

Article II. LEGISLATIVE BRANCH

- § 5-7. County Legislature; districts; qualification of members.
- § 5-8. Terms of office of County Legislators.
- § 5-9. (Reserved)
- § 5-10. Powers and duties of County Legislature.
- § 5-11. Chairperson of County Legislature.
- § 5-12. Clerk to County Legislature.
- § 5-13. through § 5-14. (Reserved)
- § 5-15. Counsel to the Legislature.
- § 5-16. Vacancies on County Legislature.
- § 5-17. Veto of legislation by County Executive.
- § 5-18. Confirmation of appointments.
- § 5-19. Local laws.
- § 5-20. Form of local laws; procedure for adoption.
- § 5-21. Filing and publication of local laws.
- § 5-22. Referendum on local laws.
- § 5-23. Effective date of local laws.
- § 5-24. Ordinances.
- § 5-25. Conference expenses.
- § 5-26. Travel reimbursement.
- § 5-27. Petty cash funds.
- § 5-27.1. Full disclosure on legislative referrals.
- § 5-27.2. Legislative oversight of bonded projects.

§ 5-7. County Legislature; districts; qualification of members.

Editor's Note: See also Ch. 101, Legislature, County, Art. II, Apportionment. [Amended 7-1-1997 by L.L. No. 15-1997; 4-16-2002 by L.L. No. 3-2002 Editor's Note: This local law was vetoed by the County Executive, which veto was overridden by the County Legislature 5-21-2002.]

- A. The elected legislative body of Rockland County shall be known as the "County Legislature of the County of Rockland."
- B. The County of Rockland shall be divided into 17 districts, of similar size, to be known as "legislative districts," with new district lines to take effect January 1, 2012, from each of which shall be elected one member of the County Legislature as hereinafter set forth. Each such person while holding office shall be known as a "County Legislator." **[Amended 4-27-2011 by L.L. No. 1-2011]**
- C. Legislative districts; maps.
 - (1) The County of Rockland shall be divided into 17 legislative districts, with new district lines to take effect January 1, 2012, said districts to be drawn and bounded by the Rockland County

Legislature upon approval of this section and filed with the Clerk to the Legislature bounded and described as follows: (See Schedule A, Maps and Written Description(s), annexed hereto and made a part hereof). *Editor's Note: Schedule A, which contains the metes and bounds descriptions of the legislative districts, is on file in the County offices.* **[Amended 4-27-2011 by L.L. No. 1-2011]**

(2) The map of the districts referred to above, as well as a map showing the legislative districts into which Rockland County is herein divided, shall be filed with the Clerk to the County Legislature of the County of Rockland and shall remain on file and shall be considered and hereby made part of this chapter.

D. Each County Legislator shall be a resident elector of the district he or she represents throughout his or her term of office. Each Legislator shall also be a resident elector of the district he or she represents if he or she is appointed to fill a vacancy and throughout his or her term of office.

E. After each federal decennial census, beginning with that of 2020, the Clerk to the County Legislature shall determine the results of said census, publicly announce such results and file the same with the County Legislature. The County Legislature shall thereupon reconsider its representation and, if necessary, reconstitute and reapportion its membership. Any amendment to this code reapportioning representation on the County Legislature shall be subject to a permissive referendum on petition to the extent required by the New York State law and in the manner provided for by the terms and provisions of § 34 of the Municipal Home Rule Law. **[Amended 4-27-2011 by L.L. No. 1-2011]**

§ 5-8. Terms of office of County Legislators.

[Amended 7-1-1997 by L.L. No. 15-1997] The term of office of a County Legislator shall be for four years and shall begin on the first day of January immediately succeeding his or her election. However, notwithstanding the above provision, the term of office of all Legislators elected on November 4, 1997, shall be for two years, commencing January 1, 1998, and expiring on December 31, 1999.

§ 5-9. (Reserved)

Editor's Note: Former § 5-9, Staggering of terms, was repealed 7-1-1997 by L.L. No. 15-1997.

§ 5-10. Powers and duties of County Legislature.

Editor's Note: See also § C2.01 of the County Charter which is included at the beginning of this volume. The County Legislature shall be the governing body of the County and shall be the legislative, appropriating and policy-determining body of the County and shall have and exercise all powers and duties of the County now or hereafter conferred or imposed on the County Legislature by applicable law and any and all powers necessarily implied or incidental thereto, together with such powers and duties as are provided for in the Charter and this code. In addition to all powers conferred by the foregoing or other provisions of the Charter and this code, the County Legislature shall have, but not be limited to, the power, among

others, to:

- A. Make appropriations, levy taxes, incur indebtedness and adopt a budget, including a capital program.
- B. Exercise all powers of local legislation in relation to enacting, amending or rescinding local laws, legalizing acts, ordinances or resolutions.
- C. By local law, adopt, amend or repeal this code, which shall set forth the details of administration of the County government consistent with the provisions of the Charter and which code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with the Charter or amendments thereto.
- D. By local law, create, alter, combine or abolish County administrative units.
- E. Adopt, by resolution, all necessary rules and regulations for its own conduct and procedure, *Editor's Note: See Ch. 149, Rules of the Legislature.* including the election of a Chairman and Clerk and the appointment of all necessary employees in the Legislative Branch, not inconsistent with the Charter or this code.
- F. Adopt such standard rules and regulations regarding County employment as it may deem appropriate.
- G. Subject to the Constitution and general laws of the State of New York, to fix the number of hours constituting a legal day's work for all classes of County employees and grant to the administrative head or board the power to stagger working hours.
- H. Establish and/or abolish positions of employment and titles thereof.
- I. Fix the compensation of all officers and employees paid from County funds, including vacations and sick leave, except that the compensation of any elected official or official appointed for a fixed term paid from the County funds shall not be changed during his or her term of office, except as in accordance with the provisions of the Municipal Home Rule Law.
- J. Fix, by resolution, the compensation to be paid from County funds for persons rendering service to or on behalf of, but who are not officers or employees of, the County.
- K. Fix the amount of bonds of officers and employees paid from County funds.
- L. Make or cause to be made such studies and investigations as it deems to be in the best interests of the County and, in connection therewith, to obtain and employ professional and technical advice and services, appoint temporary advisory committees, boards or commissions of citizens, subpoena witnesses, administer oaths and require the production of books, papers and other evidence deemed necessary or material to such study, inquiry or investigation, all in furtherance of its legislative functions.

- M. Legalize and validate any act had and taken in connection with the lawful municipal purpose or for a lawful municipal object or purpose by the governing board or other local body, officer or agency of a municipality, wholly with the County, in the manner provided by § 227 of the County Law.
- N. Confirm the appointment of all heads of units of County government, except those required to be elected.
- O. Create, establish and/or abolish the office of deputy or deputies to the head of any department, administrative unit or to any principal executive County officer, with power vested in such deputy to act generally for and in place of his principal.
- P. Determine and make provision for any matter of County government not otherwise provided for, including, but not by way of limitation, any necessary matter involved in the transition to the Charter form of government.
- Q. Determine and fix real property tax equalization rates among the various taxing districts of the County for County purposes consistent with standards prescribed by the Legislature of the State of New York and file the same in accordance with applicable law.
- R. Establish, by resolution, the method for correction of manifest clerical or other errors or commissions in assessment rolls or returns thereof, as authorized by law.
- S. Create and establish the office of Clerk to the County Legislature and to appoint a person to such office for a term.
- T. Award all contracts for professional services.
- U. Authorize the employment of officers or employees by the County with a salary in excess of the minimum for the grade of the position.
- V. To approve the execution of all contracts in excess of \$100,000 entered into by the County. **[Added 6-18-1996 by L.L. No. 18-1996** *Editor's Note: This local law, approved by the County Legislature 9-3-1996 over the veto of the County Executive, was approved at referendum 11-5-1996.]*

§ 5-11. Chairperson of County Legislature.

Editor's Note: See also § C2.04 of the Charter.

- A. The County Legislature shall meet on January 1 of each year, or as soon thereafter as practicable, and elect one of its members to be Chairperson, who shall serve for and whose term shall be the balance of the year so appointed. At the same time, the Legislature shall also elect such other officials as are deemed required.
- B. The Chairperson shall have all the powers and perform all the duties prescribed by the Charter,

applicable statutes, local laws or resolutions heretofore or hereafter adopted. In addition, the Chairperson shall appoint members of the County Legislature to serve on such committees as are provided by the rules of such Legislature.

- C. Until such time as a Chairperson has been designated by election or appointment, the Clerk to the County Legislature shall preside at all meetings of the Legislature. The failure to elect a Chairperson or appoint committee members shall not prevent the County Legislature from transacting its ordinary business.

§ 5-12. Clerk to County Legislature.

The County Legislature shall, on January 1 of each year or as soon thereafter as practicable, appoint a Clerk of its body, who shall serve and whose term shall be for the balance of the year so appointed and until a successor is appointed and has qualified. The Clerk shall have all the powers and perform all of the duties prescribed by the Charter, *Editor's Note: See also § C2.05 of the County Charter which is included at the beginning of this volume.* applicable statutes, local laws or resolutions heretofore or hereafter adopted. The Clerk shall appoint, to serve at his or her pleasure, at least one deputy. The Clerk may, when such positions are authorized by the County Legislature and within the budgetary appropriations provided therefor, appoint to serve, at his or her pleasure, such additional deputies and such additional personnel as are required and as may be deemed necessary for the performance of his or her duties.

§ 5-13. through § 5-14. (Reserved)

Editor's Note: Former § 5-13, Office of Fiscal and Budget Review, and § 5-14, Legislative Operations Analyst/Auditor, were repealed 3-19-1996 by L.L. No. 16-1996, which passed at referendum 11-5-1996.

§ 5-15. Counsel to the Legislature.

- A. Legislative intent. For the County Legislature to have the capacity to prepare legislation independent of, as well as in cooperation with, the Executive Branch, it has been determined by the Legislature that given the separate branches of Rockland County Government, the County Legislature requires a Counsel to the Legislature who is separate from and not dependent upon the approval and resources of the County Executive and Executive Branch. Therefore, the Rockland County Legislature finds that the interests and requirements of legislative responsibility and authority will be better served by the creation of such Counsel to the Legislature, and such position shall be and hereby is created.
- B. Legislative Counsel. There shall be and hereby is created the position of Legislative Counsel (Counsel to the Legislature), and the Legislative Counsel shall serve at the pleasure of the County Legislature but may, at the discretion of the Legislature, be given an appointment of fixed years.
- C. Powers and duties. The Legislative Counsel shall provide legal advice to the County Legislature in the drafting of legislation and otherwise in cooperation and consultation with the County Attorney and the Department of Law. The Legislative Counsel shall have and exercise all powers

and duties heretofore or hereafter lawfully granted or imposed by the Charter, this code, local law, ordinance or resolution, order or direction of the County Legislature or by any applicable provision of any act of the State Legislature not inconsistent with the Charter or this code.

- D. Reports. On or before March 1 of each year, the Legislative Counsel shall make an annual report for the immediately preceding calendar year, covering generally his or her work and, classified by subject matter, the legislation prepared and proposed during such year as well as the results of such consideration of same by the Legislature as has occurred. The Legislative Counsel shall make such other reports at such times as may be required by the County Legislature. Copies of all reports shall be filed with the Clerk to the County Legislature.
- E. Assistant and Deputy Counsel. The Legislative Counsel shall supervise such Assistant Legislative Attorneys as may hereafter be authorized by the County Legislature. All Assistant Legislative Attorneys, if any, shall serve at the pleasure of the Legislature.

§ 5-16. Vacancies on County Legislature.

Editor's Note: See also § C2.03 of the Charter.

- A. A vacancy occurring on the County Legislature, other than by expiration of term, shall be filled by an affirmative vote of a majority of the members thereof, who shall appoint a qualified person to fill the vacancy from among qualified electors of the legislative district from which the vacancy occurred. The appointment shall be made within 30 days after the vacancy occurs. If the appointment is not made within said 30 days, a special election shall be conducted to fill the vacancy within 90 days after the vacancy; provided, however, that if there shall be a general election within 120 days after said vacancy occurs, the vacancy shall be filled at the general election. The person so appointed shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled.
- B. Such appointee shall be a resident elector of the district he or she represents at the time of appointment and throughout his or her term of office.
- C. Any successor who shall be so appointed or elected shall possess all the qualifications required of members of the County Legislature set forth in this chapter.

§ 5-17. Veto of legislation by County Executive.

Editor's Note: See also § C2.02 of the Charter.

- A. The County Executive shall have the power, within 30 days after its presentation to the County Executive by the Clerk to the County Legislature, to veto any legislation passed by the County Legislature, except as to the election and designation of the Chairman, Clerk to the Legislature and the internal rules and operation of the Legislature and its committees and those appointments specifically reserved to the Legislature by the Charter.

- B. A copy of all legislation enacted by the County Legislature shall, after its passage, be separately certified by the Clerk to the County Legislature and filed by the Clerk with the County Executive within five days after its passage for approval by the County Executive.
- C. If the County Executive approves such legislation, he or she shall sign it and return it to the Clerk, and it shall then be deemed to have been adopted. If he or she vetoes it, he or she shall return it to the Clerk with his or her objections stated in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered in its record, journal or minutes of proceedings. The County Legislature, within 30 days after the date of such meeting, may reconsider same. If, after such reconsideration, such local law or resolution is adopted by a vote of at least $\frac{2}{3}$ of the total voting power of the legislative body taken to the next highest whole number, such vote shall override the County Executive's veto and it shall be deemed adopted. Only one vote shall be had upon such reconsideration.
- D. If any of such legislation shall not be returned by the County Executive within 30 days after it shall have been presented to the County Executive or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he or she had approved and signed it. At any time prior to such adoption or to the return of a local law or resolution by the County Executive, as the case may be, the Legislature may recall the same and reconsider its action thereon.
- E. The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and be in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

§ 5-18. Confirmation of appointments.

Editor's Note: See also § C2.06 of the Charter. [Amended 6-18-1996 by L.L. No. 17-1996 Editor's Note: This local law, approved by the County Legislature 9-3-1996 over the veto of the County Executive, was approved at referendum 11-5-1996.] Appointments made by the County Executive which require confirmation by the County Legislature shall be presented to the full legislature by the County Executive at least one week prior to the next scheduled meeting. If the Legislature fails to confirm or reject the appointment within 60 days thereafter, the appointment shall be deemed confirmed. When an appointment is rejected by the Legislature, the same appointment may not be resubmitted by the County Executive without the approval of the Legislature. Any such appointment subject to legislative approval shall be submitted to the County Legislature no more than 21 working days after the appointment of said individual. The County Executive shall forward to the appropriate committee of the Legislature any background information pertinent to said appointment in a sealed envelope addressed to each legislator on said committee, said material to be reviewed in executive session prior to said committee voting thereon.

§ 5-19. Local laws.

A local law is a law adopted pursuant to the Charter within the power granted by the State Constitution,

act of the Legislature or provision of the Charter and shall not include a resolution, ordinance or legalizing act. The County Legislature may adopt, amend or repeal a local law. A local law shall be passed by not less than a majority of the whole number of members of the County Legislature and may relate to property, affairs of government of the County or any other subject matter of County concern. In the exercise of such power and within the limitations provided by Article 4 of the Municipal Home Rule Law, the County may change, supersede or amend any act of the New York State Legislature. Such power shall include but shall not be limited to a power or powers vested in any County in the State of New York or the elective governing body thereof to adopt, amend or repeal local laws granted by any provisions of general laws, special laws, Charters, special acts or local laws. The provisions of the Municipal Home Rule Law are hereby made applicable for the adoption and publication subsequent thereto of all local laws.

§ 5-20. Form of local laws; procedure for adoption.

- A. Every local law shall be entitled "LOCAL LAW NO. ____ OF ____ (Year)," (amending, etc., or otherwise, as the case may be). If a local law amends a specific local law, the matter to be eliminated shall be enclosed in brackets or parentheses and the new matter underscored or italicized.
- B. Except as may otherwise be provided in the Charter, the procedure for the adoption of a local law, including referendum, mandatory or permissive, shall be as provided in Articles 3 and 4 of the Municipal Home Rule Law.

§ 5-21. Filing and publication of local laws.

The filing and publication of local laws shall be as provided by § 27 of the Municipal Home Rule Law, and the courts shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto.

§ 5-22. Referendum on local laws.

A local law shall be subject to mandatory or permissive referendum when required by the Charter or applicable law.

§ 5-23. Effective date of local laws.

After adoption, every local law shall, subject to the provisions and requirements of the Municipal Home Rule Law, become effective 20 days after filing in the office of the Secretary of the State of New York or on such later date as may be provided in said local law.

§ 5-24. Ordinances.

- A. Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to

referendum, mandatory or permissive. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature.

- B. Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of such violations by civil penalty or by fine or imprisonment or by two or more such penalties or punishments.

§ 5-25. Conference expenses.

Editor's Note: See also § C3.02, Subsection (i), of the Charter which is included at the beginning of this volume.

The Chairperson of the County Legislature shall have the power to designate and authorize any member, officer or employee of the Legislative Branch to attend an official or unofficial convention, conference or school for the betterment of County government. Within the appropriations provided therefor and when so authorized, all necessary and actual expenses, including but not limited to registration fees not exceeding the amount fixed by the General Municipal Law and mileage as fixed by the County Legislature shall be paid from County funds.

§ 5-26. Travel reimbursement.

The County Legislature may authorize, under such rules and procedures as it may establish and within the appropriations provided therefor, the reimbursement of mileage and/or other necessary and actual travel expenses incurred by members of the County Legislature and officers or employees of the Legislative Branch in travel to and from and in attendance at those events where attendance by said members would be beneficial to County government.

§ 5-27. Petty cash funds.

- A. The County Legislature may establish a revolving petty cash fund for any administrative unit or subdivision thereof or officer in such amounts as it deems necessary. Any petty cash fund heretofore established by the County Legislature shall be continued in existence as a petty cash fund for the administrative unit or subdivision thereof or officer for which it was established or the successor of such unit or officer created pursuant to the provisions of the Charter and this code. The County Legislature shall determine which administrative unit, subdivision or officer shall be considered to be the successor administrative unit, subdivision or officer for the purpose of this section. The County Legislature may increase, decrease or abolish any petty cash fund established or continued pursuant to this section. Any petty cash fund shall otherwise continue in existence from year to year until abolished.
- B. The head of said administrative unit or division thereof or officer shall be the custodian of said petty cash funds and shall be fully responsible and accountable for said funds.
- C. Expenditures from said petty cash fund shall only be for authorized expenditures of the County of

Rockland and shall be properly itemized with proper supporting documentation, such as bills, receipts, etc.

- D. Moneys in any such fund established for the offices of the Sheriff, District Attorney or Public Defender may also be used to advance travel funds to personnel of the Sheriff's Department, District Attorney's or Public Defender's office when required to travel on official business outside of the County. *Editor's Note: See Art XIX, Sheriff, Art. XX, District Attorney, and Art. XXI, Public Defender of this chapter.*
- E. Said petty cash fund shall be reimbursed from the appropriate budgetary item or items in the amount equal to the amount approved for payment by the Commissioner of Finance. The Commissioner of Finance shall notify each department head or officer immediately of the disallowance of any such bills or any portion thereof, stating the amount of each cash disallowance and the reason thereof. Any of the subject bills or any portion thereof, if it has been disallowed, shall be the personal responsibility of the department head or officer responsible for the use of the petty cash fund from which payment on account thereof was made. Such official, upon direction of the Commissioner of Finance, shall forthwith reimburse the petty cash fund in the amount disallowed. If such reimbursement is not promptly made, the amount thereof shall be deducted from the official's salary by order of the Commissioner of Finance and paid into the petty cash fund until repaid in full.
- F. The recordkeeping for said petty cash fund shall meet the requirements of the Commissioner of Finance and/or the County Auditor.

§ 5-27.1. Full disclosure on legislative referrals.

[Added 8-3-2004 by L.L. No. 9-2004 *Editor's Note: This local law was vetoed by the County Executive, which veto was overridden 9-21-2004 by Res. No. 464-2004.*]

- A. Findings and declaration of intent.
- (1) The County Executive and Legislature recognize the need for full disclosure to the Legislature and the public as to any item sent to the Legislature by the County Executive or one of the County departments reciting the full history of, review and internal decisions which have already been made on each proposed referral, before it is sent to the Legislature.
 - (2) From time to time referrals may be deferred from the agenda of a committee until specific documentation is obtained or until the Legislature or the public's questions are answered. On some occasions proposed legislation is brought to the Legislature with a request for immediate action due to perceived emergencies or shortly before time limits relevant to the action proposed are scheduled to expire. Without an existing mandate for full disclosure the legislature may be asked to act without the level of disclosure, documentation, analysis or awareness of alternate options that would possibly affect the action being proposed.
 - (3) With the codification of a standard of disclosure, to apply to every item referred to

committee from the County Executive or a department head, the delay of action on a resolution and/or the lack of full knowledge of all relevant factors will be avoided and the public will be better served.

- (4) The purpose of this section is to avoid government from operating in secret, where matters are reviewed by a department head, personnel, finance, the legislative and executive branches and then conclusions are arrived at and decisions made that will affect the County for many years to come and then not disclosing to the Legislature or to the public the information and reasoning used to arrive at the proposal.

B. Definitions. As used in this section, the following term shall have the meanings indicated:

DISCLOSURE STATEMENT

A separate document(s) that shall accompany the proposed resolution, that shall include, but not be limited to, the following:

- (1) A legal opinion signed by the County Attorney (not one of his/her assistants) attesting that the item to be passed is legal and proper in all respects and, if there are any legal infirmities, to fully disclose same.
- (2) A financial statement to be signed by the Commissioner of Finance (not one of his/her assistants) attesting to the financial impact of the proposed referral upon the County of Rockland, not only for the current fiscal year but in each successive fiscal year. For example: items like a bond that are proposed to be financed for "x" years should set forth a cost per year for financing of said bond, based upon the market interest rate at the time the bond is proposed.
- (3) Letter from the Commissioner of Personnel (not one of his/her assistants) attesting to the personnel impacts of the proposed resolution, and which discloses such information as to whether any new position will be created, whether or not any positions will be abolished, and the impact of same.
- (4) Letter from the executive branch or department head proposing the resolution, setting forth in specific detail an outline of the proposal, its positives and negatives and the possible consideration or options of adopting or altering a proposal.

C. Mandatory referral back-up and documentation. All referrals submitted to the legislature by the County Executive or department head shall have a completed disclosure statement submitted with the resolution when the resolution is presented to the Clerk to the Legislature.

D. Public record. All disclosure statements shall be public records available for inspection or copying under the Freedom of Information Law (NYS Public Officers Law Article 6), unless the document content shall be otherwise exempt, and if so claimed to be exempt, the document preparer must specifically state it is exempt from public inspection, citing the reason for the exemption clearly and the statutory authority, example, Mental Health Law § 33-13, and identifying what portion of the statement shall be redacted.

E. Failure to provide said disclosure statement. At the discretion of the Chair of the Legislature he/she may, in writing with explanation, waive any of the above documentation in whole or in part.

§ 5-27.2. Legislative oversight of bonded projects.

[Added 8-3-2004 by L.L. No. 10-2004 *Editor's Note: This local law was vetoed by the County Executive, which veto was overridden 9-21-2004 by Res. No. 465-2004.*]

A. Findings and declaration of intent.

- (1) The function of the County Legislature, by statute, is to set policy and to review, approve and appropriate funding for County government functions, projects and acquisitions, among other statutory authorities.
- (2) A significant part of County legislative consideration is the borrowing, implementation and construction or acquisition of major acquisitions ("bonded projects").
- (3) In the process of approving such appropriation, the Legislature must evaluate and consider the time frame in which the projects will be under construction before they are finished and used by County personnel, the prioritization of competing capital projects, estimates of the cost savings by undertaking the capital project and long-term costs, and consideration of alternative remediation of construction projects, such as renovation and/or temporary repairs.
- (4) Given the protracted period over which capital projects are under consideration, evaluated, approved, funding appropriation, construction and/or acquisition implemented, clear, precise tracking of same is essential. The Legislature always has a significant dollar amount of bonding that the County is amortizing and the Legislature is also always in the process of evaluating the cost of projects that are approved, but not completed, as well as considering long-range projections for replacement, and the implementation of new or additional capital items, the Legislature can better monitor its bonding with a tracking system.
- (5) Because bonds have a life span of multiple-year duration there can often be a long hiatus between the approval of the funding, the initiation of construction or acquisition and the final repayment of the indebtedness in full. Easy reference to all authorized and/or outstanding funding will be a prudent management tool.
- (6) The Legislature needs the assistance of detailed information from the affected departments, including but not limited to the Finance Department, as to the current debt service, authorized but not yet begun projects, and a detailed list of projects under construction, but not completed. It is the determination of the Legislature that given the magnitude of projects currently bonded, but not retired, as well as the amount of projects approved with authorized appropriation not yet funded and given the continued presentation of request for additional capital project appropriations there is an immediate need for a reliable, detailed tracking material to facilitate and assist the Legislature in performing its duties of prioritization and approving the expenditure of County funds as well as its consideration of new appropriations and the undertaking of new capital construction in a logical, affordable manner.

- (7) The current methodology of collective or "jumbo" or "bundled" bonding has had the effect of resulting in mutation or undermining of the Charter-granted legislative authority for the Legislature to make policy determinations and properly to track, control and quantify the annual and/or long-range appropriations projections that are the function of the Legislature to perform.
- (8) The Legislature has observed that once large collective bonds are passed, the prioritization of projects, scheduling of construction and determination of all overall priorities is effectively wrested completely from the Legislature. In addition, the essential continued legislative oversight can be made virtually impossible because of the artificial distance and removal of the Legislature from the process, due to lack of information.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

BOND TRACKING SHEET

A document approved by the Legislature to be attached to each bonding resolution, which will schedule and disclose the following information: the bonding project proposed and/or requested by project number and by title; specific projection of the total cost of the project, not just the amount sought in the subject resolution; the cost anticipated for borrowing through for completion of the project; the projected date for implementation and construction of the project; the amount of bonding authorized for the project by the Legislature, authorized; the amount of bonding revenues that has been secured of the amount appropriated to date in dollars; and such other items as the Legislature may deem useful.

PROJECT

A specific capital expenditure item or procurement that the funds sought by the resolution will be expended for. When a project has multiple facets or stages, but a common location, i.e., courthouse structure, then all appropriations approved through bonding resolutions which will be incorporated into the structure or location shall be treated as a common project.

C. Mandatory referral of bonding resolutions tracking system. All bonding referrals submitted to the Legislature shall have a bond tracking schedule incorporated, as backup, attached to the bond resolution, with duplicate copies maintained on file in the Department of Finance and the office of the Clerk to the Legislature in appropriate binders for long-term retention and easy and quick referral. Each bond tracking sheet shall consist of precise, specific projections of borrowing for the subject of the bond resolution, a history of the implementation and construction progress for the project to date, a recitation of prior referrals related to the subject resolutions previously submitted to the Legislature, and disclosure of what work will be done in-house on bonded projects, what in-house costs will be or have been charged against the bond, or such other items as the Legislature may direct by resolution to be included in said tracking sheet.

D. Mandatory quarterly bonding report to Budget and Finance Committee.

- (1) The Commissioner of Finance or his designee and related and affected officials, commissioner, department head of County government shall report to the Budget and Finance Committee, not less than quarterly, with an accurate and precise status and written progress report, stating what has been appropriated, is planned and/or will occur in

connection with each project that has obtained bonding approval, up to that date but whose bonds are not satisfied as of the report date.

- (2) At the time of the quarterly reports, the tracking sheet for each bond not yet satisfied and paid in full shall reflect an entry in same of the date of the quarterly report and entries made updating the affected columns, on the tracking sheet, as to funding amount, percentage of completion, stage of construction or percentage of completion of bonded project with as well as cross referencing any bonding resolutions related to the project not contained on the summary as of the update.

E. Waiver of bond tracking sheet. At the discretion of the Chair of the Legislature or the Chair of the Budget and Finance Committee, the bond tracking sheet, in totality or portions thereof, may be waived, which waiver shall be stated on the record of the proceedings of the body addressing the subject bond resolution.

Powered by

Mobile View

