Intro. Res. No. 2258-2010 Laid on Table 12/21/2010
Introduced by Legislators Schneiderman, Romaine and Cooper

RESOLUTION NO. 670 -2011, ADOPTING LOCAL LAW NO. -2011, A CHARTER LAW TO PROVIDE FOR FAIR AND EQUITABLE DISTRIBUTION OF PUBLIC SAFETY SALES AND COMPENSATING USE TAX REVENUES

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on December 21, 2010, a proposed local law entitled, "**A CHARTER LAW TO PROVIDE FOR FAIR AND EQUITABLE DISTRIBUTION OF PUBLIC SAFETY SALES AND COMPENSATING USE TAX REVENUES**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO PROVIDE FOR FAIR AND EQUITABLE DISTRIBUTION OF PUBLIC SAFETY SALES AND COMPENSATING USE TAX REVENUES

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 is authorized to allocate between one-eighth and three-eighths of the revenue generated from the County's additional 1% sales and compensating use tax for public safety purposes.

This Legislature also finds that because sales taxes are collected from all over Suffolk County, sales tax revenue generated for public safety purposes should be allocated equitably between the Suffolk County Police District and those towns and villages that maintain their own police forces.

This Legislature determines that Local Law No. 18-1998 attempted to establish an equitable formula for distributing public safety sales tax revenues but, unfortunately, the formula was confusing and compliance with the law has been uneven, at best.

This Legislature also determines that it is necessary to update and clarify the County's formula for allocating public safety sales tax revenues.

This Legislature also determines that in order to assure adequate funding for public safety, at least one-quarter of the revenues generated by the County's additional 1% sales and compensating use tax should be dedicated to police services on an annual basis.

Therefore, the purpose of this law is to amend the Suffolk County Charter to require that at least one-quarter of the revenues generated by the County's additional 1% sales and compensating use tax be dedicated to police services and to establish a fair, population-based formula that will ensure that public safety sales tax revenues are shared equitably between the Suffolk County Police District and the towns and villages lying outside the district.

Section 2. Amendments.

I. Section C4-6(J) of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

* * * *

§ C4-6. Submission of proposed County budget by County Executive.

* * * *

J. The proposed expense budget for any fiscal year shall allocate, as authorized by §1262-j of NEW YORK TAX LAW, no less than one-fourth of the revenues generated by the County's additional 1% sales and compensating use tax to the Suffolk County Police District to support the operations of the Suffolk County Police Department and to make special payments to the following municipalities to support their police services: Towns of Riverhead, Southampton, Shelter Island, Southold and East Hampton and the Villages of Amityville, Ocean Beach, Saltaire, Head of Harbor, Nissequogue, Asharoken, Huntington Bay, Lloyd Harbor, Northport, Westhampton Beach, Quogue, Sag Harbor, Southampton, and East Hampton. The special payments shall be computed by multiplying the amount of sales tax revenue allocated to the Police District Fund by a fraction equal to the total population residing within the aforesaid municipalities divided by the total population of the County. This amount shall then be divided among the municipalities based upon the respective percentage that the population of each municipality bears to all others as determined by the most recent published federal census.

* * * *

II. Section C4-10 of the SUFFOLK COUNTY CODE is hereby amended to include a new subsection (k) to read as follows:

C4-10. Action by County Legislature on proposed budget.

* * * *

K. The adopted expense budget for any fiscal year shall allocate, as authorized by §1262-j of NEW YORK TAX LAW, no less than one-fourth of the revenues generated by the County's additional 1% sales and compensating use tax to the Suffolk County Police District to support the operations of the Suffolk County Police Department and to make special payments to the following municipalities to support their police services: Towns of Riverhead, Southampton, Shelter Island, Southold and East Hampton and the Villages of Amityville, Ocean Beach, Saltaire, Head of Harbor, Nissequogue, Asharoken, Huntington Bay, Lloyd Harbor, Northport, Westhampton Beach, Quogue, Sag Harbor, Southampton, and East Hampton. The special payments shall be computed by multiplying the amount of sales tax revenue allocated to the Police District Fund by a fraction equal to the total population residing within the aforesaid municipalities divided by the total population of the County. This amount shall then be divided among the municipalities based upon the respective percentage that the population of each municipality bears to all others as determined by the most recent published federal census.

Section 3. Applicability.

This law shall apply to expense budgets proposed and adopted 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) 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 not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the office of the Secretary of State.

DATED: August 16, 2011**NOT ADOPTED**

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 August 16, 2011 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 2258-10 Res. No. 670 August 16, 2011

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

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

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
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	Sarah S. ANKER		/			
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	9	9	—		

MOTION

X Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess

APPROVED ___ FAILED X
No Motion ___ No Second ___

RESOLUTION DECLARED

___ ADOPTED
X NOT ADOPTED

Roll Call X Voice Vote ___

Tim Laube

Tim Laube, Clerk of the Legislature