

**RESOLUTION NO. 1225 -2012, ADOPTING LOCAL LAW  
NO. 18 -2013, A CHARTER LAW TO STRENGTHEN  
OVERSIGHT OF COUNTY CONTRACT AGENCIES**

**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 OVERSIGHT OF COUNTY CONTRACT AGENCIES**;" now, therefore be it

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

**LOCAL LAW NO. 18 -2013, SUFFOLK COUNTY, NEW YORK**

**A CHARTER LAW TO STRENGTHEN OVERSIGHT OF COUNTY  
CONTRACT AGENCIES**

**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 contracts with hundreds of not-for-profit contract agencies each year to deliver services to Suffolk County residents.

This Legislature further finds that in the current economic climate, the County of Suffolk must carefully scrutinize contract agencies to ensure they are using County tax dollars efficiently to deliver services.

This Legislature also finds that Local Law No. 9-2001 requires contract agencies to provide the Department of Audit and Control with financial information, including the compensation they pay their employees. The goal of Local Law No. 9-2001 is to alert County officials to instances where a disproportionate share of a contract agency's funding is being used to pay salaries and other administrative expenses.

This Legislature further determines that the Suffolk County Comptroller has advised this Legislature that Local Law No. 9-2001 has proven to be unworkable and ineffective.

This Legislature also finds that a new financial disclosure framework that allows County departments and elected officials to evaluate the performance of contract agencies in systematic and timely matter must be established.

Therefore, the purpose of this law is to repeal Local Law No. 9-2001 and replace it with a new financial disclosure regimen for contract agencies.

**Section 2. Repeal.**

Local Law No. 9-2001 and Section C4-35 of the SUFFOLK COUNTY CHARTER are hereby repealed in their entirety.

**Section 3. Amendment.**

Chapter 189 of the SUFFOLK COUNTY CODE is hereby amended by the addition of a new Article XIII which shall read as follows:

**Article XIII. Evaluation of Contract Agencies by County Departments; Contract Agency Financial Disclosure Requirements.**

**§ 189-64. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**CONTRACT AGENCY** - any not-for-profit corporation or entity which the County of Suffolk contracts with to render human services directly to the residents of Suffolk County, including services related to health, welfare/social services, parks/recreation, economic development, cultural affairs, veterans' affairs, handicapped programs, public safety, youth, aging/senior citizens' programs, minority affairs, women's affairs, labor/employment services and education.

**§ 189-65. Contract agency evaluation.**

- A. No later than June 10th each year, all County departments shall complete and submit, to the Department of Audit and Control, a Contract Agency Evaluation Form ("CAEF") for every contracted program that is funded from objects 4770 and 4980 in that year's operating budget or for which the department is requesting funding in the following fiscal year's operating budget. The information provided in the CAEF shall include, but not be limited to, the contract amount, the net cost to the County, a description of the services provided, other agencies providing the same service and the justification for continuing funding the contracted program.
- B. The Department of Audit and Control shall make the CAEF available on its departmental website.

**§ 189-66. Disclosure by Contract Agencies.**

- A. No later than June 30th of each year, the Department of Audit and Control shall send a Contract Agency Disclosure Form to each contract agency. The information provided in the disclosure form shall include, but not be limited to, the contract program's revenues from all sources, its direct program expenses and administrative expenses and top five (5) employee salaries.
- B. All contract agencies must submit their completed disclosure form, its most recent audited financial statements or a financial report for the agency's most recent fiscal year, and a schedule of all employees and their salaries for the previous calendar year, to the Department of Audit and Control no later than September 15th each year.
- C. A contract agency's failure to submit their disclosure form and/or any other required document shall constitute non-compliance. A non-compliant contract agency shall not receive funding for any of its programs in the subsequent year's operating budget. Funding may be restored through a stand-alone resolution only after all required information has been submitted.

D. This section shall not apply to any town, village, fire district, library district or ambulance district.

**§ 189-67. Contract analysis by Department of Audit and Control.**

A. The Department of Audit and Control is authorized and empowered to analyze the financial information provided by contract agencies to ensure compliance with all County laws.

B. No later than October 7th each year, the Department of Audit and Control will submit to the County Executive and each member of the County Legislature, a compilation and analysis of the financial information submitted by the contract agencies. The report prepared by the Department of Audit and Control will be designed to assist the County Executive and County Legislature in the budget process and identify contracts which require further review by the Department of Audit and Control.

**§ 189-68. Comptroller authorized to withhold appropriations.**

The Suffolk County Comptroller is hereby authorized and empowered to withhold monies appropriated for contract agencies that have failed to comply with the provisions of this Article, or any other County law that is applicable to contract agencies.

**Section 4. Applicability.**

This law shall apply to actions occurring on or after January 1, 2013.

**Section 5. 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 6. 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 7. 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: December 18, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 12-31-12

After a public hearing duly held on December 31, 2012  
Filed with the Secretary of State on May 20, 2013

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 December 18, 2012 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.

2041

Res. No.

1225

December 18, 2012

**Motion:**

Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cirmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**

Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cirmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**

Schneiderman, Browning, Muratore, Anker  
Calarco, Montano, Cirmi, Lindsay, Hahn, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1						
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING				/	
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO			/		
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	15	-	1	1	-

MOTION	
<input checked="" type="checkbox"/>	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 <input checked="" type="checkbox"/>	FAILED ___
No Motion ___	No Second ___

RESOLUTION DECLARED	
<input checked="" type="checkbox"/>	ADOPTED
___	NOT ADOPTED

Roll Call \_\_\_ Voice Vote

*Tim Laube*

Tim Laube, Clerk of the Legislature