

**STRICKEN AS OF 12/17/2014**

Intro. Res. No. 1636-2014

Laid on Table 6/17/2014

Introduced by Legislators Schneiderman and Kennedy

**RESOLUTION NO. -2014, ADOPTING LOCAL LAW  
NO. -2014, A LOCAL LAW TO INCREASE TRANSPARENCY  
AND FAIRNESS OF THE COUNTY'S PROPERTY LEASING  
PROCESS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on June 17, 2014, a proposed local law entitled, "**A LOCAL LAW TO INCREASE TRANSPARENCY AND FAIRNESS OF THE COUNTY'S PROPERTY LEASING PROCESS**"; now, therefore be it

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

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

**A LOCAL LAW TO INCREASE TRANSPARENCY AND FAIRNESS  
OF THE COUNTY'S PROPERTY LEASING PROCESS**

**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 County owns significant and valuable real property assets which can be leased or licensed to private entities.

This Legislature also finds and determines that many County-owned properties are leased or licensed for long periods; the terms of leases of commercial properties are as long as 40 years.

This Legislature further finds and determines that the County's current leasing practices are not uniform and do not always achieve transparency or fairness.

This Legislature finds that the County should always publicize its intention to lease or license real property when a long-term agreement is contemplated.

This Legislature also determines an open, competitive leasing process will produce economic benefits for Suffolk County taxpayers and businesses.

This Legislature also finds that the County should never negotiate a lease or license under an exclusivity agreement and such agreement should be prohibited.

Therefore, the purpose of this law is to amend Article 34 and Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE to establish an open, transparent process for leasing County property.

**Section 2. Amendments.**

- I. Article 34 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article XXXIV. Suffolk County Airport.**

**§ A34-1. Leasing Space at Suffolk County Airport.**

- A. The County Executive, subject [to A34-2 of this article,] the provisions of this section or any other alternative legislative directives, is authorized to formulate a leasing procedure for [buildings] real property at the Suffolk County Airport.
1. Any offer to lease space for a term of five years or longer, or to extend a lease for a period of five (5) years or longer, must be advertised on the County's website for a period of sixty (60) days and in the County's officially designated newspapers at least twice during this 60 days period.
  2. If the County receives only one (1) expression of interest to lease a property by the end of the 60-day advertising period, the County may negotiate the terms of a lease with the proposed lessee, subject to the approval of the County Legislature.
  3. If the County receives two (2) or more expressions of interest to lease a property at the close of the 60-day advertising period, the Department of Economic Development and Planning will initiate an open, competitive bidding process in which each prospective lessee will be given the opportunity to outline their proposed use of the subject property and the financial terms under which they are willing to operate. The Department will review the proposals and select the proposal that best meets the economic, environmental and community needs of the County. The Department may negotiate the terms of a lease with the prospective lessee, subject to the approval of the County Legislature.
  4. All leases at Suffolk County Airport shall be subject to the requirements set forth in § A34-2 of this article.
- B. The Federal Aviation Administration has agreed to approve the leasing of buildings at Suffolk County Airport for non-aviation purposes on a short-term lease basis with a maximum term of five years.
- C. Any and all revenue derived from the leasing of airport property shall be used solely to offset expenditures for development, operations, and maintenance at the airport.
- D. Should a surplus exist at the close of any fiscal period, such surplus shall be reapportioned for aviation purposes at the Suffolk County Airport in the next succeeding budget.

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- II. Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

**Article XL. County Real Property.**

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**§ A40-2. Lease of property.**

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C. No lease of County-owned real property or extension of a lease of County-owned real property may be negotiated under an exclusivity agreement between the County and a prospective lessee.

D. Procedure for leasing County real property.

1. Any offer to lease County real property for a period of five (5) years or longer, or to extend lease for a period of five (5) years or longer, must be advertised on the County's website for a period of sixty (60) days and in the County's officially designated newspapers at least twice during this 60-day period.
2. If the County receives only one (1) expression of interest to lease a property by the end of the of the 60-day advertising period, the County may negotiate the terms of the lease with the proposed lessee, subject to the approval of the County Legislature.
3. If the County receives two (2) or more expressions of interest to lease a property by the end of the 60-day advertising period, the County Executive shall direct the appropriate department to initiate an open, competitive bidding process in which each prospective lessee will be given the opportunity to outline their proposed use of the subject property and the financial terms under which they are willing to lease the property. The department may issue a Request for Proposals ("RFP") to solicit proposals. The department designated to oversee the leasing process (or, in the event a RFP is issued, the RFP committee) will select the proposal that best meets the economic, environmental and community needs of the County. The department may negotiate the terms of a lease with the selected lessee, subject to the approval of the County Legislature.
4. The procedures set forth under paragraph D of this section shall not apply to licenses of County park facilities entered into by the Department of Parks, Recreation and Conservation pursuant to Chapter 643, Article of the SUFFOLK COUNTY CODE or to any agreement entered into by the Department of Parks, Recreation and Conservation with a not-for-profit organization which allows the organization to have non-exclusive use of a property in exchange for their maintenance and improvement of a parks property.

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**Section 3. Exemption.**

This law shall not apply to any lease or lease extension that is in effect prior to the effective date of this law.

**Section 4. Applicability.**

This law shall apply to all County real property that is offered for lease or lease extension on or after the effective date of this law.

**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), (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 7. Effective Date.**

This law shall take effect 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: