

**RESOLUTION NO. 558 -2010, AUTHORIZING EXECUTION OF AN INTERMUNICIPAL AGREEMENT PURSUANT TO §§ 119-o AND 239-n OF THE GENERAL MUNICIPAL LAW TO ESTABLISH AN INTERGOVERNMENTAL RELATIONS PURCHASING COUNCIL**

**WHEREAS**, sub-division (c) of section (1) of Article IX of the New York State Constitution provides that “[l]ocal governments shall have power to agree, as authorized by act of the legislature, with the federal government, a state or one or more other governments within or without the state, to provide cooperatively, jointly or by contract any facility, service, activity or undertaking which each participating local government has the power to provide separately...;” and

**WHEREAS**, section 239-n of Article 12-C of the General Municipal Law provides that “[a]NY County ... town, village, school district, board of cooperative educational services, or fire district or any combination thereof, may create by agreement an intergovernmental relations council to strengthen local governments and to promote efficient and economical provision of local governmental services within or by such participating municipalities, and to that end such council shall have power to:

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- g. Employ such persons and adopt such rules and regulations as shall be necessary and proper to effectuate the purposes of this section.
- h. Provide a forum for local governments to explore and develop areas for municipal cooperative activities pursuant to article five-G of this chapter.
- i. Operate as a purchasing consortium, where authorized by participating municipalities, for the purpose of obtaining economies through joint bidding and purchasing.
- j. Purchase and make available to participating municipalities, where authorized by participating municipalities, goods and equipment, including but not limited to computer hardware and software.
- k. Gather and make available information on surplus goods and equipment for sale or lease...;”

and

**WHEREAS**, sub-division (1) of section 119-o of Article 5-G of the General Municipal Law provides, in part, that “[i]n addition to any other general or special powers vested in [M]unicipal [C]orporations and districts for the performance of their respective functions, powers or duties on an individual, cooperative, joint or contract basis, [M]unicipal [C]orporations

and districts shall have power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service ...;" and

**WHEREAS**, paragraph (d) of sub-division (2) of section 119-o of Article 5-G of the General Municipal Law authorizes agreements relating to "[p]urchasing and making of contracts subject to general laws applicable to [M]unicipal [C]orporations and school districts;" and

**WHEREAS**, the Counties of Suffolk and Nassau have been in discussions to form an intergovernmental relations council under §239-n of the General Municipal Law to obtain cost effective purchasing opportunities; and

**WHEREAS**, it is the desire of the County to realize fully the rights and benefits conferred by state law upon municipalities, as has been enumerated above, by entering into a joint purchase agreement, now therefore be it

**1<sup>st</sup>** **RESOLVED**, the County Executive is hereby authorized, empowered, and directed to enter into an intermunicipal agreement pursuant to §§ 119-o and 239-n of the General Municipal Law to form an intergovernmental relations council to promote efficient and economical purchasing opportunities; and be it further

**2<sup>nd</sup>** **RESOLVED**, the execution and delivery on behalf of, and in the name of, the County by the County Executive and/or his designee(s) of a joint purchase intermunicipal agreement, substantially in form as annexed, pursuant to §§ 119-o and 239-n of the General Municipal Law shall be conclusive evidence of approval by this Legislature of the creation of a purchasing intergovernmental relations council; and be it further

**3<sup>rd</sup>** **RESOLVED**, that 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) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 N.Y.C.R.R.) 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.

DATED: June 8, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: June 18, 2010