

STRICKEN AS OF END OF YEAR 2011

Intro. Res. No. 1936-2011
Introduced by Legislator Horsley

Laid on Table 11/22/2011

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO ENSURE FUNDING FOR
SEWER INFRASTRUCTURE IMPROVEMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2011, a proposed local law entitled, "**A CHARTER LAW TO ENSURE FUNDING FOR SEWER INFRASTRUCTURE IMPROVEMENTS**"; 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 ENSURE FUNDING FOR SEWER
INFRASTRUCTURE IMPROVEMENTS**

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 Local Law No. 44-2011 authorized the use of excess monies in the Assessment Stabilization Reserve Fund ("ASRF") to pay for sewer infrastructure and sewage treatment plants, the installation of enhanced nitrogen removal systems and to provide temporary property tax relief.

This Legislature further finds that Local Law No. 44-2011 contained a drafting error in that funding for sewer infrastructure was made permissive, rather than mandatory as the Legislature intended.

Therefore, the purpose of this local law is to correct Local Law No. 44-2011 to reflect the Legislature's intent to make funding for sewer infrastructure mandatory.

Section 2. Amendment.

Section C12-2 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

§ C12-2. Programmatic expenses.

* * * * *

- D. Sewer taxpayer protection: 25% of the total revenues generated each calendar year for sewer district tax rate stabilization only in those instances in which the pertinent sewer district will experience an increase in rates of at least 3% in the aggregate for user charges, operations and maintenance charges, per-parcel charges, and ad valorem assessments in the calendar year for which these sewer district tax stabilization revenues are being allocated. The Suffolk County Sewer Assessment Stabilization

Fund is hereby created. 25% of the total revenues generated each calendar year 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 and shall not reduce the projected rate increase below 3% in the aggregate for user charges, operations and maintenance charges, per parcel charges, and ad valorem assessments for the year in question. If the revenues generated in any year, including calendar year 2030, exceed the amount necessary to provide such stabilization, then such excess revenues shall be carried over as a fund balance for sewer district tax rate stabilization, provided, however, that such fund balance shall not exceed \$140 million in fiscal year 2011, or in any subsequent fiscal year through fiscal year 2021.

- 1) In the event such fund balance exceeds \$140 million in fiscal year 2011, 2012 or 2013, 62.5% of these excess monies ~~may~~ shall be used, via duly approved resolutions of the County of Suffolk, for installation, improvements, maintenance and operation of sewer infrastructure and sewage treatment plants and for the installation of residential and commercial enhanced nitrogen removal septic systems. These monies may be used for projects outside the boundaries of County sewer districts. Thirty-seven and one half percent (37.5%) of the 2011, 2012 and 2013 excess fund balance shall be appropriated via duly approved resolutions to a reserve fund for bonded indebtedness established pursuant to Section 6-h of the General Municipal Law or to a retirement contribution reserve fund established pursuant to Section 6-r of the General Municipal Law (County Fund 420 and any successor fund).

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Section 3. Applicability.

This law shall apply to 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 filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: