

STRICKEN AS OF END OF YEAR 2011

Intro. Res. No.1997-2011

Laid on Table 11/22/2011

Introduced by Legislators Romaine, Kennedy, Nowick and Muratore

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO BAN COMMUNITY
COLLEGE CHARGEBACKS TO THE TOWNS**

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 BAN COMMUNITY COLLEGE CHARGEBACKS TO THE TOWNS**"; 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 BAN COMMUNITY COLLEGE
CHARGEBACKS TO THE TOWNS**

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 pursuant to § 6305 of NEW YORK EDUCATION LAW, any community college in the State may accept non-resident students; further, a community college may charge and collect from the non-resident students' home county an allocable portion of the college's costs.

This Legislature further finds that amounts payable to community colleges for out-of-county tuition are a general County charge. However, counties may chargeback such amounts, in whole or in part, to the towns and cities within their jurisdiction.

This Legislature also determines that historically the County has not charged its towns for the costs incurred by the County for out-of-county tuition expenses.

This Legislature finds that the County Executive proposed in his 2012 Operating Budget to pass along out-of-county tuition expenses to the ten towns for the first time in County history.

This Legislature further determines that it is unfair for the County to pass community college costs onto town governments because the towns have no role in this area.

This Legislature further finds that the County cannot, in good conscience, complain about the hardships caused by unfunded State mandates and then mandate that towns pay a cost that has always been a County charge.

This Legislature also finds that town governments will have no choice but to raise property taxes to satisfy this new County mandate.

Therefore, the purpose of this charter law is to prohibit the County from charging back the towns for costs associated with out-of-county tuition.

Section 2. Amendments.

I) Section C4-6 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

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

* * * *

L. The County Executive shall not include in his proposed expense budget revenues from a chargeback to the towns in Suffolk County for costs incurred by the County for payments made to community colleges pursuant to § 6305 of the NEW YORK EDUCATION LAW.

II) Section C4-10 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

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

* * * *

K. The adopted expense budget for any fiscal year shall not include revenues from a chargeback to the towns of Suffolk County for costs incurred by the County for payments made to community colleges pursuant to § 6305 of the NEW YORK EDUCATION LAW.

Section 3. Applicability.

This law shall apply to all operating budgets proposed and adopted 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.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: