

STRICKEN AS OF 8/11/2020

Intro. Res. No. 1086-2020
Introduced by Legislator Trotta

Laid on Table 2/11/2020

**RESOLUTION NO. -2020, ADOPTING LOCAL LAW
NO. -2020, A CHARTER LAW TO INCREASE SEWER
FUNDING AND PROTECT WATER QUALITY IN SUFFOLK
COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 11, 2020 a proposed local law entitled, "**A CHARTER LAW TO INCREASE SEWER FUNDING AND PROTECT WATER QUALITY IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. -2020, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO INCREASE SEWER FUNDING AND
PROTECT WATER QUALITY IN SUFFOLK COUNTY**

**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 is a consistent leader in environmental and drinking water protection.

This Legislature further finds and determines that Long Island sits atop a sole source aquifer which provides residents with drinking water.

This Legislature finds that a large number of communities in Suffolk rely on cesspools and septic tank systems to dispose of waste and these systems are responsible for producing much of the nitrogen that is damaging our ground and surface waters.

This Legislature further finds that nitrogen contamination would be significantly diminished if more sewer districts were created and existing sewer districts expanded.

This Legislature also determines that the installation and maintenance of sewer infrastructure is costly.

This Legislature further determines that the taxpayers of Suffolk County approved an additional ¼% in sales tax for the express purpose of protecting drinking water.

This Legislature finds that, presently, the majority of the funds collected from this tax are not being used directly for drinking water protection purposes.

This Legislature determines that more of the County's dedicated drinking water protection funds should be utilized to increase funding for sewers to reduce the nitrogen load in drinking water and surface waters.

Therefore, the purpose of this law is to amend Article 12 of the SUFFOLK COUNTY CHARTER to reallocate funding received under the drinking water protection program from general fund tax relief to fund sewer district expansion and development.

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.

* * * *

- C. [County-wide property tax protection: 32.15% of the total revenues generated each calendar year to reduce or stabilize the County's general property taxes and/or police/public safety property taxes for the subsequent fiscal year by being credited to revenues in direct proportion to real property taxes assessed and collected by the County of Suffolk from parcels within the County. The Suffolk County Taxpayers Trust Fund is hereby created; 32.15% 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. These revenues shall not be used to fund new programs or positions of employment (defined as programs or positions not budgeted by Suffolk County in the prior fiscal year).] County-wide sewer district development and expansion: 32.15% of the total revenues generated each calendar year to develop new sewer districts and expand existing sewer districts. The Suffolk County Sewer Expansion and Development Trust Fund is hereby created; 32.15% 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. These revenues shall be used for the planning, design, construction, maintenance and operation of new sewers and the expansion of existing sewers. If the revenues generated in any year, including calendar year 2030, exceed the amount necessary to provide for such projects, then such excess revenues shall be carried over as a fund balance for such projects to be consummated in subsequent years.

* * * *

Section 3. Applicability.

This law shall apply to revenues collected by the County under Article 12 of the Suffolk County Charter 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. Form of Proposition.

The question submitted to the electorate pursuant to Section 7 of this law shall read as follows:

Shall Resolution No. -2020, Adopting a Charter Law, A Charter Law to Increase Sewer Funding and Protect Water Quality in Suffolk County, which will reallocate funding in the Drinking Water Protection Program from the General and Police District funds to provide for sewer development and expansion, be approved?

Section 7. Effective Date.

This law shall not take effect until the first day of the first fiscal year after its approval 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. After approval by the electorate, this law, as well as any other law converted into a mandatory referendum pursuant to Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW, by a vote of the County Legislature, may only be amended, modified, repealed, or altered by enactment of an appropriate Charter law subject to mandatory referendum in accordance with prevailing law.

Section 8. Conflicting Referenda.

In the event that there are other referenda on the ballot, pertaining to or addressing substantially the same issues as are contained in this law, then the provisions of the

measure approved by the electorate receiving the greatest number of affirmative votes, shall prevail, and the alternative measure, or measures, as the case may be, shall be deemed null and void.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: