

Intro. Res. No. 1800-2009
Introduced by Legislators Alden and Schneiderman

Laid on Table 9/17/2009

RESOLUTION NO. 1057 -2009, ADOPTING LOCAL LAW NO. 2 -2010, A LOCAL LAW TO REGULATE PRIVATIZATION OF COUNTY OWNED MARINAS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on September 17, 2009, a proposed local law entitled, "**A LOCAL LAW TO REGULATE PRIVATIZATION OF COUNTY OWNED MARINAS**"; now, therefore be it

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

LOCAL LAW NO. 2 -2010, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO REGULATE PRIVATIZATION OF COUNTY OWNED MARINAS

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 operates marinas within its current inventory of park properties.

This Legislature also finds and determines that the Suffolk County Department of Parks, Recreation and Conservation oversees the operation of these marinas.

This Legislature further finds and determines that the County's marinas offer seasonal slips, launching ramps, amenities and services which can be accessed by Suffolk County boaters at a reasonable cost.

This Legislature finds that a Request for Expressions of Interest has been drafted and issued by the Department of Parks, Recreation and Conservation seeking proposals from private vendors "for the design, construction, operation and maintenance of marine facilities at Shinnecock Canal County Marina, Smith Point County Marina, Timber Point Creek County Marina and Tuthill Point County Marina."

This Legislature further finds that while privatization of public facilities is appropriate in certain instances, allowing boaters easy and affordable access to Suffolk County waters is a fundamental policy goal of this Legislature.

This Legislature further finds that a policy shift that will privatize marina facilities should not occur without adequate public input. Additionally, such privatization should only go forward after being approved by this Legislature, the policy making arm of County government.

Therefore, the purpose of this law is to require public hearings and legislative approval for any proposed privatization of County marina facilities.

Section 2. Requirements.

- A) No County department, office or agency shall enter into a lease, license or other contractual agreement with any person, corporation, firm, partnership, joint venture or other entity or business organization of any kind for the private construction, operation and/or maintenance of County-owned marina facilities without the prior approval of the County Legislature pursuant to a duly enacted resolution.

- B) The County Legislature shall not act on any resolution proposing the private operation of a County marina unless and until the Legislature has conducted two public hearings on the resolution and the Office of Budget Review has issued a report analyzing the subject proposal.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

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. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: December 1, 2009

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 12-31-09

****VETO OVERRIDE ADOPTED ON FEBRUARY 2, 2010****

Secretary of State After a public hearing duly held on December 21, 2009
Filed with the Secretary of State on March 8, 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the
of the County of Suffolk, have compared the foregoing copy of resolution with the
original resolution now on file in this office, and which was duly adopted by the
County Legislature of said County, on February 2, 2010, and Vetoed by the
County Executive on December 31, 2009, after a public hearing duly held on
December 21, 2009 and filed with the Secretary of State on March 8, 2010
and that the same is a true and correct transcript of said resolution and of the whole
thereof.

In Witness Whereof, I have hereunto set my hand and the official
Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

December 31, 2009

RECEIVED
DEC 31 12:02 PM '09
COUNTY EXECUTIVE

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RE: RESOLUTION 1057-2009, ADOPTING LOCAL LAW NO. -2009, A LOCAL LAW TO REGULATE PRIVATIZATION OF COUNTY OWNED MARINAS

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION 1057-2009, ADOPTING LOCAL LAW NO. -2009, A LOCAL LAW TO REGULATE PRIVATIZATION OF COUNTY OWNED MARINAS** vetoed in its entirety.

When coming off a budget year that realized an unprecedented sales tax revenue drop for Suffolk County and currently confronted with extraordinary fiscal restraints going into 2010, it is imperative that we keep all options on the table with regard to increasing efficiencies and ensuring that the county will continue to provide necessary services to taxpayers without taxing them out of their homes.

We share the arduous task of crafting a balanced budget every year regardless of national or local economic recessions and this resolution would limit our ability to save taxpayer's dollars.

During the budget process, we debated whether to consider privatization or at the very least, raise fees at these public marinas. In either case, the executive branch believed that the county taxpayers were subsidizing those who were fortunate enough to have their boats docked at a public marina. Many were legitimately asking why the county is in this business in the first place when there are private marinas that are able to provide this service.

If we were to provide this service, however, it makes no sense for one taxpayer to subsidize another taxpayer who may wish to dock his or her forty-seven sailboat at a county marina at a price that may be 1/3 what that individual would have to pay privately.

It was agreed that rather than pursuing privatization at this point, the fee structure should be increased to be closer to the market value. I did not have a problem with this because such revenue has nothing to do with our average citizens gaining access to our parklands. When it comes to park access, I have been quite proud of the fact that I have never proposed an increase in fees so our residents can continue to enjoy our beautiful parks at a reasonable rate. That is far different, however, than fees that relate to a very specific part of our Parks Department; specifically those who are privileged enough to own a boat.

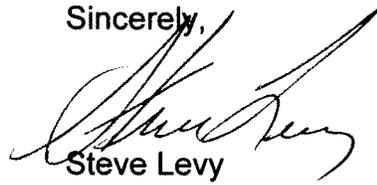
While the decision was made at this point to merely increase the fees rather than pursue privatization, it would be foolish to put in place procedures that would make it exceedingly difficult to consider privatization of this or any other county program looking into the future.

What is most interesting is that this proposal to impede privatization was introduced by a legislator purported to be a fiscal conservative. One of the most basic tenants of fiscal conservatism is to be able to explore privatization if the service can be provided at a more efficient and less expensive rate for the taxpayer than through the public sector.

While any ultimate privatization would have to be approved by both the executive and legislative branches, there is no need to limit the ability to do so in the future, as this bill seeks to do.

For the reasons enumerated above, I strongly urge the legislature to sustain my veto of this resolution.

Sincerely,



Steve Levy

County Executive of Suffolk County

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Christopher Kent, Chief Deputy County Executive
Ed Dumas, Chief Deputy County Executive for Policy and Communications
Connie Corso, Deputy County Executive for Finance
Eric Naughton, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 1, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script, reading "Tim Laube".

Clerk of the Legislature

Intro. Res. 1800 Res. No. 1057

December 1, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY				/	
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		17	1	1	-	-

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote

Intro. Res. 1800-09

Res. No. 105709

February 2, 2010

Motion:

Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6	Daniel P. LOSQUADRO	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO	/				
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
	Totals	18				

MOTION
<input type="checkbox"/> Approve
<input type="checkbox"/> Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input checked="" type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED _____ FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote _____