

STRICKEN AS OF 5/7/2013
AMENDED COPY AS OF 12/10/2012

Intro. Res. No. 2027-2012

Laid on Table 11/7/2012

Introduced by Legislators Schneiderman and Hahn

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO STRENGTHEN
MONITORING OF SEWER PLANTS OPERATING IN SUFFOLK
COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 7, 2012 a proposed local law entitled, "**A CHARTER LAW TO STRENGTHEN MONITORING OF SEWER PLANTS OPERATING IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO STRENGTHEN MONITORING OF SEWER
PLANTS OPERATING IN SUFFOLK COUNTY**

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 since the inception of the Drinking Water Protection Program, a portion of the revenues generated under this program have been deposited in the Assessment Stabilization Reserve Fund ("ASRF") for the purpose of stabilizing taxes within the County's sewer districts.

This Legislature finds that in 2011, the County of Suffolk widened the permissible uses of monies in the ASRF to allow funds to be used for the installation, improvements, maintenance and operation of sewer infrastructure and sewage treatment plants.

This Legislature further finds that due to the County's deep fiscal problems, several sewage treatment plant inspectors in the Department of Health Services were laid off earlier this year.

This Legislature further finds that the Department of Health Services is responsible for inspecting and monitoring 162 private and municipal sewage treatment plants in Suffolk County.

This Legislature finds that strict monitoring of sewage treatment plants is necessary to protect the health and safety of Suffolk County residents.

This Legislature also determines that the County of Suffolk should have the ability to access the ASRF to ensure the County's sewage treatment plants are properly monitored by the Department of Health Services.

Therefore, the purpose of this law is to amend Article 12 of the SUFFOLK COUNTY CHARTER to authorize the County of Suffolk to utilize monies in the Assessment Stabilization Reserve Fund to properly inspect and monitor sewage treatment plants operated in the County of Suffolk.

Section 2. Amendment.

Article 12 of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

**ARTICLE XII
SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM**

* * * *

C12-2. Programmatic Expenses.

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- D. Sewer taxpayer protection and oversight of sewage treatment plants: 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 and, additionally, the inspection and monitoring of municipal and private sewage treatment plants (including personnel costs) in an amount not to exceed \$250,000 in any fiscal year. 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 and the inspection and monitoring of sewage treatment plants, 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.

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Section 3. Applicability.

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

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: