



Office of the Legislature

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TO: Education/Government Committee

Robert Headwell, Jr., Chairman, Legislator, District 4
John Thayer, Legislator, District 3
Daniel P. Wilson, Legislator, District 5
John M. Duchessi, Legislator, District 6
Michael J. Pepe, Legislator, District 7



FROM: Cheryl A. Reese, Clerk of the Legislature

CC: Legislators, County Attorney, County Treasurer, Media

DATE: 2/21/2020

RE: Committee Meetings

Chairman Robert Headwell, Jr. has called a meeting of the Education/Government Committee for 6:20 p.m. on Tuesday, February 18, 2020 in the Legislative Chambers, County Office Building, 64 Broadway, Fonda, New York. Items on the agenda, at this time, are as follows:

1. DISCUSSION

A. Privilege of Committee Chair, Committee Members & Legislators to discuss items of interest, etc., regarding departments governed by this Committee

2. RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A OF 2020 (LOCAL LAW 1 OF 2020) - A LOCAL LAW AMENDING SECTION 7.03 OF THE MONTGOMERY COUNTY CHARTER , LOCAL LAW 2 OF 2012 (COUNTY LEGISLATURE

3. RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)

4. OTHER

Proposed Resolutions

Res. #		Sponsor/Second	Recommendation
<u>57</u>	RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A OF 2020 (LOCAL LAW 1 OF 2020) - A LOCAL LAW AMENDING SECTION 7.03 OF THE MONTGOMERY COUNTY CHARTER , LOCAL LAW 2 OF 2012 (COUNTY LEGISLATURE)	Thayer/Sweet	Move to Full Legislature
<u>58</u>	RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)	Wilson/Thayer	Move to Full Legislature



RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A OF 2020 (LOCAL LAW 1 OF 2020) - A LOCAL LAW AMENDING SECTION 7.03 OF THE MONTGOMERY COUNTY CHARTER , LOCAL LAW 2 OF 2012 (COUNTY LEGISLATURE)

Resolution by Legislator: Thayer

Seconded by: Sweet

WHEREAS, pursuant to §15.02 of the Charter of Montgomery County, the County Legislature is empowered to clarify and elaborate on any provision of said Charter in a local law; and

WHEREAS, § 7.03 of the Charter has been deemed to require clarification and elaboration for the efficient operation of County business; and

WHEREAS, a copy of this law has been on the desks of all legislators for a period of ten days.

RESOLVED, that Introductory Local Law A of 2020 (LOCAL LAW 1 of 2020) hereby is submitted to the Montgomery County Legislature for consideration:

A LOCAL LAW AMENDING SECTION 7.03 OF THE MONTGOMERY COUNTY CHARTER, LOCAL LAW 2 OF 2012

BE IT ENACTED by the Legislature of the County of Montgomery as follows:

Local Law Number 2 of 2012 is amended to read as follows:

§7.03 Annual Operating Budget

A. Preparation of the tentative budget.

1. On or before the 15th day of July in each year the County Legislature shall notify the County Executive in writing of any changes to the policy and practice guidelines previously adopted by the Legislature for determining expenditures, limits and priorities.
2. Notification of dates and data. The County Executive shall notify, in writing, the head of each administrative unit and authorized agency receiving County funds during the fiscal year of:
 - (a) The date fixed to receive estimates of revenues and expenditures for the ensuing fiscal year;
 - (b) The forms and information to be contained in such estimate and request;
 - (c) Such policy guidelines as may be provided by the County Legislature for determining expenditures, limits and priorities;
 - (d) This notification shall be sent to the head of each administrative unit and authorized agency not less than thirty (30) days prior to the date fixed for the submission of requests;
3. Submission of estimates and appropriation requests. On or before the fifteenth (15th) day of August in each year, or such earlier date as the County Executive may prescribe, the head of each unit of County government or authorized agency shall furnish to the County Treasurer an estimate of revenues and expenditures of his or her respective unit or authorized agency for the ensuing fiscal year, exclusive of capital projects. The estimates of each unit shall show the sources of revenues and the character and object of expenditures, which may be sub-classified by functions and activities. The estimate of each unit shall be subdivided according to the internal organization of such unit. Estimates shall be submitted in such form and shall contain such additional information as the County Executive and the County Treasurer shall require, and the estimate of expenditures shall constitute or be accompanied by a request for an appropriation. Such estimates shall be based on and shall be accompanied by a tentative work program by each unit or authorized agency.
4. Review of requests. The County Treasurer, upon receipt of the estimates and requests for appropriations, shall proceed to make such review and investigation thereon, as he or she may deem necessary. He or she may require the head of each unit or any officer or employee thereof and any authorized agency requesting County funds to furnish, data and information and answer inquiries pertinent to such review or investigation. Members of the Legislature, the Clerk of the Legislature and the

County Auditor shall be entitled to attend and participate in all such meetings and hearings.

5. Tentative County budget.

(a) Upon completion of the review and investigation of the estimates and requests from the various units and authorized agencies, the County Treasurer shall prepare, under the direction of the County Executive, the tentative County budget for the ensuing fiscal year for both current operating and capital purposes;

(b) The tentative budget shall be filed with the Clerk of the Legislature on or before the fifth (5th) day of September. The tentative budget shall include such information and detail as may be requested by the Legislature pursuant to § 7.04A2(c);

(c) The tentative budget shall include, without modification by the County Executive, such line item appropriation requests for the County Legislature and the Clerk of the County Legislature as are submitted by the Chair of the Legislature. This budget request shall be submitted to the County Treasurer in writing before the fifteenth (15th) day of September;

6. Estimated revenues. The estimated revenues in the tentative County budget shall be classified by accounts and units of County government, shall show sources of income and shall contain:

(a) A statement of all revenues which, it is estimated will be received by the County during the ensuing fiscal year, except from taxes to be levied;

(b) A statement of all unexpended balances, if any, at the end of the last completed fiscal year which are available to meet the expenditure requirements of the fiscal year for which the tentative budget is being prepared;

(c) An estimate of anticipated receipts from delinquent taxes, which shall not exceed the amount received in the previous fiscal year.

7. Additional data concerning debt. In addition to items of operation and maintenance, the tentative County budget shall include or be supplemented by a statement showing the bonded indebtedness of the County government and its agencies, the debt redemption and interest requirements, the indebtedness authorized and unissued, the condition of the capital reserve funds and the borrowing capacity of the County, and any other matter which the County Executive may deem advisable and the County Legislature may require.

8. Budget message. The tentative County budget shall be accompanied by the budget message from the County Executive. The budget message shall include an outline of the fiscal policy of the County government, a description of the important features of the budget with reference both to proposed expenditures and anticipated income. It shall include a request for an appropriation for the ensuing fiscal year.

B. Adoption of the annual operating budget.

1. Submission to the Legislature. The Clerk of the Legislature, upon receipt of the tentative budget from the County Executive as provided in § 7.03A5(b), shall transmit a copy of said tentative budget to each legislator and cause copies to be printed and made available to the public.

2. Preliminary review. The County Executive and County Treasurer shall meet with the Budget and Finance Committee of the Legislature within five (5) days after the transmittal of the tentative budget to review the document with said Committee.

3. Review by the Budget and Finance Committee. The Budget and Finance Committee of the Legislature shall conduct a public hearing on the tentative budget as submitted by the County Executive. The County Executive and the County Treasurer shall be present to answer questions about the budget. The Budget and Finance Committee shall then review the tentative budget submitted by the County Executive and shall file a report with the Clerk of the County Legislature on or before the twenty-fifth (25th) day of October. The report shall include any recommendations made by the Budget and Finance Committee. Copies of the report shall be made available to the public.

4. Public hearing by the County Legislature. On or before the fifth (5th) day of November, the County Legislature shall conduct a public hearing on the tentative County budget submitted by the County Executive and the report of the Budget and Finance Committee of the Legislature.

5. Legislative action after hearing. Following completion of the public hearing and prior to the tenth (10th) day of November, the Chair of the County Legislature shall convene a regular or special meeting of the County Legislature to consider for adoption the annual budget. The County Legislature may strike items of appropriations or anticipated revenues from the tentative budget or reduce items therein, excepting appropriations required by law for debt service, or add to or increase all such appropriations or revenue items in such budget. The Legislature shall state separately and distinctly any change and provide along with the budget it adopted a legislative memorandum detailing its amendments to the tentative budget.

6. Legislature's failure to act. If a budget has not been adopted, as herein provided, on or before the fifteenth (15th) day of November, the tentative budget as submitted by the County Executive shall be the budget for the ensuing fiscal year.

7. Executive veto. Within three (3) business days following the adoption of said annual budget by the Legislature, the Clerk of the Legislature shall forward to the County Executive the changes made by the County Legislature in the tentative budget for approval or veto by the County Executive. The County Executive shall approve or veto any or all such changes by line item and return the same to the Clerk of the Legislature on or before the twenty-third (23rd) day of November together with a message containing justification of each line item veto. If no action is taken by the County Executive on or before the twenty-third (23rd) day of November, he or she shall be deemed to have approved the amendments.

8. Legislative reconsideration. Upon receipt of the veto message from the County Executive, the Chair of the Legislature shall convene the County Legislature on or before the thirtieth (30th) day of November for the purpose of reconsidering each vetoed item. Following such final action of the Legislature, the tentative budget, as amended by the legislative revision and approved by the County Executive, and items vetoed by the County Executive but overridden by the County Legislature by an affirmative vote of at least two-thirds (2/3) of the whole number of its members, shall become the final annual budget for the ensuing fiscal year.

9. Appropriations resolution. Upon adoption of the final annual budget, the County Legislature shall adopt an appropriations resolution to provide for the conduct of County government for the ensuing fiscal year.

The rest of Local Law 2 of 2012 shall remain unchanged and in full force and effect.

SAVING CLAUSE: If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment decree or order 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 thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this Local Law shall not be affected thereby and shall remain in full force and effect; and

EFFECTIVE DATE: This Local Law shall take effect when all applicable statutory requirements for its passage and adoption have been fully complied with and it has been filed in the Office of the Secretary of State.

RESOLVED, that the Clerk of the Montgomery County Legislature hereby is authorized and directed to file one certified copy thereof in the Office of the Secretary of State and to ensure that it is published in the County's designated legal newspapers, as required by law.

Statement of Legislative and Financial Impact:

I. Nature of Request:

RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW A OF 2020 (LOCAL LAW 1 OF 2020) - A LOCAL LAW AMENDING SECTION 7.03 OF THE MONTGOMERY COUNTY CHARTER, LOCAL LAW 2 OF 2012 (COUNTY LEGISLATURE)

II. Justification:

This Local Law would amend Section 7.03 of the Montgomery County Charter to move the timeframe for passing the Montgomery County budget back by a month to improve efficiency and accuracy in the budgeting process.

III. Legislative Impact:

Pursuant to Section 15.01 of the Charter of Montgomery County, the County Legislature is empowered to amend the Montgomery County Charter by a local law passed by a two-thirds (2/3) vote of the Montgomery County Legislature.

IV. Financial Impact:

Anticipated to improve the efficiency of budgeting.

cc: County Clerk
County Treasurer
Legislators



RESOLUTION APPROVING ABSTRACT OF AUDITED CLAIMS (COUNTY LEGISLATURE)

Resolution by Legislator: Wilson

Seconded by: Thayer

WHEREAS, pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment; and

WHEREAS, the County Auditor has audited claims for the period of January 29, 2020 through February 25, 2020; and the County Auditor recommends the payment of the claims as attached hereto in the "Abstract of Audited Claims".

RESOLVED, after examination and review of the claims by the County Auditor, the claims are audited and attached hereto, are hereby approved for payment by the Montgomery County Legislature.

[Abstract of Audited Claims - February 2020](#)

Statement of Legislative and Financial Impact:

I. Nature of Request:

APPROVING ABSTRACT OF AUDITED CLAIMS

II. Justification:

Pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the County Auditor, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment.

III. Legislative Impact:

Pursuant to the Audit Guidelines, Section 2.02 (2), requires after examination and review of the claims by the audit committee, and there being no objection to any of the claims by any committee or Board member, shall move that the claims as audited are approved and presented to the Board for approval of payment.

IV. Financial Impact:

no impact on the fund balance

cc: County Clerk
County Treasurer
Legislators