

**STRICKEN AS OF 11/12/2009**  
**AMENDED COPY AS OF 5/20/2009**

Intro. Res. No. 1458-2009  
Introduced by Legislators Alden and Gregory

Laid on Table 5/12/2009

**RESOLUTION NO.           -2009, ADOPTING LOCAL LAW**  
**NO.                       -2009, A CHARTER LAW TO AMEND THE**  
**DRINKING WATER PROTECTION PROGRAM TO**  
**INCREASE THE ALLOCATION FOR PROPERTY TAX**  
**RELIEF**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2009 a proposed local law entitled, "**A CHARTER LAW TO AMEND THE DRINKING WATER PROTECTION PROGRAM TO INCREASE THE ALLOCATION FOR PROPERTY TAX RELIEF**"; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO.       -2009, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO AMEND THE DRINKING WATER**  
**PROTECTION PROGRAM TO INCREASE THE ALLOCATION FOR**  
**PROPERTY TAX RELIEF**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the County of Suffolk reauthorized its Drinking Water Protection Program in 2007 through the enactment of Local Law No. 24-2007. In doing so, the County extended the 1/4% sales tax which funds this program through 2030, increased the revenues allocated to the acquisition of open space and farmland development rights (while decreasing the allocation for the County's sewer districts) and authorized the issuance of debt during the first four years of the new program to fund land acquisitions.

This Legislature further finds that subsequent to the passage of Local Law No. 24-2007, the serious global recession wreaked havoc on our national and local economies. As a result of this economic downturn, Suffolk County Government has experienced unprecedented revenue losses and significant budget deficits.

This Legislature further finds that the County of Suffolk has had to take difficult actions to address its budget shortfalls, including the securitization of tobacco settlement proceeds, the sale of the County's HMO and the imposition of a lag payroll on County employees. Presently, the County is considering additional steps including the sale of the John J. Foley Skilled Nursing Facility and the reduction of appropriations for police personnel. With a projected \$100 million shortfall in 2010, it seems likely that the County will have to make additional painful cuts and/or raise property taxes next year.

This Legislature also determines that in assessing the difficult choices that must be made to maintain the County's fiscal stability, this Legislature cannot treat any program as a "sacred cow".

This Legislature finds that under the current difficult fiscal conditions, it is prudent and necessary to amend the Drinking Water Protection Program to temporarily allocate a larger share of the program's sales tax revenues to taxpayer relief and less to land acquisitions.

Therefore, the purpose of this law is to amend Article 12 of the SUFFOLK COUNTY CHARTER to increase the allocation of sales tax revenues for property tax relief from 32.15% to 43.25% during fiscal years 2010, 2011 and 2012 with a commensurate reduction of funding for the Program's open space component.

**Section 2. Amendment.**

Article 12 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE XII  
Suffolk County Drinking Water Protection Program**

\* \* \* \*

**§ C12-2. Programmatic expenses.**

\* \* \* \*

A. Specific environmental protection:

- (1) 20% of the total revenues generated in calendar years 2010, 2011, and 2012 and 31.10% of the total revenues generated [each] in all other calendar years to reduce or stabilize the County's general property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County, said revenues to be used to offset the County cost of the acquisition of:

\* \* \* \*

- (2) The Suffolk County Environmental Programs Trust Fund is hereby created, 20% of the total revenues generated in calendar years 2010, 2011, and 2012 and 31.10% of the total revenues generated [each] in all other calendar years by such sales and compensating use tax shall be allocated and deposited annually to this Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. If the revenues generated in any year, including calendar year 2030, exceed the amount necessary to provide for such environmental projects, then such excess revenues shall be carried over as a fund balance for such environmental projects to be consummated in subsequent years.

\* \* \* \*

- C. County-wide property tax protection: 43.25% of the total revenues generated in calendar years 2010, 2011, and 2012 and 32.15% of the total revenues generated [each] in all

other calendar years to reduce or stabilize the County's general property taxes and/or police/public safety property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County. The Suffolk County Taxpayers Trust Fund is hereby created. 43.25% of the total revenues generated in calendar years 2010, 2011, and 2012 and 32.15% of the total revenues generated [each] in all other calendar years by such sales and compensating use tax shall be allocated and deposited annually to this Trust Fund. The annual appropriation of such revenues shall be effectuated via duly enacted resolution of the County of Suffolk. These revenues shall not be used to fund new programs or positions of employment (defined as programs or positions not budgeted by Suffolk County in the prior fiscal year).

\* \* \* \*

### **Section 3. Applicability.**

This law shall apply to the allocation of sales tax revenues under the Suffolk County Drinking Water Protection Program on or after the effective date of this law as set forth in Section 7.

### **Section 4. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment 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 of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### **Section 5. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

### **Section 6. Form of Proposition.**

The question to be submitted to the electorate pursuant to Section 7 of this law shall read as follows:

**Shall Resolution No. -2009, Adopting A Charter Law,  
Amending the Suffolk County ¼% Sales Tax Drinking Water  
Protection Program to Allocate Additional Revenues to**

**Property Tax Relief in 2010, 2011 and 2012 and Enact a Corresponding Reduction in Funding for Acquisition of Open Space and Farmland Development Rights, Be Approved?**

**Section 7. Effective Date.**

This law shall not take effect until the first day of the first fiscal year after its approval by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW.

**Section 8. Conflicting Referenda.**

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes, shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

[ ] Brackets denote deletion of existing language.  
\_\_\_ Underlining denotes addition of new language.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: