

WITHDRAWN AS OF 6/10/2015

Intro. Res. No. 1124-2015

Laid on Table 3/3/2015

Introduced by Legislators McCaffrey, Cilmi, Trotta, Muratore and Lindsay

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW
NO. -2015, A CHARTER LAW TO EXPEDITE THE
CONSOLIDATION OF FINANCIAL MANAGEMENT FUNCTIONS
IN THE COUNTY DEPARTMENT OF AUDIT AND CONTROL**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2015, a proposed local law entitled "**A CHARTER LAW TO EXPEDITE THE CONSOLIDATION OF FINANCIAL MANAGEMENT FUNCTIONS IN THE COUNTY DEPARTMENT OF AUDIT AND CONTROL;**" 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. -2015, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO EXPEDITE THE CONSOLIDATION OF FINANCIAL
MANAGEMENT FUNCTIONS IN THE COUNTY DEPARTMENT OF AUDIT
AND CONTROL**

**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 Local Law No. 32-2014, which proposed that the office of County Treasurer be abolished and the functions of the Department of Finance and Taxation be transferred to, and consolidated with, the Department of Audit and Control, was approved by 61% of the electorate at a referendum conducted on November 4, 2014.

This Legislature also finds that under the terms of Local Law No. 32-2014, the consolidation of the Comptroller and Treasurer's offices will not take effect until January 1, 2018.

This Legislature determines that the current Treasurer is leaving office at the end of February, 2015. As a result, Suffolk County faces the prospect of conducting a special election in November to fill a vacancy in an office that will cease to exist on January 1, 2018.

This Legislature concludes that under these circumstances, it makes sense to expedite the consolidation of the Comptroller and Treasurer's offices in order to carry out the clearly expressed will of Suffolk County voters and to realize immediately cost savings that may result from consolidation.

Therefore, the purpose of this charter law is to amend Local Law No. 32-2014 for the sole purpose of accelerating the consolidation of the offices of Suffolk County Comptroller and Suffolk County Treasurer so that such merger takes effect on January 1, 2016.

Section 2. Accelerate Consolidation.

A.) If this law is approved by a majority of qualified Suffolk County voters as set forth in § 4 of this law, this section of law will repeal, replace and supersede the transition and implementation provisions set forth in Section 3 of Local Law No. 32-2014, and the consolidation of the office of Treasurer and office of Comptroller shall proceed 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, shall all be abolished as of midnight, December 31, 2015, notwithstanding, the filling of a vacancy in the Office of the County Treasurer by a special election held on November 3, 2015. The functions of the Department of Finance and Taxation shall merge and be incorporated with the Department of Audit and Control January 1, 2016.
- 2.) Except as otherwise set forth in this section, any positions of employment 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, 2016, to the Department of Audit and Control. 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.
- 3.) 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 into the Suffolk County Department of Audit and Control, including, but not limited to, cost reductions consistent with the consolidation of the two departments.
- 4.) 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, 2015 shall be construed as a reference to the County Comptroller. Any such resolution, ordinance, Charter law, or local law of the County of Suffolk is hereby so amended.
- 5.) 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 subsequent to December 31, 2015 shall be

construed as a reference to the Department of Audit and Control. Any such resolution, ordinance, Charter law, or local law of the County of Suffolk is hereby so amended.

- 6.) The Department of Finance and Taxation shall transfer all files and records to the Suffolk County Department of Audit and Control no later than December 31, 2015.
- 7.) All County departments shall cooperate fully in implementing the provisions of this law.

Section 3. Applicability.

- A. In addition to repealing and replacing Section 3 of Local Law No. 32-2014, the provisions of Section 2 of this law will also supersede any inconsistent terms and provisions contained in Sections 5 and 9 of Local Law No. 32-2014, as to the timing and implementation of the merger and consolidation of the offices of Suffolk County Treasurer and Suffolk County Comptroller.
- B. The provisions of Section 2 of Local Law No. 32-2014 shall be given full force and effect as of January 1, 2016.

Section 4. Form of Proposition.

The proposition to be submitted at the next general election, pursuant to § 7 of this law, shall be in the following form:

Resolution No. -2015, A Charter Law to Expedite the Consolidation of Financial Management Functions in the County Department of Audit and Control

“Resolution No. -2015, is a Charter Law that proposes to advance the date when the functions of the Department of Finance and Taxation will be transferred to, and consolidated with, the Department of Audit and Control. If approved, this Resolution will eliminate the existing office of County Treasurer and consolidate all powers and duties of the Treasurer in the office of the County Comptroller, effective January 1, 2016.

Shall Resolution No. -2015 be approved?”

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) 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 7. 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 8. 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.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: