## TO: BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee has reviewed "AN ACT directing that within 30 days after submission, the County Planning Board shall provide their recommendations on the physical planning aspects of each capital project added to the finally adopted budget by the County Board of Legislators."

Your Committee finds that the County Board of Legislators, as the policymaking branch of the County of Westchester, is vested with the authority to add appropriations for new capital projects to the finally enacted County Budget in accordance with the Laws of Westchester County Sections 167.81 and 167.101, which specifically allow the County Board to enact a County Budget including revisions, increases and decreases to the items of the proposed County Budget. The Laws of Westchester County contain no specific limitation on the authority of this Honorable Board to only make additions to the Operating Budget. Your Committee therefore finds that the County Board of Legislators clearly have the authority to make additions to the Proposed Capital Budget. Accordingly your Committee concludes that the County Board of Legislators capital project additions included in the finally adopted county budget must be submitted to the County Planning Board for their review and recommendation no later than forty-five (45) days after the enactment of a finally adopted county budget. Your Committee further concludes that the County Planning Board shall provide the County Board of Legislators with a report and recommendation on the physical planning aspects of each such added

capital project within 30 days of its receipt of the County Board of Legislators capital project additions included in the finally adopted county budget.

Finally, as you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, *see* Title 6, Part 617 of the New York Code Rules and Regulations (NYCRR). Your Committee finds that this Act does not "change the use, appearance or condition of any natural resource or structure," or otherwise affect the environment, with respect to the SEQRA. Accordingly, your Committee concludes that this does not constitute an action as defined in Section 617.2(b) of 6 NYCRR part 617 and that no further environmental review is required.

In light of the foregoing, your Committee recommends the adoption of this Act.

Dated:

2011

White Plains, New York

## **COMMITTEE ON**

AN ACT directing that within 30 days after submission, the County Planning Board shall provide their recommendations on the physical planning aspects of each capital project added to the finally adopted budget by the County Board of Legislators.

BE IT ENACTED by the County Board of Legislators of the County of Westchester as follows:

- § 1. The County Board of Legislators capital project additions included in the finally adopted county budget shall be submitted to the County Planning Board for their review and recommendation no later than forty-five (45) days after the enactment of a finally adopted county budget.
- § 2. Within 30 days of receipt of the County Board of Legislators capital project additions included in the finally adopted county budget, the County Planning Board shall provide the County Board of Legislators with a report and recommendation on the physical planning aspects of each such added capital project.
  - § 3. This Act shall take effect immediately.