Intro. Res. No. 1489-2013 Laid on Table 6/4/2013
Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 522 -2013, AMENDING RESOLUTION NO. 732-2012, AUTHORIZING A CHARGE BACK FOR THE OUT-OF-COUNTY TUITION

WHEREAS, New York State Education Law requires the County of Suffolk to reimburse other community colleges for certain costs when a Suffolk resident attends a community college on a non-resident basis; and

WHEREAS, the County of Suffolk may, pursuant to Section 6305(f) of the New York State Education Law, charge the amounts paid for such residents back to the County's ten towns in proportion to the number of town residents who attend community college as non-residents, a process commonly referred to as a "charge back"; and

WHEREAS, Suffolk County Resolution No. 732-2012 authorized a charge back for the academic fiscal year of September 1, 2012 to August 31, 2013 for Suffolk County residents attending New York State Community Colleges as non-residents, with the exception of costs associated with residents enrolled at the New York Fashion Institute of Technology (FIT) in third and fourth year education programs and Master's Degree programs; and

WHEREAS, on January 16, 2013, the Second Department issued an opinion in the matter of *Town of North Hempstead v. County of Nassau* (2013 NY Slip Opinions 00216 2d Dept.), finding that counties are entitled to charge back for amounts paid for residents enrolled in four-year undergraduate programs and graduate programs at FIT, since FIT is financed and administered in the manner provided for community colleges; and

WHEREAS, in light of this decision, the County wishes to amend Resolution No. 732-2012 to remove the exceptions related to FIT and to authorize a charge back for the academic fiscal year of September 1, 2012 to August 31, 2013 for Suffolk County residents attending FIT as non-residents, regardless of whether such attendance is for three-year or four-year undergraduate programs or graduate programs; now, therefore be it

1st **RESOLVED**, that the 1st Resolved Clause of Suffolk County Resolution No. 732-2012 is hereby amended as follows:

> 1st RESOLVED that pursuant to section 6305(5) of the New York Education Law, a charge back upon the respective towns is hereby imposed for the costs paid by the County during the academic fiscal year September 1, 2012 to August 31, 2013, for the allocable portions of the operating costs and capital costs of <u>the New York Fashion Institute of Technology and</u> the other New York State Community Colleges for Suffolk County residents attending each such college as non-residents [, with the exception of costs associated with third and fourth year students and Master's Degree Students attending the New York Fashion Institute of Technology]; and be it further

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2nd **RESOLVED**, that 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.

[ ] Brackets denote deletion of language.
__ Underlining denotes addition of new language.

DATED: June 18, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 26, 2013