

Monroe County Charter – Capital Improvement Program

§ C4-10. Capital improvement program.

A. Capital improvement program required. There shall be a capital improvement program, which shall be a plan of capital projects to be undertaken during a six-year period and which shall contain such information as set forth in § A7-1A of the Administrative Code.

B. Purpose of capital improvement program. The purpose of the capital improvement program shall be to serve as a guide for public capital improvement decisions and, as appropriate, to assist in private decisionmaking; to assist County government in investing in capital projects in such manner so as not to cause large fluctuations in County taxes; to assure that there are sound reasons for selecting the particular capital projects to be undertaken and that the most critical needs are met first by such selections; to assure that the overall program and individual projects are consistent with the Comprehensive Development Plan, as set forth in § C5-3B of this Charter; and to address all capital project responsibilities of the County, including but not limited to the human services area, the public safety services area and the physical services area.

C. Capital project defined. The term "capital project," as used in this Charter, shall mean:

(1) Any public betterment or improvement for which a period of probable usefulness may be authorized pursuant to § 11.00 of the Local Finance Law of the State of New York or any studies and surveys relative thereto; or

(2) The acquisition of land or rights in land; or

(3) Any furnishings, machinery, apparatus or equipment for any such public betterment or improvement when such betterment or improvement is first constructed or acquired; or

(4) Any combination of Subsection C(1), (2) and (3) above.

D. Preparation of capital improvement program. In accordance with a timetable and guidelines approved by the County Executive, the Director of Planning shall cause to be prepared a capital improvement program, which program shall contain the recommendations of the Planning Board and the County Executive. The capital improvement program shall be prepared in accordance with the procedures set forth in § A7-1E of the Administrative Code and the guidelines established pursuant to § A7-1C of the Administrative Code.

E. Submission of capital improvement program. On or before the first day of May, the County Executive shall submit to the County Legislature the proposed capital improvement program. Upon submission, the proposed capital improvement program shall become a public record in the office of the Clerk of the County Legislature. A reasonable number of copies of the same shall be made available by the County Executive for distribution.

F. Adoption of capital improvement program. The County Legislature shall adopt a capital improvement program by a majority vote of its total membership on or before the first regularly scheduled meeting in July of each year. While considering for adoption the proposed capital improvement program, the County Legislature may amend the proposed program, provided that no capital project shall be added to the proposed program until it has first been reviewed by the County Executive and the Planning Board. The County Legislature shall refer such proposed amendment to the County Executive and the Planning Board for review. Such review shall take place within 10 days after the receipt of such referral, provided that if the County Executive and/or the Planning Board fails to act within such period of time, the County Legislature may proceed to act on such proposed amendment as it deems necessary.

G. Public hearing. The County Legislature shall hold at least one public hearing prior to adopting the capital improvement program. Notice of the hearing and a summary of the capital improvement program, as submitted by the County Executive, shall be published at least once in one or more daily newspapers of general circulation in the County, at least 10 days before the date set for the first hearing.

H. Amendment of capital improvement program. At any time after the adoption of the capital improvement program, the County Legislature, by a majority vote of its total membership, may amend the capital improvement program, provided that no project shall be added to the capital improvement program until it has first been reviewed by the County Executive and the Planning Board, in accordance with the procedures set forth in § A7-1F of the Administrative Code.

§ C4-11. Capital budget.

A. Capital budget defined. The proposed capital budget shall be a financing plan for the prioritized list of new projects contained in the first year of the capital improvement program, increases in costs for projects included in previous capital budgets and additional projects authorized by the legislature during the course of the year. The adopted capital budget shall consist of those projects in the proposed capital budget for which resolutions authorizing the issuance of obligations or other financing resolutions have been adopted by the County Legislature. The capital budget shall contain all estimated expenditures for all capital projects, as defined in § C4-10C of this Charter, and estimates of the funds from current revenues, from state and federal assistance and from the proceeds of borrowing ultimately anticipated to finance such expenditures. The capital budget shall also indicate the anticipated total project cost and the amount of debt issuance authorization required to complete each project. The first year of the capital improvement program shall be the basis for any expenditures or revenues for capital purposes which are included in the operating or capital budgets.

[Amended 9-14-1983 by L.L. No. 3-1983 Editor's Note: This local law was accepted for filing by the state as L.L. No. 2-1983.]

B. Adoption of capital budget. The capital budget shall be submitted, published and adopted as part of the annual budget, as set forth in § C4-4 of this Charter. No requirements of law or resolution of the County Legislature that the issuance of any obligation must be approved by

popular vote or by any officer or board shall be construed to prevent the inclusion thereof in the capital budget or any amendment thereto.

[Amended 8-28-1980 by L.L. 5-1980]

C. Amendment of capital budget. At any time after the adoption of the capital budget, the County Legislature, by the affirmative vote of 2/3 of its whole membership, may amend the capital budget and shall provide for the financing thereof. Any such amendment shall be presented by the Clerk of the Legislature to the County Executive and the Planning Board not later than 48 hours after the passage of such amendment. If the County Executive and the Planning Board approve such amendment, the County Executive shall affix his or her signature to a statement and return the amendment and such statement to the Clerk of the Legislature. Such amendment shall then be deemed to have been adopted. If the County Executive and the Planning Board object to any such amendment, the County Executive shall notify the Clerk of his or her objection, in writing, no later than 45 days after receiving such amendment from the Clerk of the County Legislature, who shall present the same to the County Legislature at its next regular or special meeting. The County Legislature shall thereupon enter such objection upon its journal and proceed to reconsider any amendment. Only one vote shall be taken upon such reconsideration. If upon such reconsideration 3/4 of the whole number of members of the County Legislature vote to approve such amendment, the amendment shall be deemed to have been adopted. If the notice of objection is not received by the Clerk of the Legislature within 45 days after the receipt by the County Executive of such amendment from the Clerk of the Legislature, such amendment shall be deemed to have been adopted.

[Amended 8-28-1980 by L.L. No. 5-1980]

D. Closing of capital accounts.

[Added 4-4-1989 by L.L. No. 2-1989, approved 5-1-1989]

(1) Whenever the issuance of debt obligations for the financing of a capital project has been authorized and three years have elapsed from the date of the resolution authorizing such financing and no funds have been borrowed, that capital account shall be automatically closed.

(2) The County Legislature shall be notified as to the date of deletion and the capital account number closed out.