

Intro. Res. No. 1714-2011

Laid on Table 8/2/2011

Introduced by Presiding Officer, on request of the County Executive and Legislators Horsley, Barraga, Cilmi, Muratore, Montano

RESOLUTION NO. 625 -2011, ADOPTING LOCAL LAW NO. 44 -2011, A CHARTER LAW UTILIZING ASSESSMENT STABILIZATION RESERVE SURPLUSES TO ENHANCE SEWER CAPACITY AND PROVIDE TAX RELIEF

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 2, 2011, a proposed local law entitled, "**A CHARTER LAW UTILIZING ASSESSMENT STABILIZATION RESERVE SURPLUSES TO ENHANCE SEWER CAPACITY AND PROVIDE TAX RELIEF**;" now, therefore be it

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

LOCAL LAW NO. 44 -2011, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW UTILIZING ASSESSMENT STABILIZATION RESERVE SURPLUSES TO ENHANCE SEWER CAPACITY AND PROVIDE TAX RELIEF

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 the Suffolk County Drinking Water Protection Program earmarks the revenues generated by the specially authorized one-quarter cent sales and compensating use tax to acquire environmentally sensitive properties; to provide for a water quality protection program and land stewardship initiatives; for County-wide property tax relief; and for sewer taxpayer protection.

This Legislature further finds that the revenues generated for sewer taxpayer protection go into the Assessment Stabilization Reserve Fund ("ASRF"). The monies in this fund are used to stabilize taxes within the County's 22 existing sewer districts. Monies in the ASRF are also used to first instance fund capital improvements in the County's existing sewer districts.

This Legislature also determines that the current sewer taxpayer protection program has succeeded in stabilizing taxes in existing districts, but it is not designed to assist in the construction of new wastewater treatment infrastructure or to facilitate the creation of new County sewer districts.

This Legislature finds that there is a clear need for additional sewerage in Suffolk County; sewers will help protect the County's underground drinking water supply and facilitate economic development and job creation.

This Legislature determines that the ASRF has grown in recent years. The Budget Review Office estimates the Fund's balance will exceed \$154 million by the end of 2011.

This Legislature further determines that as there are sufficient monies in the ASRF to keep sewer district taxes stable over the next decade the County's Drinking Water Program should be amended to permit the use of excess reserve fund monies for new sewer and water protection projects and to allow areas outside the existing sewer districts to benefit from such projects. Additionally, a portion of those excess monies should be used to provide short-term tax relief.

Therefore, the purpose of this law is to authorize the use of excess monies in the ASRF to fund sewer infrastructure and sewage treatment plants, and the installation of enhanced nitrogen removal septic systems throughout Suffolk County, including in areas outside the boundaries of the County's 22 existing sewer districts, and to provide temporary property tax relief.

Section 2. Amendment.

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

**ARTICLE XII,
Suffolk County Drinking Water Protection Program**

§ C12-2. Programmatic expenses.

* * * *

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.

1) In the event such fund balance exceeds \$140 million in fiscal year 2011, 2012 or 2013, 62.5% of these excess monies may be used, 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. Thirty-seven and one half percent (37.5%) of the 2011, 2012 and 2013 excess fund balance shall be appropriated via duly approved resolutions to a reserve fund for bonded indebtedness established pursuant to

Section 6-h of the General Municipal Law or to a retirement contribution reserve fund established pursuant to Section 6-r of the General Municipal Law (County Fund 420 and any successor fund).

- 2) In the event such fund balance exceeds \$140 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 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 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) 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.
 - (a) The Committee shall consist of the following members:
 - [1] the Director of Planning, or designee, as Chair;
 - [2] the Commissioner of the Department of Public Works, or designee
 - [3] the Commissioner of Health Services, or designee;
 - [4] the Commissioner of Economic Development & Workforce Housing, or designee;
 - [5] the Presiding Officer of the County Legislature, or designee;
 - [6] the Minority Leader of the County Legislature, or designee; and
 - [7] the County Executive, or designee.
 - (b) The Committee shall promulgate rules and regulations for the administration of this sewer infrastructure and septic system program and establish criteria and a merit based scoring system to evaluate applications for funding under this program. Said criteria and scoring system shall award additional credit to those applications that leverage non-County funding and/or further smart growth development.

- (c) All projects funded hereunder shall be subject to approval by the Suffolk County Legislature after the submission of a recommendation by the Committee.

* * * *

Section 3. Applicability.

This law shall apply to 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.

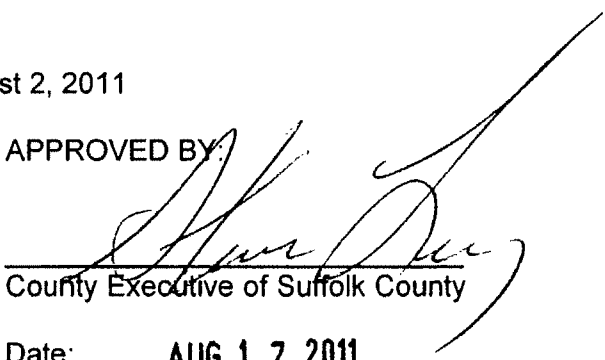
This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language.

___ Underlining denotes addition of new language.

DATED: August 2, 2011

APPROVED BY:

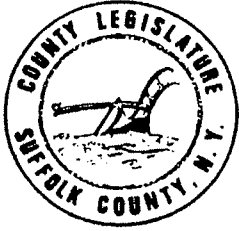


County Executive of Suffolk County

Date: **AUG 17 2011**

After a public hearing duly held on August 17, 2011
Filed with the Secretary of State on October 14, 2011

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on August 2, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1714

Res. No.

625

August 2, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/		/		
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6	Sarah S. ANKER	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO	/				
10	Thomas CILMI	/				
11	Thomas F. BARRAGA	/				
12	John M. KENNEDY, JR.	/				
13	Lynne C. NOWICK	/				
14	Wayne R. HORSLEY	/				
15	DuWayne GREGORY	/				
16	Steven H. STERN	/				
17	Lou D'AMARO	/				
18	Jon COOPER	/				
5	Vivian VILORIA-FISHER, D.P.O.	/				
8	William J. LINDSAY, P.O.	/				
Totals		15	2	1		

MOTION
<input checked="" type="checkbox"/> Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess
APPROVED <input checked="" type="checkbox"/> FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call Voice Vote ___