

**STRICKEN AS OF 9/13/2012**

Intro. Res. No. 1233-2012  
Introduced by Legislator Schneiderman

Laid on Table 3/13/2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW  
NO. -2012, A CHARTER LAW TO CLARIFY THE PROCESS  
FOR DISTRIBUTING PUBLIC SAFETY SALES TAX REVENUES  
TO MUNICIPALITIES OUTSIDE THE POLICE DISTRICT**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2012 a proposed local law entitled, "**A CHARTER LAW TO CLARIFY THE PROCESS FOR DISTRIBUTING PUBLIC SAFETY SALES TAX REVENUES TO MUNICIPALITIES OUTSIDE THE POLICE DISTRICT**"; now, therefore be it

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

**LOCAL LAW NO. -2012, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO CLARIFY THE PROCESS FOR DISTRIBUTING  
PUBLIC SAFETY SALES TAX REVENUES TO MUNICIPALITIES  
OUTSIDE THE POLICE DISTRICT**

**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 also finds that, beginning in 1994, the County of Suffolk voluntarily allocated a portion of its public safety sales tax revenue to the towns and villages located outside the Police District to support their public safety programs. These voluntary payments continued uninterrupted through 1997. In 1997, the County Legislature allocated approximately 10% of the public safety sales tax revenues to the towns and villages outside the Police District, which was roughly commensurate with their share of the overall population of Suffolk County.

This Legislature finds that in 1997, the County Executive failed to include the special payments to the towns and villages in his proposed 1998 Operating Budget. The Legislature reacted to this failure by enacting Local Law No. 18-1998, which attempted to establish a permanent, equitable formula for distributing public safety sales tax revenues. In enacting Local Law No. 18-1998, the County Legislature intended that the towns and villages would receive the same proportion of public safety sales tax revenue that they received in 1997

-- approximately 10% -- in each succeeding fiscal year, rising and falling in direct correlation to any increase or decrease in sales tax revenues allocated to the Suffolk County Police District.

This Legislature also finds that the revenue sharing formula set forth in Local Law No. 18-1998 was and is confusing, and compliance with the law since 1998 has been uneven, at best.

This Legislature determines that it is necessary to update and clarify the County law governing the allocation of public safety sales tax revenues.

Therefore, the purpose of this law is to amend the Suffolk County Charter to clarify that the towns and villages outside of Suffolk County Police District will receive the same share of public safety sales tax revenues as they received in the County's 1997 Adopted Operating Budget.

**Section 2. Amendment.**

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

**C4-6. Submission of the proposed budget by the County Executive**

\* \* \* \*

J. The proposed expense budget for any fiscal year shall allocate, as authorized by Section 1262-j of New York Tax Law, no less than 1/8 and no more than 3/8 of the revenues generated by the County's additional 1% sales 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: the 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. 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 amount the towns and villages received in proportion to the Police District in the County's 1997 Adopted Operating Budget. This amount shall then be divided among the towns and villages based on the respective shares (measured as a percentage) that each municipality received from the County in the 1997 Adopted Operating Budget.

\* \* \* \*

**Section 3. Applicability.**

This law shall apply to expense budgets proposed 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 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:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: