



PUTNAM COUNTY EXECUTIVE  
KEVIN M. BYRNE

2023 MAR 10 PM 4: 59  
LEGISLATURE  
PUTNAM COUNTY  
CARMEL, NY

**MEMORANDUM**

**DATE:** March 10, 2023  
**TO:** Chairman Paul Jonke  
**CC:** Diane Schonfeld, Clerk of the Legislature  
**FROM:** Kevin Byrne  
Putnam County Executive  
**RE:** Proposed Legislation From 2023 State of the County

A handwritten signature in blue ink, appearing to read "Kevin Byrne", written over the "FROM:" field of the memorandum.

Thank you for hosting yesterday evening's special legislative meeting for me to present the 2023 State of the County. As a follow up to my presentation, enclosed you will find three separate pieces of proposed legislation I am requesting the Legislature to consider, including one resolution and two local laws.

The first local law recommends a change to the Putnam County Charter by adding a new section 7.10. This act will require a two-thirds vote by the Legislature to increase the property tax levy on county residents. It will make any vote to increase property taxes as well as the entire budget process more transparent and accessible to the public by including mandatory livestreaming of public budget meetings. It will also give Putnam County residents greater opportunities to have their voices heard during the budget process. This legislation has a proposed effective date of January 1, 2024 to better enable our county government to prepare during this year's budget process.

The second local law adds a new Chapter 222 to our Putnam County Code. This act will authorize and require the creation of a searchable budget database website detailing where, for what purpose, and what results are achieved for all taxpayer investments in county government. It will also require livestreaming of legislative meetings that are already open to the public, allowing for another layer of accountability to the people of Putnam County.

Finally, the attached resolution is an expression from the Legislature that it is committed to protecting the rights of all citizens of Putnam County and stands as a Constitutional County that recognizes, respects and upholds our Constitutional rights.

The County is empowered by its authority under the Municipal Home Rule Law to take each of these actions. I respectfully request that the Legislature consider the same and approve each item for the benefit of the People of Putnam County. I look forward to having further discussions with you about these proposals, and as always, I and my staff are available if you have any questions or concerns.

A LOCAL LAW TO AMEND ARTICLE 7 OF THE PUTNAM COUNTY CHARTER  
ENTITLED "FINANCIAL CONTROL"

Be it enacted by the Legislature of the County of Putnam as follows:

**Section 1.**

Article 7 of the Putnam County Charter is hereby amended to add Section 7.10 as follows:

§ 7.10. Taxpayer Bill of Rights.

- A. Should the annual operating budget result in an increase in property tax levy, adoption by the Legislature shall require a vote of two-thirds of the total Legislature.
- B. The residents of Putnam County are entitled to access to public budget hearings and the public budget process in general. All public meetings pertaining to any property tax increase, or the annual budget shall be streamed live in both audio and visual format.
- C. The residents of Putnam County are entitled to being heard during the annual budget process. Individual residents of Putnam County shall be given a period of at least five (5) minutes to ask questions of the Legislature and comment at any budget meeting where a tax increase is considered. Time limitations necessitate limiting the number of individual speakers to twenty (20), however the Legislature or Committee leading the meeting may allow for additional speakers as time permits. Individuals who did not have an opportunity to be heard in full at the meeting may submit their comment in written form after the hearing is closed.

**Section 2.**

This Local Law shall take effect January 1, 2024.

A LOCAL LAW TO AMEND THE CODE OF THE COUNTY OF PUTNAM BY ADDING CHAPTER 222, ENTITLED "TAXPAYER TRANSPARENCY"

Be it enacted by the Legislature of the County of Putnam as follows:

**Section I.**

Chapter 222 of the Code of the County of Putnam is hereby added as provided hereinafter:

**CHAPTER 222**

**TAXPAYER TRANSPARENCY**

§ 222-1 Title.

§ 222-2 Legislative intent.

§ 222-3 Definitions.

§ 222-4 Searchable budget database website created.

§ 222-5 Updates.

§ 222-6 Compliance with Act.

§ 222-7 Electronic public access to meetings and information

§ 222-7 Severability.

§ 222-8 Repealer.

§ 222-1 Title.

This chapter of the Code of Putnam County shall be entitled and known as the "Taxpayer Transparency Act."

§ 222-2 Legislative intent.

The Legislature finds that taxpayers should have easy access to the legislative process, as well as the details on how the county is spending their tax dollars and what performance results are achieved for those expenditures. It is the intent of the Legislature, therefore, to direct the Department of Finance to create and maintain a searchable budget database website detailing where, for what purpose, and what results are achieved for all taxpayer investments in county government. It is the further intent of the Legislature to make all legislative meetings available to the public by live stream.

§ 222-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**SEARCHABLE BUDGET DATABASE WEBSITE**

A website that allows the public at no cost to:

A. Search and aggregate information for the following:

- (1) the name and principal location or residence of the entity/and or recipients of funds,
- (2) the amount of funds expended,
- (3) the funding or expending agency,
- (4) the funding source of the revenue expended,
- (5) the budget program/activity of the expenditure,
- (6) a descriptive purpose for the funding action or expenditure,
- (7) the expected performance outcome for the funding action or expenditure,
- (8) the past performance outcomes achieved for the funding action or expenditure,
- (9) any audit or report relating to the entity or recipient of funds or the budget program/activity or agency,
- (10) and any other relevant information specified by the Department of Finance.

B. Programmatically search and access all data in a serialized machine-readable format (such as XML) via a web-services application programming interface.

#### **ENTITY/AND OR RECIPIENTS**

- A. a corporation,
- B. an association,
- C. a union,
- D. a limited liability company,
- E. a limited liability partnership,
- F. any other legal business entity including non-profits,
- G. grantees,
- H. contractors, and
- I. a county, city, or other local government entity.
- J. "Entity/and or recipients" does not include an individual recipient of public assistance.

#### **AGENCY**

A county department, division, office, bureau, board, commission, committee, or unit.

This includes individual county agencies and programs, as well as those programs and activities that cross agency lines. "County agency" includes all elective offices in the Executive Branch of government and the Legislature.

**AUDIT OR REPORT**

Shall include any audit or report issued by the state, county auditor, legislative auditor, legislative committee, or executive body relating to the entity or recipient of funds or the budget program/activity or agency.

**COMMISSIONER**

The Putnam County Commissioner of Finance.

**FUNDING SOURCE**

The account from which the expenditure is appropriated.

**FUNDING ACTION OR EXPENDITURE**

Shall include details on the type of spending (grant, contract, appropriations, etc.). This includes tax exemptions or credits. Where possible, a hyperlink to the actual expenditure document (in a format that is, at a minimum, as searchable as a searchable PDF format) shall be provided.

**LEGISLATURE**

The Putnam County Legislature.

**§ 222-4 Searchable budget database website created.**

By January 1, 2024, the Commissioner shall develop and make publicly available a single, searchable budget database website including the required data for the [most recent county budget]. The website shall be given a unique and simplified website address. Each county agency that maintains a generally accessible Internet site or for which a generally accessible Internet site is maintained shall include a link on the front page of the agency's Internet site to the budget database website.

**§ 222-5 Updates.**

The Commissioner shall provide guidance to agency heads to ensure compliance with this section. The searchable budget database website shall be updated as new data becomes available, if feasible, but no later than 30 days upon receipt of data from the agency.

The Commissioner shall ensure that all data added to the searchable budget database website remains accessible to the public for a minimum of six years.

**§ 222-6 Compliance with Act.**

The Commissioner shall not be considered in compliance with this act if the data required for the searchable budget database website is not available in a searchable and aggregate manner and/or the public is redirected to other government websites, unless each of those sites has

information from all agencies and each category of information required can be searched electronically by field in a single search.

**§ 222-7 Electronic public access to meetings and information.**

- A. The Putnam County Legislature shall make all public meetings of the Legislature or its subcommittees available for public viewing in real time by live video stream. A link to the live stream shall be conspicuously posted and made available on the Legislature's website at least twenty-four hours prior to the meeting.
- B. Except in the case of executive sessions held pursuant to Open Meetings Law § 105, the Legislature shall ensure that members can be heard, seen, and identified at all times when the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon.
- C. Each meeting that is live streamed shall be recorded and such recordings linked or posted on the Legislature's website within five business days following the meeting and shall remain so available for a minimum of five years thereafter.

**§ 222-8 Severability.**

If any part or provision of this chapter or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances. The County of Putnam hereby declares that it would have passed this chapter or the remainder thereof had such invalid application or invalid provision been apparent.

**§ 222-9 Repealer.**

All ordinances, local laws, and parts thereof inconsistent with this chapter are hereby repealed; provided, however, that such repeal shall not affect or impair any act done or right accruing, accrued, or acquired, or penalty, charge, liability, forfeiture, or punishment incurred or owing prior to the time such repeal takes effect, but the same may be enjoyed, asserted, collected, enforced, prosecuted, or inflicted as fully and to the same extent as if such repeal had not been effected. All actions and proceedings, civil or criminal, commenced under or by virtue of any provision of any County of Putnam local law, ordinance or resolution so repealed, and pending immediately prior to the taking effect of such repeal, may be prosecuted and defended to final effect in the same manner as they might if such provisions were not so repealed.

**Section II.**

This Local Law shall take effect on January 1, 2024.

## **APPROVAL DECLARING PUTNAM COUNTY A CONSTITUTIONAL COUNTY**

**WHEREAS**, members of the Putnam County Legislature, being elected to represent the people of Putnam County, are duly sworn by their oath of office to uphold the Constitution of the United States and the New York State Constitution and Laws, including the New York State Civil Rights Law; and

**WHEREAS**, the Putnam County Legislature is determined to stand as a Constitutional County to protect the rights provided to its citizens under the U.S. Constitution and its amendments; and

**WHEREAS**, such protections will extend to rights specifically enumerated in the Constitution and its amendments, including, but not limited to, rights to freedom of expression, speech, association, religion, press and petition, the right to keep and bear arms, the right to protection of person and property from government overreach and the right not to be deprived of life, liberty, or property without due process of law; and

**WHEREAS**, such protections will also extend to all other rights neither enumerated in the Constitution nor its amendments, but which exist alongside the same as inalienable, basic, fundamental rights that are so deep rooted in our society that they are deserving of protection from governmental infringement and are thus protected by the Ninth Amendment, including, but not limited to, the right to equality, liberty and the pursuit of livelihood and happiness; and

**WHEREAS**, the Putnam County Legislature wishes to express its profound commitment to the rights of all citizens of Putnam County and stand as a Constitutional County that recognizes, respects and upholds our Constitutional rights, and states that while Putnam County cannot unilaterally nullify federal or state laws it opposes, it will and does oppose, within the limits of the Constitution of the United States and the Civil Rights Law of the State of New York, any efforts to unconstitutionally restrict such rights in order to assure that its citizens will be able to keep and bear arms and use the same in defense of life, liberty and property, whether in a well-regulated militia, or individually; and

**WHEREAS**, the Putnam County Legislature stands and will continue to stand in strong opposition to any law that would unconstitutionally restrict, or infringe upon, the above recognized rights; and

**WHEREAS**, the Putnam County Legislature recognizes its Constitutional, historical, and rightful role as a voice of the People of Putnam County and a guarantor of their liberties; now, therefore, be it

**RESOLVED**, that the County of Putnam declares itself to be a Constitutional County:

**RESOLVED**, that the Putnam County Legislature hereby expresses its intent to uphold all such rights of the citizens of Putnam County and that public funds, resources, employees, buildings, or offices not be used to restrict such rights or to aid or assist in the enforcement of any restriction of the rights granted under the Constitution or its Bill of Rights (such constitutionality to be determined by the Courts); and be it further

**RESOLVED**, that the Putnam County Legislature recognizes that Government must be limited and that the people must be free from unnecessary and arbitrary Governmental overreach and intrusions; and be it further

**RESOLVED**, that the Putnam County Legislature hereby declares Putnam County, New York, a Constitutional County, unwavering in its commitment to protect the constitutional rights of its citizens.