

WITHDRAWN AS OF 10/3/2014

Intro. Res. No. 1431-2014
Introduced by Presiding Officer Gregory

Laid on Table 4/29/2014

**RESOLUTION NO. -2014, ADOPTING LOCAL LAW
NO. -2014, A CHARTER LAW TO AUTHORIZE RESERVE
FUND TRANSFERS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2014 a proposed local law entitled, "**A CHARTER LAW TO AUTHORIZE RESERVE FUND TRANSFERS**"; now, therefore, be it

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

LOCAL LAW NO. -2014, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO AUTHORIZE RESERVE FUND TRANSFERS

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 Suffolk County's 2014 adopted Operating Budget calls for the transfer of \$32.8 million from the Assessment Stabilization Reserve Fund ("ASRF") to the Debt Service Reserve Fund and an additional \$5 million transfer from the ASRF to the Sewer Infrastructure Program Fund.

This Legislature further finds that the SUFFOLK COUNTY CHARTER must be amended to authorize the transfer of monies from the ASRF as envisioned in the 2014 adopted Operating Budget.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to authorize transfers from the ASRF, consistent with the adopted 2014 Operating Budget.

Section 2. Amendments.

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

**Article XII.
Suffolk County Drinking Water Protection Program**

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§ C12-2. Programmatic expenses.

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In the event that the New York State Legislature enacts enabling state legislation prior to November 30, 2007, for the explicit purpose of extending, within the territorial limits of the County of Suffolk, on the terms and conditions set forth in this law, the additional sales and

compensating use tax of 1/4 of 1% authorized and imposed by the County of Suffolk pursuant to the provisions of § 1210-A of the New York Tax Law and Suffolk County Resolution Nos. 1568-1988 and 650-2000, then the County of Suffolk shall extend, prior to December 31, 2007, by appropriate legislative action, within the territorial limits of the County of Suffolk, the additional sales and compensating use tax of 1/4 of 1% imposed by the County of Suffolk pursuant to the provisions of § 1210-A of the New York Tax Law and Suffolk County Resolution No. 745-1968 as amended by Resolution Nos. 1568-1988 and 650-2000, and any revenues generated by the extension of such 1/4 of 1% sales and compensating use tax so authorized by appropriate state and local action, during the period commencing December 1, 2007, and concluding November 30, 2030, shall be allocated annually only in accordance with the following formula throughout this entire period of time:

* * * *

- D. Sewer taxpayer protection: 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. 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, 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.

* * * *

- (2) In the event such fund balance exceeds [~~\$140~~] \$100 million in fiscal year 2014 [or in any subsequent fiscal year through 2021], the excess fund balance shall be used exclusively, via duly approved resolutions of the County of Suffolk, for the payment of bonded indebtedness and for installation, improvements, maintenance and operation of sewer infrastructure and sewage treatment plants and for the installation of residential and commercial enhanced nitrogen removal septic systems. These monies may be used for projects outside the boundaries of County sewer districts.
- (3) In the event such fund balance exceeds \$140 million in fiscal year 2015 or in any subsequent fiscal year through 2021, the excess fund balance shall be used exclusively, via duly approved resolutions of the County of Suffolk, for installation, improvements, maintenance and operation of sewer infrastructure and sewage treatment plants and for the installation of residential and commercial enhanced nitrogen removal septic systems. These monies may be used for projects outside the boundaries of County sewer districts.

[3](4) In the event such fund balance exceeds \$140 million in fiscal year 2011 or in any subsequent fiscal year through 2021, no less than \$2 million will be appropriated via duly approved resolutions in those fiscal years for the installation of residential and commercial enhanced nitrogen removal septic systems. In the event that the appropriation, or any part thereof, for the installation of the residential and commercial enhanced nitrogen removal septic system is not used in fiscal year 2011, or any subsequent fiscal year through 2021, it shall be used for installation, improvement, maintenance and operation of sewer infrastructure and sewage treatment plants.

[4](5) A Sewer Infrastructure Committee (“Committee”) is hereby established to review all applications for funding of sewer infrastructure and sewage treatment projects and enhanced nitrogen removal septic systems and to make advisory recommendations to the County Executive and the County Legislature as to which projects should receive funding.

* * * * *

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 will take effective immediately upon its filing in the Office of the Secretary of State.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: