

Intro. Res. No. 1512-2015

Laid on Table 6/2/2015

Introduced by Presiding Officer, on request of the County Executive and Legislators McCaffrey, Lindsay, Stern, Schneiderman, Gregory

RESOLUTION NO. 517 2015, ADOPTING LOCAL LAW NO. 26 -2015, A CHARTER LAW TO AMEND LOCAL LAW NO. 32-2014 TO ACCELERATE 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 June 2, 2015 a proposed local law entitled “**A CHARTER LAW TO AMEND LOCAL LAW NO. 32-2014 TO ACCELERATE 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. 26 -2015, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW TO AMEND LOCAL LAW NO. 32-2014 TO ACCELERATE 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 and determines 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 also finds and determines that the current Treasurer is serving as an appointed official. As a result, Suffolk County faces the prospect of conducting a special election in November to fill the vacancy.

This Legislature also finds and determines 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 immediately realize cost savings that will result from consolidation.

Therefore, the purpose of this law is to immediately accelerate transfer and the consolidation of the functions of the Department of Finance and Taxation within the Department of Audit and Control.

Section 2. Amendments.

- I. Section 3 of Local Law No. 32-2014 is hereby amended as follows:

Section 3. Transition and Implementation Provisions.

- A.) [If this law is approved by a majority of qualified Suffolk County voters as set forth in § 4 of this law, and after its effective date, it shall be implemented as follows] This law shall be implemented 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, the assistant to the treasurer, and the secretary to the treasurer shall all be abolished as of midnight, December 31, 201[7]5. The elected Office and position of County Treasurer shall not be filled in the election of 201[7]5 and in any subsequently held election. The individual currently serving as the County Treasurer shall serve until December 31, 2015. The functions of the Department of Finance and Taxation shall merge and be incorporated with the Department of Audit and Control January 1, 201[8]6.
 - 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, 201[8]6, 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, 201[7]5 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, 201[7]5 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, 201[7]5.
- 7.) All County departments shall cooperate fully in implementing the provisions of this law.

II. Section 5 of Local Law No. 32-2014 is hereby amended as follows:

Section 5. Applicability.

A.) The County Department of Finance and Taxation, the elected Office and position of County Treasurer, the positions of Chief Deputy County Treasurer and Deputy County Treasurer shall remain in existence through December 31, 201[7]5. The elected Office and position of County Treasurer shall not be filled in the election of 201[7]5 and in any subsequently held election. The individual currently serving as the County Treasurer shall serve until December 31, 2015.

III. Section 9 of Local Law No. 32-2014 is hereby amended as follows:

Section 9. 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, and the repeal of Article XV of the Suffolk County Charter and Article XV of the Suffolk County Administrative Code shall not take effect until January 1, 201[8]6. It shall be implemented on the dates set forth in section 3 hereinabove as amended.

Section 3. Applicability.

This local 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) 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 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. It shall be implemented on the dates as set forth in Section 3 of Local Law No. 32-2014, as amended.

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

DATED: June 2, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June 17, 2015

After a public hearing duly held on June 15, 2015
Filed with the Secretary of State on August 21, 2015