

Intro. Res. No. 1415-2010

Laid on Table 4/27/2010

Introduced by Legislators Gregory, Romaine, Montano, Schneiderman, Browning, Cooper and Vilorio-Fisher

**RESOLUTION NO. 499 -2010, ADOPTING LOCAL LAW NO. 40 -2010, A LOCAL LAW TO ESTABLISH A PROMPT CONTRACTING POLICY FOR NOT-FOR-PROFIT ORGANIZATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on April 27, 2010, a proposed local law entitled, **“A LOCAL LAW TO ESTABLISH A PROMPT CONTRACTING POLICY FOR NOT-FOR-PROFIT ORGANIZATIONS”**; now, therefore be it

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

**LOCAL LAW NO. 40 -2010, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO ESTABLISH A PROMPT CONTRACTING POLICY FOR NOT-FOR-PROFIT ORGANIZATIONS**

**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 has historically utilized outside not-for-profit agencies to provide important services to veterans, seniors, young people, handicapped citizens and other residents who depend on programs funded by the County.

This Legislature further finds that many not-for-profit organizations are funded every year by the County of Suffolk and are often identified in the County Operating Budget as a “line item” to receive funding.

This Legislature also determines that notwithstanding their inclusion in the Suffolk County Operating Budget, not-for-profit organizations are often unable to consummate a contract with the County for many months even though the terms and conditions of these agreements vary little from year to year. In the absence of a fully executed contract, these agencies are unable to receive payment for the services they render.

This Legislature also finds that this contracting lag places not-for-profit organizations in an unenviable position, where they incur salary and other expenses to deliver a service but must wait many months for reimbursement from the County because no contract is in place. As a result of these delays, some not-for-profit organizations must borrow money to continue services and thereby incur additional interest costs.

This Legislature further finds and determines that unnecessary delays in executing contracts and making payments to not-for-profit organizations may result in service interruptions and could ultimately discourage such organizations from doing business with the County.

Therefore, the purpose of this law is to address a longstanding problem and establish a prompt contracting policy for not-for-profit organizations that provide services to Suffolk County residents.

## **Section 2. Definitions.**

The following terms shall have the meanings indicated:

“ADMINISTERING DEPARTMENT” - the department, office or agency of Suffolk County Government to which an appropriation is made, on a line-item basis, in the Suffolk County Operating Budget to fund a not-for-profit organization.

“FULLY EXECUTED CONTRACT” – a contractual agreement executed by an administering department and a not-for-profit organization, and any other County official as may be required, and approved by the Suffolk County Attorney.

“NOT-FOR-PROFIT ORGANIZATION”- a not-for-profit corporation as defined in section 102 of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW, which renders human services to the residents of Suffolk County, including services related to health, welfare/social services, child care, parks/recreation, economic development, cultural affairs, veterans’ affairs, handicapped programs, public safety, youth, aging/senior citizens’ program, minority affairs, women’s affairs, labor/employment services, and education.

## **Section 3. Prompt contracting requirements.**

- A. An administering department shall fully execute a contract with any not-for-profit organization that is funded on a line-item basis within their department in the Suffolk County Operating Budget by February 1 of the applicable budget year. In the event an administering department did not contract with the not-for-profit organization in the preceding budget year, the administering department shall fully execute a contract with the not-for-profit organization by March 15 of the applicable budget year.
- B. In the event line item funding for a not-for-profit organization is approved via a resolution amending an adopted operating budget, the administering department shall have not more than sixty (60) days following the effective date of the resolution to fully execute a contract with the not-for-profit organization so funded.
- C. In the event an administering department is unable to comply with the time frames set forth in paragraphs (A) and (B) of this section due to circumstances beyond the control of the department, the administering department shall document the basis for its inability to comply in a written notice to the Presiding Officer of the Suffolk County Legislature, the Chairman of the Suffolk County Legislature’s Budget and Finance Committee, the Director of the Division of the Budget and the affected not-for-profit organization on or before the deadline date for the execution of the contract.

## **Section 4. Applicability.**

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

**Section 5. 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 6. 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 7. Effective Date.**

This law shall take effect on January 1, 2011.

DATED: June 8, 2010

**\*\*VETOED BY COUNTY EXECUTIVE ON JULY 9, 2010\*\***

**\*\*VETO OVERRIDE ADOPTED ON AUGUST 3, 2010\*\***

After a public hearing duly held on June 21, 2010  
Filed with the Secretary of State on August 23, 2010