

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. 621 -2013, ADOPTING LOCAL LAW NO. -2013, A CHARTER LAW TO CREATE A UNIFIED COUNTY DEPARTMENT OF FINANCIAL MANAGEMENT AND AUDIT

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on June 18, 2013 a proposed local law entitled “**A CHARTER LAW TO CREATE A UNIFIED COUNTY DEPARTMENT OF FINANCIAL MANAGEMENT AND AUDIT;**” and said local law in final form is the same as when presented and introduced; 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 CREATE A UNIFIED COUNTY DEPARTMENT OF FINANCIAL MANAGEMENT AND AUDIT

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds that, under the present organization of Suffolk County government, Suffolk County finances are administered by two (2) separate departments headed by two (2) independently elected officials, i.e., the County Comptroller and County Treasurer, which offices interact regularly.

This Legislature further finds and determines that the respective roles of the County Treasurer and County Comptroller in directing the cash management administration for Suffolk County and exercising the auditing, borrowing, and appropriations control functions of the County have been divided in such a manner as to splinter the financial management duties of the County of Suffolk.

This Legislature further finds that the projected deficit of \$250 million as of December 31, 2014 requires structural reforms that will implement economies of scale and cut spending. Enactment of this local law will help to reduce costs to the County on a recurring basis by surgically striking spending via the elimination of working unit overlap.

This Legislature also determines that the Charter Revision Commission, in its report, Charter Revision Recommendations by the Charter Revision Commission -- June 1997 to June 1999, dated April 5, 1999, found that the Office of the County Treasurer should be abolished. More specifically, the Charter Revision Commission stated:

“...the borrowing and auditing functions are functions that should still come under the control of an elected official directly accountable to the public. By contrast, those fund management duties that are now associated with the Office of Taxation and

Finance, are heavily regulated and technical in nature, and should be conducted by qualified civil servants appointed according to civil service rules and regulations.

“In general, the elimination of duplicative services and the consolidation of County-wide functions are necessary to maintain and preserve the fiscal health of Suffolk County.

“The purpose of the following amendment to the charter, which establishes a new department combining the functions of the current County Treasurer and Comptroller, does not obviate the need for the Suffolk County Executive to maintain his central budgetary position. The Director of the new department will be responsible solely for the management and auditing of county funds and spending practices. The County Executive is the Chief Budgeting Officer and is charged with setting budgetary priorities for the county and recommending to the County Legislature the capital budget, the community college budget, and the operating budget.”

This Legislature further finds that a transfer of the functions and responsibilities of the County Departments of Finance and Taxation and Audit and Control to a unified County Department of Financial Management and Audit would result in more efficient financial management through, consolidation of functions, streamlining of operations, increased and improved application of computerization, more accurate and more timely cash-flow analyses, and the coordination and cooperation inherent in a unified operation.

This Legislature further determines that the creation of a single Department of Financial Management and Audit will help to ensure and promote the fiscal integrity of the County while enhancing effective administration and monitoring of financial activities.

Therefore, the purpose of this law is to transfer the functions of the County Department of Audit and Control and the County Department of Finance and Taxation into a unified, consolidated County Department of Financial Management and Audit to be administered by an independent Chief Financial Officer elected by the voters of Suffolk County, who would be designated as the Chief Fiscal Officer of the County of Suffolk.

Section 2. Amendments.

- I. Articles V and Article XV of the SUFFOLK COUNTY CHARTER and Article XV of the Suffolk County Administrative Code are hereby repealed in their entirety.
- II. A new Article V of the SUFFOLK COUNTY CHARTER is hereby adopted as follows:

Article V
Department of Financial Management and Audit

Section C5-1. Department established.

The Suffolk County Department of Financial Management and Audit (“Department”) is hereby created, the head of which shall be the elected

County Chief Financial Officer (“Chief Financial Officer”). The Chief Financial Officer shall be elected from the County at large. The first election for which shall be held in November 2014. The Chief Financial Officer's term of office shall be four (4) years from and including the first day of January next following his or her election, with the initial term of office to commence on January 1, 2015. He or she may serve as Chief Financial Officer for not more than 12 consecutive years. The Chief Financial Officer shall be the chief fiscal officer of the County. The Chief Financial Officer shall appoint a Chief Deputy Chief Financial Officer and a Deputy Chief Financial Officer both of whom shall serve at the pleasure of the Chief Financial Officer and, who in the absence of the Chief Financial Officer, shall possess the powers and perform the duties of the Chief Financial Officer, and, within the appropriation therefor, appoint an assistant to the Chief Financial Officer, an exempt secretary and all other officers and employees of the Department as may be necessary.

Section C5-2. Powers and Duties.

The Chief Financial Officer shall:

- A.)** Except as otherwise expressly provided in this Charter, have all the powers and perform all the duties conferred or imposed upon the chief fiscal officer of a County under the New York County Law and have charge of the administration of all of the financial affairs of the County.
- B.)** Examine, audit and verify all books, records and accounts kept by the various administrative units, departments, offices, or officials paid from County funds, institutions and other agencies of the County, including bond and note registers and trust accounts, and the accrual and collection of all County revenues and receipts, and for this purpose have access to all such books, records and accounts at any time.
- C.)** Prescribe the form of receipts, vouchers, bills or claims to be filed by all departments, institutions, offices, and agencies of the County.
- D.)** Examine and approve for payment all contracts, purchase orders, and other documents by which the County incurs financial obligations, having ascertained before approval that moneys have been duly appropriated or provided for and allotted to meet such obligations and will be available when such obligations shall have become due and payable; and record such obligations and encumbrances of the respective appropriations from which such obligations are to be paid.
- E.)** Audit and approve all bills, invoices, payrolls, and other evidences of claims, demands or charges against the County or any County district and determine the regularity, legality, and correctness of the same.
- F.)** Submit monthly reports to the County Legislature in such form and detail and at such other times as may be prescribed by the County Legislature.
- G.)** Be the auditing authority of the County.

- H.)** Prescribe such methods of accounting for the County and other units of the local government of the County as he or she may deem necessary, provided that the same shall have been approved by the County Executive and the State Comptroller.
- I.)** Solicit requests for proposals by any interested qualified individuals, companies, partnerships, corporations, associations and/or joint ventures offering or providing services to perform refundings, refinancings and/or similar borrowings for existing County debt each time a proposal to refund or refinance existing County debt is formally introduced or submitted by any elected official of the County of Suffolk for formal action.
- 1.)** As a condition precedent to the solicitation of such proposals, the Chief Financial Officer shall develop written specifications, time limitations and criteria to be disseminated as widely as is possible within the pertinent financial markets and financial communities, with copies to be filed with the County Executive and the Clerk of the County Legislature for legislative distribution for each such proposal to refund or refinance existing County debt.
- 2.)** After the proposals are submitted in writing to the Chief Financial Officer in conformity with such specifications and criteria, the Chief Financial Officer shall prepare a written evaluation and analysis of the effect and financial, economic or fiscal impact of such proposals and submit the same to the Legislative Budget Review Office and the County Executive.
- 3.)** No action may be taken to approve or disapprove any such proposal to refund or refinance existing County debt unless and until all of the provisions of this subsection have been literally complied with.
- 4.)** Any agreement or understanding between any of the above-named parties who are offering, providing, introducing or submitting competing proposals to refinance or refund existing County debt, which agreement provides for the splitting, sharing, dividing or allocation of fees or compensation generated by the consummation of such refinancing or refunding, shall first be submitted to the Budget Committee of the Suffolk County Legislature, or its successor, for preliminary approval of such agreement by a vote of at least a majority of the entire membership of such Committee prior to any action by the County Legislature on the final refunding or refinancing proposal.
- J.)** Receive and have custody of all public funds belonging to or handled by the County.
- K.)** Collect all taxes, assessments, license fees and other revenues of the County or for whose collection the County is responsible, except those payable by law to the County Clerk or Sheriff.

- L.) Deposit all funds coming into his or her hands in such depositories as may be designated by resolution of the County Legislature or, if no such resolution is adopted, then as designated by the County Executive, subject to the requirements of law as to depositories and depositories' undertakings.
- M.) Have the custody, investment and management of any sinking funds provided for the payment or redemption of County debts.
- N.) Submit to the County Legislature annually, as required by law, a complete financial statement containing a general balance sheet for the County, and at such other times as may be required by the County Legislature.
- O.) Exercise such powers and duties pertaining to or incidental to the private sale of serial bonds of the County of Suffolk, as may be delegated by the County of Suffolk, in conjunction with the County Legislature and the County Executive in accordance with law.
- P.) Perform all the duties required by any law to be performed by a County Comptroller or County Treasurer, unless such duties shall have been assigned to some other County department or officer.
- Q.) Perform such other duties pertaining to the financial affairs of the County as may be directed by the County Legislature, by the County Executive, by any law or by any fiscal officers of the state authorized so to do by law.

Section C5-3. Filling vacancies in office of Chief Financial Officer.

- A.) If the office of Chief Financial Officer becomes vacant other than by expiration of term, the vacancy shall be filled for the unexpired term at the first general election at which the vacancy may be filled.
- B.) Until the vacancy is filled by election as hereinabove provided, the vacancy shall be filled by appointment of a qualified person by the County Executive with the approval of the County Legislature.

Section C5-4. Filing results of audits with County Legislature.

- A.) Each audit prepared by the Department or by any independent auditor on behalf of the County of Suffolk shall be filed with each member of the Suffolk County Legislature within thirty (30) days after the completion of such report.
- B.) Within ninety (90) days after public release of such audit by the Department or by any independent auditor on behalf of the County of Suffolk, the department head or elected official in charge of the department, agency, board or other governmental entity which was the subject matter of such audit shall appear before the committee of the Suffolk County Legislature having primary jurisdiction over such department, agency, board or governmental entity for the purpose of explaining what actions have been taken to implement the recommendations, if any, of said auditor. If no steps have been taken to implement such recommendations or if no such recommendations have been

implemented, then such department head or elected official shall give an explanation as to why such recommendations have not been implemented.

- C.)** The Chairman of the pertinent legislative committee shall schedule such hearings as shall be necessary to fully explore and evaluate the results of such audits and the status of such recommendations and suggestions.

III. Article V of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

ARTICLE V
[Department of Audit and Control]
Department of Financial Management and Audit

Section A5-1. Audit and payment of claims.

- A.)** No claims against the County, except for debt service, payrolls and judgments or other amounts required to be paid by the County pursuant to court orders or from the liability and casualty reserve fund, shall be paid except upon a voucher verified by the oath of the claimant or accompanied by a certificate made by the claimant to the same effect and certified by the head of the appropriate department, institution, office or agency of the County government and, in the case of purchases for a store account, by the Director of Purchasing, and by means of [a warrant on the County Treasurer] an order of payment signed by the County Chief Financial Officer. No [warrant] order of payment shall be issued for the purpose of meeting any payroll or item thereof until such payroll has been certified as correct by the Civil Service Commission.
- B.)** Exceptions to the above statement:
- 1.) The payrolls of unclassified and elected employees are not certified by civil service. It is the responsibility of [Audit and Control] the Department of Financial Management and Audit to ensure the correctness of these payrolls.

Section A5-2. [Warrants] Orders of payments and accounts.

Accounts shall be kept for each specific item of appropriation made by the County Legislature, and every [warrant on the treasury] order of payment shall state specifically against which of said appropriations the [warrant] order of payment is drawn. Each such account shall show in detail the appropriation made by the County Legislature, any transfer to or from such appropriation, the amount drawn thereon, unpaid obligations charged against it and the unencumbered balance to the credit thereof.

Section A5-3. (Reserved).

Section A5-4. Authorization to sell capital notes.

- A.) Subject to the provisions of the Local Finance Law, the power to sell capital notes of the County of Suffolk, New York, heretofore or hereafter authorized to be issued, is hereby delegated to the [County Comptroller] Chief Financial Officer, the chief fiscal officer of such County. Such capital notes shall be of such terms, form and contents and shall be sold by such [County Comptroller] Chief Financial Officer in such manner as may be prescribed by him consistent with the provisions of the Local Finance Law.
- B.) Without limiting the generality of the foregoing delegations of power, the power to sell such capital notes shall include the power to combine two or more separately authorized issues of capital notes for sale as a single note issue, and the power to prescribe the terms, form and contents of such notes shall include:

- 10.) Any and all other provisions relating to the terms, form and contents of the notes which said [County Comptroller] Chief Financial Officer shall deem necessary or desirable.

Section A5-5. Deductions from wages or salaries for federal credit union authorized.

- B.) The [Comptroller] Chief Financial Officer is hereby authorized and directed to deduct from the wages or salary of an employee of the County any amount that such employee may specify in writing filed with the [Comptroller] Chief Financial Officer for dues or savings fund with the federal credit union of County employees and to transmit the sum so deducted to said credit union. Any such written authorization may be withdrawn by such employee at any time by filing written notice of such withdrawal with the [Comptroller] Chief Financial Officer.
- C.) Deductions and withdrawals made pursuant to this section are subject to such rules and regulations as the [Comptroller] Chief Financial Officer may provide.

Section A5-6. Deductions from wages or salaries for Suffolk County teachers federal credit union authorized.

- B.) The [Comptroller] Chief Financial Officer is hereby authorized and directed to deduct from the wages or salary of employees of the Suffolk County Community College who are members or desire membership in the Suffolk County teachers federal credit union any amount that such employees may specify in writing filed with the [Comptroller] Chief Financial Officer for dues or savings fund with the Suffolk County teachers federal credit union and to transmit the sum so deducted to said credit union. Any such written authorization may be withdrawn by such

employee at any time by filing written notice of such withdrawal with the [Comptroller] Chief Financial Officer.

- C.) Deductions and withdrawals made pursuant to this section are subject to such rules and regulations as the [Comptroller] Chief Financial Officer may provide.

Section A5-7. Deductions from wages or salaries for banks and financial institutions other than credit unions authorized.

- A.) Deductions from wages or salaries of County employees for the following purposes for banks and financial institutions other than credit unions are hereby authorized.
- B.) The Chief Financial Officer is hereby authorized and directed to deduct from the wages or salary of an employee of the County any amount that such employee may specify in writing filed with the Chief Financial Officer for deposit with the bank or other financial institution and to transmit the sum so deducted to said bank or other financial institution. Any such written authorization may be withdrawn by such employee at any time by filing written notice of such withdrawal with the Chief financial Officer.
- C.) Deductions and withdrawals made pursuant to this section are subject to such rules and regulations as the Chief Financial Officer may provide.

Section A5-[7]8. Contractors and vendors required to submit full disclosure statement.

- D.) Each contractor or vendor shall file a verified public disclosure statement with the [Comptroller of Suffolk County] Chief Financial Officer as soon as practicable prior to being awarded the contract. An updated disclosure statement shall be filed by the contractor or vendor with the [Comptroller] Chief Financial Officer by the 31st day of January in each year of the contract's duration. It shall be the duty of the [Comptroller] Chief Financial Officer to accept and file such statements.
- E.) No contract shall be awarded to any contractor or vendor, as defined in this section, unless prior to such award a verified public disclosure statement is filed with the [Comptroller] Chief Financial Officer as provided in this section. Any verified public disclosure statement containing fraudulent information shall constitute, for all purposes, a failure to file such statement in the first instance.

- G.) A separate folio for each company shall be maintained alphabetically for public inspection by the [Comptroller] Chief Financial Officer.

Section A5-[8]9. Vendors in tax arrears.

- A.) The [County Comptroller] Chief Financial Officer is hereby authorized, pursuant to §C5-2 (l) of the Suffolk County Charter, to withhold any payments to any vendors or consultants under contract with the County of Suffolk in any instances in which it is determined that said vendor is in arrears on real property taxes, said withholding to be limited, in the aggregate, to the amount of said arrears (inclusive of interest, penalties and other charges).
- B.) Said moneys so withheld shall be kept in a separate account for periodic [distribution to the County Treasurer as] payment of said real property tax arrears only or for payment to the vendor or consultant where it is demonstrated that tax arrears have been cleared up, said payments to be credited to the pertinent tax parcel.

Section A5-10. Funds to be deposited in interest-bearing accounts.

The Chief Financial Officer is required to place all funds on deposit or in his hands into interest-bearing accounts. The Chief Financial Officer shall file with the Clerk of the Legislature every quarter a report concerning the status of all funds on deposit.

Section A5-11. Service charge for handling certain securities.

Whenever the Chief Financial Officer is obliged to accept a deposit of securities in lieu of retaining a percentage of the amount due from time to time on a contract, he shall impose and collect from the contractor a charge of 1/4 of 1% of the value of the securities deposited, as such value is determined by the Chief Financial Officer, for his services in determining whether the securities are of the class that can be accepted for deposit, their value, for clipping and transmitting coupons and otherwise processing and servicing the account until it is terminated. Payment of such charges shall be made before release of any retained payments.

Section A5-12. Authority to create petty cash funds.

- A.) Notwithstanding the provisions of § 371 of the County Law, there is hereby delegated to the Chief Financial Officer the authority to approve the creation or modification of petty cash funds for any administrative unit, up to a maximum amount of \$1,500 per administrative unit, subject to the approval of the Chairman of the Finance and Budget Committee of the County Legislature and a certification by the Budget Director as to the availability of funds for such petty cash funds, except that the Chief Financial Officer shall create or modify a petty cash account for the Department of Social Services in the amount of \$20,000.00.
- B.) The Chief Financial Officer is hereby authorized, empowered and directed to increase and replenish the petty cash fund for the Department of Social Services within forty-eight (48) hours if the amount in the petty cash fund falls below \$8,500.00.

Section A5-13. Application of Real Property Tax Law to County.

The provisions of Chapter 417 of the Laws of 1971 are applicable to Suffolk County.

Section A5-14. Authority to file notice of intention to claim regarding insurance; issuance of certificates.

The collecting officer for the Suffolk County Tax District, the Chief Financial Officer, is authorized to file notices of intention to claim with the State Superintendent of Insurance. The Chief Financial Officer is further authorized to render to any insurer a certificate indicating the amount of all liens of the district against the real property as required and as prescribed by the New York State Insurance Law § 331.

Section A5-15. Release of fire insurance claims.

- A.)** Chapters 738 and 739 of the Laws of 1977 (see General Municipal Law § 22 and Insurance Law §§ 331 and 3410) have authorized tax districts to file claims on fire insurance policies issued on certain real property located within the tax district. In accordance with the statutory requirements, it is hereby provided that, upon compliance with the procedures set forth herein, any amounts which it would otherwise be entitled to claim will be returned or released to the insured owner of the real property upon which a claim against fire insurance policy proceeds has been filed.
- B.)** The insured owner must deliver to the County a written agreement, subject to the approval of the County Attorney, whereby the owner agrees to restore the affected premises to the same or improved condition that it was in prior to being damaged by fire, within a specified time.
- C.)** The insured owner must post a bond insuring performance within the specified time in the amount of the proceeds to be released.

Section A5-16. Deposit of Department Proceeds.

- A.)** The head of each department or agency of the County of Suffolk, or his or her designee, shall deposit into depository interest-bearing savings or checking accounts accruing interest at current market rates all proceeds received by such departments, except as otherwise required by law, and except the special services (budget sub-object 477) account of the District Attorney's office and the County Police Department, in a Countywide system of interest-bearing depository accounts to be established in the name of the County Department of Financial Management and Audit, or any successor department thereto, said deposit to be made either on the day of receipt of such proceeds or no later than 24 hours after receipt of such proceeds. Said deposits shall be remitted to the County Department of Financial Management and Audit, or any successor department thereto, no later than 30 days after receipt of same by any such department or agency. The unified Countywide system of interest-bearing

depository accounts (super account with subcomponents) shall be established and fully implemented no later than July 1, 1997.

- B.)** All petty cash checking accounts, except the petty cash (budget sub-object 350) account in the District Attorney's office, shall be maintained in such interest-bearing accounts.
- C.)** The T-106 account and departmental bank account for all refunds and recoveries of the Suffolk County Department of Social Services are exempt from the provisions of this section.
- D.)** The County Executive and County Department of Financial Management and Audit, or any successor department thereto, are hereby authorized, empowered and directed to issue quarterly reports to the Suffolk County Legislature apprising the Legislature of the status of such interest-bearing accounts.
- E.)** The County Department of Financial Management and Audit, or any successor department thereto, shall adopt internal rules and regulations designed to achieve the following:

 - 1.)** To establish cash control coupled with the provision of a written audit trail for each such transaction.
 - 2.)** A segregation of duties of employees so as to ensure the integrity of such cash-control and audit-control provisions.
- F.)** The County Department of Financial Management and Audit, or any successor department thereto, shall immediately contact all County departments which regularly maintain depository balances in excess of \$100,000 and inform them that:

 - 1.)** Any deposits in excess of said amount are required to be secured by a pledge of collateral, letter of credit or surety bond; and
 - 2.)** They are now required to have written security agreements and custodial agreements with the bank or trust company pledging such collateral.
- G.)** The County Department of Financial Management and Audit, or any successor department thereto, shall execute written security agreements and custodial agreements, pursuant to § 10 of the New York General Municipal Law, with the banks holding collateral to secure deposits of the County Department of Financial Management and Audit, or any successor department thereto.
- H.)** Responsible County officials and employees shall monitor the collateral by implementing procedures which would periodically verify the existence, sufficiency and segregation of pledged collateral.
- I.)** Any willful or intentional violation of Subsection A, B, C or G of this section shall form the basis for a suspension, removal or disciplinary proceeding against the individual alleged to be responsible for such willful or intentional violation

pursuant to § 75 of the New York Civil Service Law carried out in accordance with the procedural and substantive due process requirements required by law.

Section A5-17. Bank Account Reform.

- A.)** Any bank account opened by any department, agency or entity of the County of Suffolk shall be opened in a depository designated by the County Legislature under § 212 of the New York County Law.
- B.)** Any such account shall be opened only with the written consent of the County Department of Financial Management and Audit, or any successor department thereto, and shall provide that the monthly bank statements generated by each such account shall be forwarded directly to the Office of the County Department of Financial Management and Audit, or any successor department thereto, together with a bank statement reconciliation from the pertinent County department, office or agency, to ensure a verification and review of returned checks.
- C.)** All moneys received by the County of Suffolk shall be deposited in a bank or depository designated by the County of Suffolk under § 212 of the New York County Law.
- D.)** Any departmental account shall be opened only with the written consent of the County Department of Financial Management and Audit, or any successor department thereto, and only in a bank or depository designated by the County of Suffolk pursuant to § 212 of the New York County Law.
- E.)** Any willful or intentional violation of this section shall form the basis for a suspension, removal or disciplinary proceeding against the individual alleged to be responsible for such willful or intentional violation pursuant to § 75 of the New York Civil Service Law carried out in accordance with the procedural and substantive due process requirements required by law.

Section A5-18. Contract award.

- A.)** In the course of determining the award of a bank deposit contract, the County of Suffolk shall assign a credit of two (0.02%) basis points to the proposed interest rate submitted by a depository responding to the bid process for awarding any bank-deposit contracts by Suffolk County for each of the following consumer protection standards with which the responding depository is in written compliance:
 - 1.)** Not charge a fee for using a live teller;
 - 2.)** Not impose minimum deposit requirements in excess of \$2,000 to open an interest-bearing account;
 - 3.)** Not charge a monthly service fee for the first 15 checks in each checking account;

- 4.) Not charge a fee to a customer who submits a check written by another party with insufficient funds to cover the check;
 - 5.) Limit the cost for the preparation of a money order to no more than \$5; and
 - 6.) Not charge a fee to a customer for receiving copies of checks written for the previous month.
- B.) In the event that a depository demonstrates compliance with the requirements of the provisions of Subsection A of this section, then such compliance shall continue and endure throughout the course of any agreement with a depository once such agreement has been entered into.

Section A5-19. Disclosure.

Prior to entering into a contract with the County of Suffolk, or prior to the designation of a depository by the County of Suffolk, and at the initiation of the bid process for awarding any bank-deposit contracts, a depository shall make a written representation to the County of Suffolk as to whether and to what degree it abides by the consumer protection requirements as listed in § A5-18(A) above, and that it will immediately notify the County if it experiences a change of control or ownership whereby it will no longer abide by such requirements. Such representation shall be made a part of each contract, together with a representation that an official with authority to bind the depository entering into the contract with the County has read and is familiar with the provisions of this law.

Section A5-20. Enforcement.

- A.) Any contract in violation of § A15-18 of this article shall be null and void ab initio and any depository entering into such an agreement shall not be entitled to any compensation pursuant to said agreement.
- B.) The representations required by § A15-19 of this article shall be incorporated into all contracts entered into by the County of Suffolk with any depository and any violation of such condition shall constitute a material breach of the contract sufficient to cause termination of the contract by the County of Suffolk.

Section A5-21. Exemption.

Sections A5-18, A5-19, and A5-20 of this article shall not apply to any depository entering into an agreement with the County of Suffolk pursuant to a request or command of the United States Government or the State of New York for federal or state grant purposes or programmatic purposes requiring the use of a particular depository as a condition precedent or a condition subsequent to the receipt of such federal or state aid or the implementation of such federal or state program. In order to qualify for such an exemption, a depository shall submit to Suffolk County written documentation of such request or command issued by an appropriate official of the United States Government or the State of New York.

Section 3. Transition and Implementation Provisions.

A.) If this law is approved by a majority of qualified Suffolk County voters as set forth in § 9 of this law, and after its effective date, it shall be implemented as follows:

- 1.) The County Department of Finance and Taxation, the elected Office and position of County Treasurer, the positions of Chief Deputy County Treasurer, Deputy County Treasurer, and consistent with Civil Service Law §§ 41 and 42, the assistant to the treasurer, and the secretary to the treasurer shall all be abolished as of midnight, December 31, 2013, and the functions of the Department of Finance and Taxation shall merge and be incorporated with the Department of Financial Management and Audit on January 1, 2014.
- 2.) The County Department of Audit and Control shall be abolished as of midnight, December 31, 2013 and the functions of the County Department of Audit and Control shall merge and be incorporated with the Department of Financial Management and Audit on January 1, 2014.
- 3.) The individual serving as the County Comptroller on the effective date of this Law shall continue to serve as the County Comptroller and the head of the Department of Financial Management and Audit created by this law through December 31, 2014. The individuals serving as the Chief Deputy County Comptroller, Deputy County Comptroller, assistant to the County Comptroller and the exempt secretary to the County Comptroller shall continue to serve in their respective titles in the Department of Financial Management and Audit through December 31, 2014. The elected Office and position of County Comptroller, Chief Deputy County Comptroller, Deputy County Comptroller, assistant to the County Comptroller and the exempt secretary to the County Comptroller law shall all be abolished as of midnight, December 31, 2014.
- 4.) The elected office of County Chief Financial Officer and the positions of Chief Deputy County Chief Financial Officer and Deputy County Chief Financial Officer, assistant to the Chief Financial Officer, and exempt secretary to the Chief Financial Officer are hereby created, and a resolution shall be duly adopted subsequent to the effective date of this law adding these positions and titles to Suffolk County Salary and Classification plan effective as of January 1, 2015.
- 5.) If the individual serving as the County Comptroller on the effective date of this Law is incapable or unwilling to serve as the appointed head of the Department of Financial Management and Audit through December 31, 2014, the vacancy shall be filled by appointment of a qualified person by the County Executive with the approval of the County Legislature until the vacancy is filled by election as hereinabove provided (Section 2 [C5-1]).

B.) Except as otherwise set forth in this section, any positions of employment,

- 1.) Within the Suffolk County Department of Finance and Taxation shall be abolished and/or transferred, as the case may be, via appropriate

resolution amending the Suffolk County Salary and Classification plan, as of January 1, 2014, to the Department of Financial Management and Audit, provided, however, that no position of an incumbent in Bargaining Units 2 or 6 shall be abolished. Any positions of employment that have not been abolished shall be transferred so as to retain the incumbent individual in said position of employment as the individual so employed in that position by the new office or department to which such position is transferred; and

- 2.) Within the Suffolk County Department of Audit and Control shall be abolished and/or transferred, as the case may be, via appropriate resolution amending the Suffolk County Salary and Classification plan, as of January 1, 2014, to the Suffolk County Department of Financial Management and Audit, provided, however, that no position of an incumbent in Bargaining Units 2 or 6 shall be abolished. Any positions of employment that have not been abolished shall be transferred so as to retain the incumbent individual in said position of employment as the individual so employed in that position by the new office or department to which such position is transferred.
- C.) The County Executive, County Treasurer and the County Comptroller are hereby authorized, empowered, and directed to take such actions as shall be necessary to transfer, integrate, and consolidate the functions of the Department of Finance and Taxation and the Department of Audit and Control into the Suffolk County Department of Financial Management and Audit, including, but not limited to, cost reductions consistent with the consolidation of the two departments.
- D.) Any reference in any provision of any resolution, ordinance, Charter law, or local law of the County of Suffolk, the Suffolk County Tax Act, any other general or special law of the State of New York and any federal law, rule or regulation to the County Treasurer subsequent to December 31, 2013 and through December 31, 2014 shall be construed as a reference to the County Comptroller. Subsequent to December 31, 2014, any reference to the County Treasurer or County Comptroller shall be construed as a reference to the County Chief Financial Officer. Any such resolution, ordinance, Charter law, or local law of the County of Suffolk is hereby so amended.
- E.) Any reference in any provision of any resolution, ordinance, Charter law, or local law of the County of Suffolk, the Suffolk County Tax Act, any other general or special law of the State of New York and any federal law, rule or regulation to the County Department of Finance and Taxation or the County Department of Audit and Control subsequent to December 31, 2013 shall be construed as a reference to the County Department of Financial Management and Audit. Any such resolution, ordinance, Charter law, or local law of the County of Suffolk is hereby so amended.
- F.) The Department of Finance and Taxation shall transfer all files and records to the Suffolk County Department of Financial Management and Audit no later than December 31, 2013.

- G.) All County departments shall cooperate fully in implementing the provisions of this law.

Section 4. Construction.

The limitations found in Suffolk County Charter § C5-1 (B), (Local Law No. 17-1993), pre-existing the effective date of this law shall not be construed as barring any official holding an elective office at the time of the adoption of this law from seeking the elective office of the County Chief Financial Officer as head of the new Suffolk County Department of Financial Management and Audit created by this law and serving up to twelve consecutive years.

Section 5. Form of Proposition.

The proposition to be submitted at the next general election, pursuant to § 9 of this law, shall be in the following form:

"Shall Resolution No. -2013, Adopting A Charter Law Consolidating The Functions Of The Current Departments Of Finance And Taxation And Audit And Control Into A Single, Newly Created Department Of Financial Management And Audit Headed By An Elected Chief Financial Officer Elected From The General Population, And Eliminating The Existing Offices Of County Treasurer And County Comptroller For The Purpose Of Streamlining And Improving Government Efficiency, Be Approved?"

Section 6. Applicability.

- A.) The elected Office of County Treasurer shall remain in existence through December 31, 2013.
- B.) The elected Office of County Comptroller shall remain in existence through December 31, 2014.
- C.) This local law shall apply to all actions occurring on or after the effective date of this law.

Section 7. 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 8. 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) and (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 9. Effective Date.

This law shall not take effect until it has been approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW and has been filed in the office of the Secretary of State.

Section 10. Conflicting Referenda.

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the measure approved by the electorate receiving the greatest number of affirmative votes, shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: July 30, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 19, 2013