



Monroe County Legislature

CARRIE M. ANDREWS
ASSISTANT DEMOCRATIC LEADER

OFFICIAL FILE COPY
No. <u>090005</u>
Not to be removed from the Office of the Legislature Of Monroe County
Committee Assignment
WAYS & MEANS -L

CARRIE M. ANDREWS
LEGISLATOR - DISTRICT 21
1334 CULVER ROAD
ROCHESTER, NEW YORK 14609
MAIN OFFICE (585) 753-1940
DISTRICT OFFICE (585) 288-5950
E-MAIL carrie_andrews@hotmail.com

January 12, 2009

To The Honorable
Monroe County Legislature
389 West Main Street
Rochester, New York 14614

Re: Restoring Accountability to the Monroe County Budget

Honorable Legislators:

In the fall of 2004, the community protested a controversial proposal from the County Administration to push the budget submission date from early October to mid-November. In response, a bipartisan group of legislators stood up for their constituents' interests and defeated the proposal.

In 2006, the same proposal was submitted again, this time by the President of the Legislature, asserting that this rule change was essential to take "politics" out of the budget process. By all accounts, this policy has not taken "politics" out of the budget process, but it has taken *transparency* and *accountability* out of the budget process. Moving the county budget release date past Election Day significantly reduces the opportunity for public review and permits county officials to evade accountability at the ballot box. Under this policy, our constituents - Monroe County's voters - are asked to go to the polls and cast votes for county officials without even knowing the County's fiscal plan and policy directives for the coming year. Taxpayers vote without knowing what the property tax rate will be, what programs will see spending increases or cuts, and without knowing if their representatives supported or objected to a tax increase or cut.

The County's Office of Management and Budget has clearly demonstrated its ability to construct a complete budget before Election Day, as 30 of the past 32 budgets have been submitted before November. There is simply no good reason to postpone the release of the budget. However, there are many good reasons to release the county budget to the Legislature and public as early as possible: freedom of information, public comment, vigorous legislative debate, taxpayer protection, fiscal responsibility, transparency of government, answerability and accountability.

Therefore, we propose that this Honorable Body enact a local law to amend the Monroe County Administrative Code & Charter to change the budget deadline submission date to the second Tuesday in October.

The specific legislative actions required are:

1. Schedule and hold a public hearing on this proposed local law.
2. Enact a local law amending the Monroe County Administrative Code & Charter, as attached.

This proposed local law shall have no impact on the revenues and/or expense of the 2009 Monroe County Budget. This proposed local law shall change only the budget submittal date and shall not be construed to directly alter any expenses and/or revenues contained in such budget.

Respectfully Submitted,

Carrie M. Andrews

Carrie M. Andrews
Assistant Democratic Leader

Harry B. Bronson

Harry B. Bronson
Democratic Minority Leader

Calvin Lee, Jr.

Calvin Lee, Jr.
Assistant Minority Leader

Richard A. Beebe

Richard A. Beebe
Legislator - District 6

Carmen F. Gumina

Carmen F. Gumina
Legislator - District 8

Travis R. Helder

Travis R. Helder
Legislator - District 14

Vincent Esposito

Vincent Esposito
Legislator - District 16

Ted O'Brien

Ted O'Brien
Legislator - District 17

Glenn J. Gamble

Glenn J. Gamble
Legislator - District 22

Paul E. Haney

Paul E. Haney
Legislator - District 23

C. Stephen Eckel

C. Stephen Eckel
Legislator - District 26

Willie Joe Lightfoot

Willie Joe Lightfoot
Legislator - District 27

Cynthia W. Kaleh

Cynthia W. Kaleh
Legislator - District 28

Jose A. Cruz

Jose A. Cruz
Legislator - District 29

By Legislators _____ and _____

Intro. No. _____

LOCAL LAW NO. _____ OF 2009

A LOCAL LAW ENTITLED "RESTORING THE BUDGET SUBMISSION DEADLINE DATE"

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

Section 1. Section §A6-9 of the Administrative Code of Monroe County is hereby amended to read as follows:

§A6-9. Submission of annual budget to County Legislature.

As required by § C4-2, of the Charter, on or before ~~November 15~~ the second Tuesday in October of each year, the County Executive shall submit to the County Legislature the proposed annual budget, including both the proposed operating budget and the proposed capital budget for the ensuing fiscal year, a summary of the approved capital improvement program for the ensuing six (6) fiscal years, summaries of the budgets of the Monroe Community Hospital, the Monroe Community College and all-authorized agencies for which funds are proposed to be appropriated, together with an accompanying budget message as prescribed by § A6-10 of this code.

Section 2. Section § A6-12 of the Administrative Code of Monroe County is hereby amended to read as follows:

§ A6-12. Public hearing.

Pursuant to § C4-3 of the Charter, before the final adoption of the annual budget, the County Legislature shall hold a public hearing or hearings on the proposed annual budget, as submitted by the County Executive. A summary of the annual budget, as submitted, shall be published at least once in one or more daily newspapers of general circulation in the County, which publication shall be made at least ~~five (5)~~ ten (10) days before the date set for the first hearing. The notice of any public hearing shall state the time, place and purpose of such hearing. Said notice shall also include the salaries of County Legislators as prescribed in § C2-11A of the Charter. Said notice shall be published at least once in one or more daily newspapers of general circulation at least ~~five (5)~~ ten (10) days before the date of the hearing. In addition, notices shall be sent to persons or organizations requesting such notices in writing. At such hearing, any person may be heard for or against the proposed annual budget submitted by the County Executive or any item thereof.

Section 3. Section §C4-2A of the Monroe County Charter is hereby amended to read as follows:

§C4-2. Submission of annual budget.

A. Annual budget defined. On or before ~~November 15~~ the second Tuesday in October, the County Executive shall submit to the County Legislature the proposed annual budget for the ensuing fiscal year, which budget shall include:

(1) The proposed operating budget, which shall contain all estimated expenditures and revenues for the fiscal year for operating purposes, payments due for debt service and that portion of expenditures for capital projects to be funded from current revenues. The proposed operating budget shall also contain the basis for estimates of yields of existing and authorized revenue sources.

- (2) The proposed capital budget, as defined in § C4-11A of this charter.
- (3) A summary of the approved capital improvement program for the ensuing six years.
- (4) Summaries of the budgets of the Monroe Community Hospital, the Monroe Community College and all authorized agencies for which funds are proposed to be appropriated.
- (5) The budget message, as specified in § A6-10 of the Administrative Code.

Section 4. Section §C4-3 of the Monroe County Charter is hereby amended to read as follows:

§ C4-3. Public hearing.

Final action shall not be taken on the proposed annual budget until at least one public hearing has been held thereon after ~~five (5)~~ ten (10) days' notice. It shall be the duty of the County Legislature to arrange for and hold such hearing or hearings. A summary budget, as submitted by the County Executive, shall be published at least once in one or more daily newspapers of general circulation in the County, which publication shall be made at least ~~five (5)~~ ten (10) days before the date set for the first hearing.

Section 5. Section §C4-4 of the Monroe County Charter is hereby amended to read as follows:

§C4-4. Adoption of annual budget.

A. The County Legislature, in considering the proposed annual budget submitted by the County Executive, may delete, revise, alter, increase or decrease the items of expenditure, except for debt service, in the operating or capital budgets; provided, however, that no capital project shall be added to the operating or capital budgets until it has first been reviewed by the County Executive and the Planning Board. The County Legislature shall refer any such proposed additions to the County Executive and the Planning Board for such review and recommendations. Such review shall take place within 10 days after the receipt of such referral, provided that if the recommendations of the County Executive and the Planning Board are not received by the County Legislature within such period of time, the Legislature may proceed to act on such proposed addition or additions as it deems appropriate. The Legislature shall have the power to add revenue sources or increase rates of nonproperty taxes, fees and charges as authorized by applicable state law; provided, however, that it shall not alter the estimates of yields of existing and authorized revenue sources as submitted by the County Executive. No later than the 15th day of November the County Legislature shall meet for the purpose of deliberating upon the adoption of the budget.

B. If the budget is passed by the County Legislature with no changes from the budget as submitted by the County Executive, such budget shall be deemed to have been adopted without any further action by the County Executive. If, however, the budget as passed by the County Legislature contains any such changes, such changes shall be presented forthwith by the Clerk of the Legislature to the County Executive, but not later than the second Tuesday in December 16th, for his or her consideration of such changes.

C. The County Executive may approve or object to any one or more of such changed items. If the County Executive approves all of such changes, he or she shall affix his or her signature to a statement, and return the budget and such statement to the Clerk of the Legislature within 48 hours after his or her receipt of such changes. The budget, including all of such changes as part thereof, shall then be deemed to have been adopted. If the County Executive objects to any one or more of such changed items, he or she shall append to the budget a statement of the changed items to which he or she objects with the reasons for the objections and shall return the budget with his or her objections to the Clerk of the Legislature within 48 hours after his or her receipt of such changes. If a budget with changes made by the County Legislature is not returned by the County Executive to the

Clerk of the Legislature, either approving such changes or objecting to one or more of such changed items, within 48 hours after its receipt by the County Executive, said budget shall be deemed to have been adopted as submitted by the Legislature to the County Executive. All actions to be performed within a forty-eight-hour period shall be performed within 48 hours regardless of whether the forty eight-hour period expires upon a Saturday, Sunday, or holiday.

D. Upon timely receipt by the Clerk of the Legislature from the County Executive of a budget with a statement of changed items to which he or she objects with the reasons for the objections, the Clerk shall forthwith give notice to all Legislators of a special meeting of the Legislature, to be held within 48 hours after receipt by the Clerk of such budget and statement of objections, to reconsider the changes objected to. Upon convening such meeting, the County Legislature shall enter the County Executive's objections upon its journal and proceed to reconsider each of the changes so objected to. Only one vote shall be taken on each such item to be reconsidered. If, upon such reconsideration, 3/5 of the whole number of members of the County Legislature vote to approve such changes, or any of them, the budget with any such changes so approved, together with any such changes not so objected to by the County Executive, shall be deemed to have been adopted. If the County Legislature fails to meet or fails to reconsider the changed items objected to by the County Executive, within 48 hours after receipt by the Clerk of the Legislature of the budget and statement of objections from the County Executive, the budget as submitted by the County Executive with the changes made by the Legislature which have not been objected to by the County Executive shall be deemed to have been adopted. ~~All actions to be performed within a forty-eight-hour period shall be performed within 48 hours regardless of whether the forty-eight-hour period expires upon a Saturday, Sunday, or holiday.~~

E. If a budget has not been passed by the County Legislature, either with or without changes to the budget submitted by the County Executive, on or before the ~~second~~ last Tuesday in ~~December~~ November, the Legislature shall convene each and every day thereafter, including Saturdays, Sundays and holidays, to pass the budget. Such sessions shall be for a minimum of two hours each day, the specific times to be set by the President of the Legislature, and shall continue daily until a budget is passed or until and including ~~16th~~ the second Tuesday in December, whichever occurs first.

F. If a budget has not been passed by the County Legislature on or before ~~16th~~ the second Tuesday in December and the Legislature has not agreed upon any changes to the budget as submitted by the County Executive, the budget as submitted by the County Executive shall be deemed to have been adopted. If, however, a budget has not been passed by the Legislature by said date but one or more changes have been agreed upon by the Legislature, the Clerk of the Legislature shall forthwith transmit all of said changes to the County Executive for his or her consideration. The County Executive shall then have a period of 48 hours to consider such changes in accordance with the procedure set forth in Subsection C above. If a statement by the County Executive either approving or objecting to one or more of such changes is not received by the Clerk of the Legislature within said forty-eight hour period, the budget, as submitted by the County Executive with the changes agreed upon by the Legislature which have been transmitted to the County Executive, shall be deemed to have been adopted. If a timely statement by the County Executive objecting to one or more of such changes is received by the Clerk of the Legislature, the County Legislature shall have a period of 48 hours to reconsider such changes in accordance with the procedure set forth in Subsection D above. If the County Legislature fails to meet or fails to reconsider the changed items objected to by the County Executive within said forty-eight hour period, the budget, as submitted by the County Executive with the changes made by the Legislature which have not been objected to by the County Executive, shall be deemed to have been adopted.

G. If not formally adopted by the County Legislature, any appropriation or other resolution required to make the budget legally effective shall be deemed to have been adopted by the Legislature

as of the date of the final adoption of the budget pursuant to the procedures set forth above. The Legislature shall provide for the raising of the taxes required by such budget in the manner and within the time prescribed by this Charter and other applicable law.

H. Upon adoption of the annual budget, the County Legislature shall forthwith, as its next item of business, adopt such resolutions authorizing the issuance of obligations or other financing resolutions as may be necessary to authorize the financing of capital projects contained in the capital budget for the ensuing fiscal year. Only those capital projects for which such resolutions authorizing the issuance of obligations or other financing resolutions have been adopted and those capital projects included in previous capital budgets for which increases in financing have been authorized by the Legislature shall be deemed to be included in the adopted capital budget for the ensuing year.

Section 6. This local law shall take effect in accordance with the provisions of Section 21 of the Municipal Home Rule Law and immediately upon filing in the office of the Secretary of State as provided for in Section 27 of the Municipal Home Rule Law.

File No. 09-0_____, LL.

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

Added Language is underlined
Deleted Language is ~~stricken~~