

**RESOLUTION NO. 683 -2019, ADOPTING LOCAL LAW
NO. 26 -2019, A LOCAL LAW TO CLARIFY CONTRACTS WITH
NON-PROFITS OPERATING COUNTY PARK FACILITIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 9, 2019, a proposed local law entitled, "**A LOCAL LAW TO CLARIFY CONTRACTS WITH NON-PROFITS OPERATING COUNTY PARK FACILITIES**"; now, therefore be it

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

LOCAL LAW NO. 26 -2019, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO CLARIFY CONTRACTS WITH NON-
PROFITS OPERATING COUNTY PARK FACILITIES**

**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 of Suffolk operates a wide variety of park facilities for active and passive recreation and enjoyment by residents and visitors.

This Legislature also finds and determines that certain County park facilities are operated by not-for-profit organizations with specialized interests and skill sets, such as the Long Island Maritime Museum and Seatuck Environmental Association.

This Legislature further finds and determines that not-for-profit organizations entering into contracts with the County for these types of facilities are required to make capital investments into the facilities they operate during the term of the agreement.

This Legislature finds that some of these not-for-profit organizations have received offers from construction companies and suppliers to provide donations of materials and labor to improve these County facilities at no cost to the County or the non-profit.

This Legislature determines that presently, the contracts between the County and the not-for-profit organizations under these circumstances do not expressly authorize in-kind donations to be credited towards the capital improvement requirement.

This Legislature also finds that in order to aid the not-for-profit corporations which manage and maintain these vital parks facilities in providing the best service possible to visiting County residents, future contracts should allow not-for-profit corporations to receive credit towards their capital contribution obligations through donations of materials and labor to improve the parks facilities they manage.

Therefore, the purpose of this law is to require that all future contracts between the County and not-for-profit organizations for the management of County park facilities include a clause allowing the not-for-profit organization to use donations of materials and labor to satisfy the capital improvement obligation in the agreement.

Section 2. Contract Requirements.

All contracts between the County Department of Parks, Recreation and Conservation and a not-for-profit organization for the operation and maintenance of a County facility shall contain a provision allowing the not-for-profit corporation to satisfy any capital investment requirement by utilizing donations of materials and labor from other entities when applicable. The not-for-profit corporation shall provide documentation of the donations of materials and labor received, including the dates provided, provider, and value, to the Department when seeking to apply same towards their capital investment requirement.

Section 3. Applicability.

This law shall apply to all contracts entered into 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)(26) 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 routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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 its filing in the Office of the Secretary of State.

DATED: June 18, 2019

APPROVED BY:

/s/ Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: July 3, 2019

After a public hearing duly held on July 3, 2019
Filed with the Secretary of State on July 17, 2019