

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. 1570 - 2016**

WHEREAS, INTRODUCTORY RESOLUTION NO. 1570 - 2016

**RESOLUTION NO. -2016, 1570-2016, ADOPTING
LOCAL LAW NO. -2016, A LOCAL LAW AMENDING
CHAPTER 189 OF THE SUFFOLK COUNTY CODE TO
REQUIRE ONLINE FILING OF CONTRACT AGENCY
DISCLOSURE FORMS AND TO CLARIFY PROVISIONS
RELATING TO CONTRACT AGENCY ADMINISTRATIVE
EXPENDITURES**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY
EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. -2016, BECAUSE THE COMPTROLLER
NEEDS TO COMMUNICATE THE CHANGE THIS LOCAL LAW REQUIRES TO
CONTRACT AGENCIES BY JUNE 30TH.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS 21ST DAY OF
JUNE, 2016.**



**JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE**

RECEIVED

**2016 JUN 21 A 11:36
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE**

AMENDED COPY AS OF 6/20/2016

Intro. Res. No. 1570-2016

Laid on Table 6/1/2016

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. _____ -2016, ADOPTING LOCAL LAW
NO. -2016, A LOCAL LAW AMENDING CHAPTER 189 OF
THE SUFFOLK COUNTY CODE TO REQUIRE ONLINE FILING
OF CONTRACT AGENCY DISCLOSURE FORMS AND TO
CLARIFY PROVISIONS RELATING TO CONTRACT AGENCY
ADMINISTRATIVE EXPENDITURES**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on _____ 2016, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 189 OF THE SUFFOLK COUNTY CODE TO REQUIRE ONLINE FILING OF CONTRACT AGENCY DISCLOSURE FORMS AND TO CLARIFY PROVISIONS RELATING TO CONTRACT AGENCY ADMINISTRATIVE EXPENDITURES**"; 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. -2016, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AMENDING CHAPTER 189 OF THE SUFFOLK
COUNTY CODE TO REQUIRE ONLINE FILING OF CONTRACT
AGENCY DISCLOSURE FORMS AND TO CLARIFY
PROVISIONS RELATING TO CONTRACT AGENCY
ADMINISTRATIVE EXPENDITURES**

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

Section 1. Legislative Intent.

This Legislature finds that the County of Suffolk has adopted guidelines and technical requirements, as well as financial filing and reporting requirements, for County contract agencies for the purpose of increasing oversight and accountability in the use of County funds by these agencies.

The Legislature further finds that these requirements provide that there be a separate resolution, passed by a two-thirds vote of the full membership of the Legislature, for approval of County funds to a contract agency that has administrative expenditures greater than twenty percent of its agency program expenses in a fiscal year.

The Legislature finds that in addition to these requirements, contract agencies must file annual disclosure forms with the Suffolk County Department of Audit and Control containing information regarding the contract agency's program revenues, direct program expenses, administrative expenses and top five employee salaries.

This Legislature further finds that in an effort to facilitate the filing of these disclosure forms, along with associated documents (audited financial statements or financial report; schedule of

all employees and their salaries) and to allow for a more concise and expedient review, the Department of Audit and Control has developed a new online reporting tool.

This Legislature further finds that confusion persists in regard to which contract agencies are required to file, as well as what constitutes "administrative expenses" for both funding and filing purposes.

This Legislature finds and determines that in order to streamline the filing process, refine the technical requirements and support the Department of Audit and Control's objective of achieving contract agency filing compliance, Chapter 189 of the SUFFOLK COUNTY ADMINISTRATIVE CODE should be amended to provide greater clarity and precision regarding technical and filing requirements.

Therefore, the purpose of this local law is to amend Chapter 189 of the SUFFOLK COUNTY CODE to clarify certain guidelines and requirements for contract agencies and to require online filing of contract agency disclosure forms and other financial documentation.

Section 2. Amendments.

1. Article VII of Chapter 189 of the SUFFOLK COUNTY ADMINISTRATIVE CODE shall be amended as follows:

Chapter 189

PURCHASING and CONTRACTS

Article VII

Guidelines and Requirements for Contract Agencies

§ 189-39. Legislative Intent.

C. This Legislature also finds that while the use of contract agencies has proven to be cost-effective, the Suffolk County Legislature has enacted legislation to increase oversight and accountability, including Local Law No. [9-2001] 18-2013, which requires that each contract agency submit their completed Contract Agency Disclosure Form, most recent audited financial statements or financial report for the Contract Agency's most recent fiscal year, and a schedule of full-time employees and their salaries for the previous calendar year to the Suffolk County Department of Audit and Control no later than September 15th of each year [expenditure disclosure by contract agencies. More recently, Resolution No. 1153-2006 established an Ad Hoc Contract Agency Oversight Committee in the County Legislature to identify potential duplication of services and promote accountability and efficiency among contract agencies].

§ 189-40. Definitions.

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

ADMINISTRATIVE EXPENSES

Expenses associated with the maintenance and administration of a contract agency's day-to-day business and which are not directly associated with contract agency program expenditures. Administrative Expenses may include salaries and related benefits for the Contract Agency's highest level of management (i.e., Executive Director, Chief Executive Officer, etc.), their supporting staff (i.e., administrative assistants, secretarial staff, clerical staff, etc.) and the cost of operating the administrative office (i.e., professional fees, accounting fees, office expenses, equipment rental, utilities, etc.). [Expenses incurred in the general direction of an enterprise as a whole, as contrasted with expenses of a more specific programmatic function. This term shall include salaries of top officers and associated general office expenses, but shall not include the costs of administering a corps of volunteers; administering federal, state or other pass-through funds; disseminating educational materials for a public purpose; or administering the collection and distribution of food to the needy.]

§ 189-41. Requirements.

C. No contract agency, determined by the County Department of Audit and Control [, pursuant to § C4-35 of the Suffolk County Charter,] to have incurred total administrative expenses greater than 20% of reported total agency [program] expenses in a fiscal year, shall be eligible for funding by the County of Suffolk from County funds, in any subsequent fiscal year, unless: (1) such funding is approved by a separate, standalone resolution or procedural motion of the Suffolk County Legislature. Such a resolution will require a two-thirds vote of the full membership of the Legislature for approval;[.] or (2) the Suffolk County Department of Audit and Control determines that the contract agency has reduced its total administrative expenses to below 20% of reported total agency expenses. The provisions of this subsection shall not apply to any contract agency whose total reported revenues were fifty thousand dollars (\$50,000) or less for the previous fiscal year or any contract agency which does not have any salaried employees and is solely comprised of volunteers. In the event a contract agency reduces such administrative expenses to 20% or less of reported agency program expenditures, as determined by the Department of Audit and Control, then such contract agency shall become eligible again for funding by the County of Suffolk.

2. Article XIII of Chapter 189 of the SUFFOLK COUNTY ADMINISTRATIVE CODE shall be amended as follows:

Chapter 189

Article XIII

Evaluation of Contract Agencies by County Departments; Contract Agency Financial Disclosure Requirements

§ 189-66. Disclosure by contract agencies.

A. Each contract agency shall be required to complete and submit an online contract agency disclosure form to the Department of Audit and Control no later than September 15th of each year. Such contract agency disclosure form shall include such content and be in such form as determined by the Department of Audit and Control, but, at a minimum, shall require that the contract agency set forth the contract agency's program revenues from all sources and expenses from all sources, administrative expenses and contract agency's top five employee salaries.

B. Simultaneously with the contract agency's submission of the online contract agency disclosure form, the contract agency shall also submit, online, its most recent audited financial statements or IRS Form 990, or profit/loss statement and balance sheet for the contract agency's most recent fiscal year and a schedule of all full-time employees and their salaries for the previous calendar year.

C. No later than June 30th of each year, the Department of Audit and Control shall send notification of the disclosure requirements required by this section to each contract agency. Such notification shall include the link or website portal address where the contract agency may access the online contract agency disclosure form and the individual password that the contract agency must use to access and submit the contract agency disclosure form.

[A. No later than June 30 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 employee salaries.

B. All contract agencies must submit their completed disclosure form, their 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 15 each year.]

C.) D. A contract agency's failure to submit its disclosure form and/or any other required document shall constitute noncompliance. A noncompliant contract agency shall not receive funding for any of its programs in the subsequent year's operating budget. Funding may be restored through a standalone resolution only after all required information has been submitted.

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

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 shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletions of material.
___ Underscore denotes the addition of new material

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1570

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



WILLIAM H. ROGERS BUILDING
P.O. Box 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: MAY 31, 2016

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2016

TITLE: I.R. NO. -2016; A LOCAL LAW AMENDING CHAPTER 189 OF THE SUFFOLK COUNTY CODE TO REQUIRE ONLINE FILING OF CONTRACT AGENCY DISCLOSURE FORMS AND TO CLARIFY PROVISIONS RELATING TO CONTRACT AGENCY ADMINISTRATIVE EXPENDITURES

SPONSOR: PRESIDING OFFICER, ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 5/27/2016 PUBLIC HEARING: 6/21/2016

DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

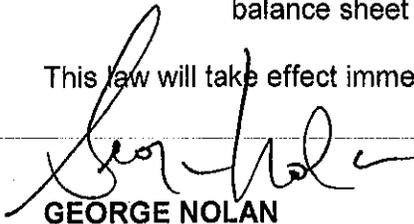
By the enactment of several prior local laws, now codified at Chapter 189 of the SUFFOLK COUNTY CODE, the County of Suffolk has imposed rules and requirements on the County's contract agencies. These agencies must annually file a financial disclosure form with the County Comptroller and they must limit their administrative expenses to 20% of total agency expenses in each fiscal. A contract agency which fails to comply with these requirements is ineligible to receive County funding unless it is approved by a separate standalone resolution of the County Legislature.

This proposed law would amend Chapter 189 of the County Code to make the following changes to the rules governing contract agencies:

- 1) Would amend the definition of "administrative expenses" to read as follows: "Expenses associated with the maintenance and administration of a contract agency's day-to-day business and which are not directly associated with contract agency program expenditures. Administrative expenses may include salaries and related benefits for the contract agency's highest level of management (i.e., Executive Director, Chief Executive Officer, etc.), their supporting staff (i.e., administrative assistants, secretarial staff, clerical staff, etc.) and the cost of operating the administrative office (i.e., professional fees, accounting fees, office expenses, equipment rental, utilities, etc.)."
- 2) Would exempt contract agencies which have total revenues less than \$50,000 or which are comprised solely of volunteers, from the existing cap on administrative expenses.
- 3) Would allow the Comptroller to reinstate funding for a contract agency when the Comptroller determines that an agency has brought their administrative expenses below the 20% threshold.

- 4) Would require online filing of disclosure forms by contract agencies and the simultaneous submission of the contract agency's most recent audited financial statements, IRS form 990 or profit /loss statement and balance sheet for the most recent fiscal year.

This law will take effect immediately upon its filing in the Office of the Secretary of State.



GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-online-filing-contract-agency-disclosure-forms

COUNTY OF SUFFOLK



OFFICE OF THE COMPTROLLER

JOHN M. KENNEDY, JR.
Comptroller

May 23, 2016

Mr. Jon Schneider, Deputy County Executive
12th Floor, Dennison Bldg.
100 Veterans Highway
Hauppauge, N.Y. 11788

Re: Resolution Request

Dear Mr. Schneider:

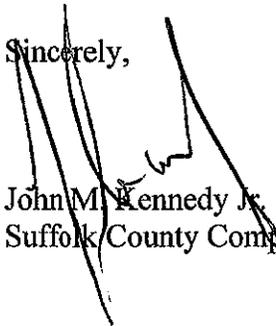
Attached please see a draft Local Law, prepared by my office in conjunction with the County Attorney's office, addressing modifications to Chapter 189 of the Suffolk County Administrative Code, as it relates to the filing of compliance documents for contract agencies vending services on the behalf of the County.

Presently, our office processes approximately 500 sets of documents each year, required to demonstrate that the subject agencies do not expend in excess of 20% of their budgets on Administrative expense. Further, the agencies are likewise compelled to disclose salaries for their executive level staff, and to furnish an IRS 990, a profit and loss statement, or other financial documents associated with their operations.

In an effort to facilitate information exchange, our office has worked with the Department of Information Technology to build an online reporting tool. We are in a position to deploy this tool, would like to have the benefit of the clarity, and threshold changes that the Local Law would effectuate, and believe that this will streamline a presently cumbersome process.

As this is a Local Law, under normal circumstances, the earliest that the Legislature could act on this, assuming we can lay on at the June 1st meeting, would be July 26th. I will ask that you consider a Certificate of Necessity for June 17th and my team will appear before the subject committee in the cycle prior to the 17th. Thank you for this consideration.

Sincerely,


John M. Kennedy Jr.
Suffolk County Comptroller

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
Resolution

Local Law XX

Charter Law

2. Title of Proposed Legislation: Adopting local law xxx 2016 amending Chapter 189 of the Suffolk County Code to require online filing of contract agency disclosure forms and to clarify provisions relating to contract agency administrative expenditures.

3. Purpose of Proposed Legislation: Adopting local law xxx 2016 amending Chapter 189 of the Suffolk County Code to require online filing of contract agency disclosure forms and to clarify provisions relating to contract agency administrative expenditures.

4. Will the Proposed Legislation Have a Fiscal Impact? YES NO

5. If the answer to item 4 is "yes," on what will it impact? (Circle appropriate category)

County

Village

Library District

Town

School District

Fire District

Economic Impact

Other (Specify):

6. If the answer to item 4 is "yes," Provide Detailed Explanation of Impact

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Positive – reduce staff time associated with review, submission, etc.

8. Proposed Source of Funding

9. Timing of Impact

10. Typed Name & Title of Preparer

11. Signature of Preparer 12. Date

John M. Kennedy
County Comptroller

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2016**

WHEREAS, INTRODUCTORY RESOLUTION NO. 1655-2016

**RESOLUTION NO. -2016, AUTHORIZING USE OF THE
LONG ISLAND MARITIME MUSEUM BY THE CYSTIC
FIBROSIS FOUNDATION FOR THEIR ANNUAL "SAYVILLE
RUN/WALK & BARBEQUE" FUNDRAISER**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY
EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. -2016, BECAUSE THE DATE OF THIS
FUNDRAISER WILL OCCUR PRIOR TO THE NEXT GENERAL MEETING,
THEREBY NOT ALLOWING ENOUGH TIME FOR THE RESOLUTION TO GO
THROUGH THE NORMAL LEGISLATIVE CYCLE.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS 16TH DAY OF
JUNE, 2016.**



JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED
2016 JUN 21 A 11:17
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

1655

Intro. Res. No. -2016
Introduced by Legislator Lindsay

Laid on Table

6/21/16

RESOLUTION NO. -2016, AUTHORIZING USE OF THE LONG ISLAND MARITIME MUSEUM BY THE CYSTIC FIBROSIS FOUNDATION FOR THEIR ANNUAL "SAYVILLE RUN/WALK & BARBEQUE" FUNDRAISER

WHEREAS, Cystic Fibrosis Foundation is a 501(c)(3) nonprofit organization having its principal place of business at 6931 Arlington Road, Suite 200, Bethesda, Maryland and its Long Island office at 445 Broad Hollow Road, Suite 330, Melville, New York ; and

WHEREAS, the Cystic Fibrosis Foundation would like to use the Long Island Maritime Museum in West Sayville for the purpose of hosting their Annual "Sayville Run/Walk & Barbeque" Fundraiser to raise money for the Foundation; and

WHEREAS, the fundraiser will be held on the grounds of the Long Island Maritime Museum on Saturday, July 16, 2016; and

WHEREAS, a Certificate of Insurance with accompanying declaration page naming Suffolk County as an additional insured has been provided by the Cystic Fibrosis Foundation; now therefore, be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") § 617.5 (C)(15), (20) and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and since this is a Type II action, the County Legislature has no further responsibilities under SEQRA, and be it further

2nd RESOLVED, that the use of Long Island Maritime Museum by the Cystic Fibrosis Foundation for the purpose of hosting a fundraiser on Saturday, July 16, 2016, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from the Cystic Fibrosis Foundation and the payment of the One Thousand Five Hundred Dollar (\$1,500.00) event fee to the Long Island Maritime Museum, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd RESOLVED, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at the Long Island Maritime Museum by the Cystic Fibrosis Foundation.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1655

IR Year: 2016

Introduced By: William Lindsay III

Title of Proposed Resolution:

Authorizing use of the Long Island Maritime Museum by the Cystic Fibrosis Foundation for their annual "Sayville Run/Walk and Barbeque" Fundraiser. (Lindsay)

Purpose and Intent of Proposed Legislation:

This resolution authorizes the use of Long Island Maritime Museum (LIMM), on Saturday, July 16, 2016 by the Cystic Fibrosis Foundation for the purpose of hosting its annual "Sayville Run/Walk and Barbeque" fundraiser. The authorization to use the property is subject to the County's receipt of all required documents and any additional requirements requested by the Risk Management Division.

Detailed Explanation of Fiscal Impact:

There will be no fiscal impact to the County, because the fee is paid directly to the LIMM under the terms of its license agreement with the County. Therefore, this event will generate \$1,500 in revenue for LIMM. LIMM utilizes event funding towards maintaining the facility.

If applicable, what is the comparison cost if this is undertaken in-house, compared to an outside contractor or vendor? Not applicable.

Total Financial Cost and timing over five years on each affected political or other subdivision: Not applicable.

Proposed Source of Funding:

The \$1,500 event fee will be paid by the Cystic Fibrosis Foundation to LIMM.

Total Estimated Financial Impact on all Funds, tax rates, and property tax: Not applicable.

Total Estimated Financial Impact on Suffolk County's economy including the impact on goods or services, economic development, small business activity, employment opportunities and overall business activity:

Back up documentation to this legislation indicates that the Cystic Fibrosis Foundation is anticipating approximately 250 walkers at this event. Small business and overall business activity in the area of the event may increase if participants at this event utilize local goods or services.

Authorized Signature



**Robert Lipp, Director
Budget Review Office**

Date Completed

06/20/2016

Analyst Code

JM

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. - 2016**

166)
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2016

**RESOLUTION NO. -2016, AMENDING RESOLUTION 1166-
2015 CLARIFYING THE APPROPRIATION OF FUNDS FOR
THE PLANNING AND DESIGN OF NITROGEN REDUCTION
PROJECTS AND AUTHORIZING THE FILING OF AN
APPLICATION FOR A LOW INTEREST LOAN (CP 8197)**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY RESOLUTION BE
CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY EXECUTIVE
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III, SECTION
3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A NEED FOR THE
IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. - 2016,
BECAUSE DESIGN CONTRACTS HAVE BEEN LET AND ARE READY TO BE SIGNED
BUT THE COUNTY NEEDS TO HAVE THE FINANCES IN PLACE WITH NYS
ENVIRONMENTAL FACILITIES CORPORATION BEFORE MOVING FORWARD.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO
BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
21ST DAY OF JUNE, 2016.**



**JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE**

RECEIVED
2016 JUN 21 P 1:00
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

1661

Intro. Res. No. 2016
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 6/21/2016

RESOLUTION NO. 2016, AMENDING RESOLUTION 1166-2015 CLARIFYING THE APPROPRIATION OF FUNDS FOR THE PLANNING AND DESIGN OF NITROGEN REDUCTION PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION FOR A LOW INTEREST LOAN (CP 8197)

WHEREAS, Resolution No. 1166-2015, *Appropriating Funds In Connection With Planning And Design Of Nitrogen Reduction Projects And Authorizing The Filing Of An Application For A Low Interest Loan (CP 8197)*, appropriated \$20.1 million to CP 8197; and

WHEREAS, Charter Sections C4-13, *Modification of Capital Budget During Fiscal Year*, and C4-21, *Modification of Capital Program*; each require at least a three-quarter vote of the total membership of the County Legislature to provide funding to respond to a public declared emergency such as a hurricane; and

WHEREAS; Resolution No. 1166-2015 was adopted unanimously, but the legislative record did not clearly establish that the appropriation was to provide funding to respond to a hurricane, which in this case was Superstorm Sandy; and

WHEREAS, this resolution, if approved by at least 3/4 of the total membership of the County Legislature, clarifies that the appropriation was approved to provide funding to respond to Superstorm Sandy and that an offset was not needed; now, therefore be it

1st RESOLVED, that the section of Resolution No. 1166-2015 that sets forth the Whereas clauses that precede that resolution's Resolved clauses, is hereby amended as follows:

WHEREAS, Suffolk County was impacted by Superstorm Sandy ("Sandy") and the County was declared a federal disaster area on October 30, 2012; and

WHEREAS, in advance of the storm, the County Executive issued a Declaration of Emergency on October 27, 2012; and

WHEREAS, in the wake of Sandy, federal and state programs have become available to the County to assist in recovering from Sandy's impact as well to harden infrastructure to prevent damage in future storm events; and

WHEREAS, on September 13, 2015, Governor Andrew M. Cuomo announced \$388 million in State and federal funding for coastal resiliency; and

WHEREAS, the initial design and environmental review phase of the project will be financed through funding from New York State Environmental Facilities Corporation; and

WHEREAS, the planning and design for four nitrogen reduction projects planned as part of the Governor's coastal resiliency initiative fall under CP 8197; and

~~**WHEREAS**, the four nitrogen reduction projects include CP 8134 Forge River, CP 8139 Carlls River, CP 8157 Connetquot River, and CP 8196 Patchogue River; and~~

WHEREAS, as a result of applications for grants and low interest loans making up the coastal resiliency initiative, it has been determined that due to an accelerated time schedule, the concurrent planning and design of these projects should be undertaken as soon as possible; and

WHEREAS, the County intends to submit an application for financial aid under the Clean Water State Revolving Fund ("CWSRF") through the New York State Environmental Facilities Corporation ("NYSEFC"), a public benefit corporation created under and existing by virtue of the laws of New York State; and

WHEREAS, NYSEFC jointly administers the CWSRF with the New York State Department of Environmental Conservation; and

WHEREAS, such application will request that NYSEFC provide CWSRF short-term interest free and low interest financing to the County; and

WHEREAS, the appropriations and authorizations requested herein are a prerequisite to the federal portion of the funding scheme for the coastal resiliency initiative through and its Sandy Recovery Office pursuant to its contingent funding approval letter dated September 9, 2015, and are necessary components in connection with the County's application for financial aid from NYSEFC through CWSRF; and

WHEREAS, the County Executive and County Legislature have placed \$22.1 million in the Modified 2015 Capital Program as presented in the 2016 Adopted Capital Budget and Program for engineering, planning and design of the nitrogen reduction projects with the intent that the design would be accelerated and, therefore, funds during 2015 to initiate work is necessary of which \$2.0 million has been appropriated via appropriating Resolution No. 720-2015 and bonds have been authorized via Bond Resolution No. 721-2015; and

WHEREAS, since this Resolution is to provide funding in response to Superstorm Sandy, if this Resolution is approved by an affirmative vote of at least 3/4 of the total membership of the County Legislature an offset is not needed under Charter Sections C4-13 and C4-21; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006, established the use of a priority ranking system implemented in the Adopted 2015 Capital Budget as the basis for funding capital projects such as this project; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized \$20.1 million in Suffolk County Serial Bonds for the specific object or purpose of securing the loan to be financed by the NYS EFC; now, therefore be it

^{2nd} **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (18), (20), (21) and (27) of the Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action, since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

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

DATED: June 21, 2016

APPROVED BY:

Steven Bellone
County Executive of Suffolk County

Date: June , 2016

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. 2016, AMENDING RESOLUTION 1166-2015 CLARIFYING THE APPROPRIATION OF FUNDS FOR THE PLANNING AND DESIGN OF NITROGEN REDUCTION PROJECTS AND AUTHORIZING THE FILING OF AN APPLICATION FOR A LOW INTEREST LOAN (CP 8197)		
3. Purpose of Proposed Legislation		
See above.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
With respect to this resolution, the County anticipates financing \$20.1 million through a combination of short term no interest and low interest loans through the Clean Water State Revolving Fund administered by NYS Environmental Facilities Corporation ("NYSEFC"). It is anticipated that \$10.05 million will be interest free. The remaining \$10.05 million will utilize NYSEFC short term market rate, currently .39%. Once the sewer districts have been created, extended and/or improved, those districts will reimburse the County for any and all expenses incurred in the planning and design efforts associated with loan repayment.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
Clean Water State Revolving Fund administered by NYS Environmental Facilities Corporation		
9. Timing of Impact		
Upon Adoption		
10. Typed Name & Title of Preparer Nicholas Paglia Principal Budget Examiner	11. Signature of Preparer 	12. Date June 21, 2016

**FINANCIAL IMPACT
2016 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2016 PROPERTY TAX LEVY	2016 COST TO AVG TAXPAYER	2016 FV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2016 PROPERTY TAX LEVY	2016 COST TO AVG TAXPAYER	2016 FV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2016 PROPERTY TAX LEVY	2016 COST TO AVG TAXPAYER	2016 FV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, 2015.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2015-2016.
- 3) SOURCE FOR EQUALIZATION RATES: 2015 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.