capital budgets.

This Legislature also finds and determines that presently, the Charter requires that the Legislature act upon portions of the adopted budget which were disapproved by the County Executive within ten days of receiving such vetoes.

This Legislature further finds and determines that sometimes there is a general meeting of the Legislature already scheduled to occur during the ten-day period immediately after the filing of a budget veto. At other times, a special meeting of the Legislature must be called to address vetoes in conformance with the Charter.

This Legislature finds that the Legislature should have the flexibility to address vetoes of the budget either via a special meeting within ten days of receiving the veto or at the next regularly scheduled meeting of the Legislature.

Therefore, the purpose of this law is to amend portions of Article IV of the SUFFOLK COUNTY CHARTER to allow the Legislature greater flexibility on when to consider vetoes to the operating and capital budget.

**Section 2. Amendment.**

- I. Section C4-11 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§ C4-11. Approval of budget by County Executive.**

\* \* \* \*

B. The County Legislature may reconsider any amendment to the proposed County budget that the County Executive has returned with his disapproval. If, on such reconsideration, it passes the amendment by affirmative vote of at least 2/3 of the total membership, or at least 3/4 of the entire membership of the Suffolk County Legislature when the underlying budget amendment resolution required an affirmative vote of at least 3/4 of the entire membership of the County Legislature for adoption pursuant to either § **C4-10F** or **C4-12A** of this article, within 10 days after the date it was returned to it or at the next regularly scheduled meeting of the County Legislature, the budget amendment resolution shall become effective forthwith. All such amendments exceeding \$10,000 passed over the County Executive's veto shall be accompanied by a written impact statement as required in § **C4-6C**. If it does not reconsider any such budget amendment resolution or if, on reconsideration, it does not pass the budget amendment resolution by affirmative vote of at least 2/3 of the total membership, or at least 3/4 of the entire membership of the Suffolk County Legislature when the underlying budget amendment resolution required an affirmative vote of at least 3/4 of the entire membership of the County Legislature for adoption pursuant to either § **C4-10F** or **C4-12A** of this article, within 10 days after the date it was returned to it or at the next regularly scheduled meeting of the County Legislature, the budget amendment resolution shall not take effect, and the following rules shall apply:

\* \* \* \*

II. Section C4-20 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**§ C4-20. Approval of the capital program by the County Executive.**

\* \* \* \*

B. The County Legislature may reconsider any amendments to the proposed capital program that the County Executive has returned with his disapproval. If on such reconsideration it passes the amendment by affirmative vote of 2/3 of the total membership within 10 days of the date it was returned to it or at the next regularly scheduled meeting of the County Legislature, the amendment shall become effective forthwith. If it does not reconsider any such amendment or if, on reconsideration, it does not pass the amendment by affirmative vote of 2/3 of the total membership within 10 days of the date it was returned to it or at the next regularly scheduled meeting of the County Legislature, the amendment shall not take effect, and the following rules shall apply:

\* \* \* \*

**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)(26) 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 routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language.  
\_\_\_ Underlining denotes addition of new language.

DATED: July 21, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: August 21, 2020

After a public hearing duly held on August 3, 2020  
Filed with the Secretary of State on September 10, 2020