

RESOLUTION NO. 549 -2020, ADOPTING LOCAL LAW NO. 41-2020, A LOCAL LAW TO ESTABLISH A LIMITED RESERVE FUND TO TEMPORARILY AID CULTURAL ARTS ORGANIZATIONS RECEIVING FUNDING THROUGH THE COUNTY'S HOTEL MOTEL TAX

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 9, 2020, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH A LIMITED RESERVE FUND TO TEMPORARILY AID CULTURAL ARTS ORGANIZATIONS RECEIVING FUNDING THROUGH THE COUNTY'S HOTEL MOTEL TAX**"; now, therefore be it

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

LOCAL LAW NO. 41 -2020, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO ESTABLISH A LIMITED RESERVE FUND TO TEMPORARILY AID CULTURAL ARTS ORGANIZATIONS RECEIVING FUNDING THROUGH THE COUNTY'S HOTEL MOTEL TAX

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 COVID-19 pandemic has had substantial effects throughout Suffolk County, New York State and the world.

This Legislature also finds and determines that presently, large gatherings of people are discouraged, while uncertainty remains about when such activities will be safe to resume.

This Legislature further finds and determines that the County funds numerous organizations which provide cultural and arts programming throughout the community through the State authorized occupancy tax on hotel and motel rooms.

This Legislature finds that unfortunately, many of the programs put on in Suffolk County communities are large gatherings which may not occur this year.

This Legislature determines that some of these organizations are wholly volunteer operated, with no operating expenses that their 2020 funding may be used on, pursuant to Res No. 421-2020.

This Legislature also finds that a limited fund should be established to allow these organizations the opportunity to carry over their 2020 hotel motel tax funding into 2021 so that they can provide additional programming once it is safe to resume such gatherings.

Therefore, the purpose of this law is to establish a limited fund to allow cultural and arts organizations which are unable to expend their hotel motel tax funds in 2020 the opportunity to reserve those funds and utilize them in 2021.

Section 2. Establishment of 2020 Hotel Motel Arts and Cultural Programming Reserve Fund.

Pursuant to §6-e of General Municipal Law, the County hereby establishes a limited reserve fund known as the “2020 Hotel Motel Arts and Cultural Programming Fund” which shall consist of monies as are appropriated by the County Legislature into the fund from allocations of hotel motel tax granted to contract agencies in the year 2020 which the agency is unable to expend during that year on cultural arts programming. The cash balance and amount paid into such fund shall be limited to the amount deposited into the fund via duly authorized resolution of the County Legislature on or before December 31, 2020.

Section 3. Amendment to the Budget.

The Suffolk County Operating Budget for 2020 is hereby amended to include the establishment of Fund 193, a limited reserve fund which will exist through June 30, 2022.

Section 4. Procedure for fund use.

- A. The funds deposited into the 2020 Hotel Motel Cultural and Arts Program Fund shall be limited only to unexpended hotel-motel tax contract funds for the provision of cultural arts programming pursuant to Section 523-15(B) of the SUFFOLK COUNTY CODE in the year 2020.
- B. Any funds deposited shall state with specificity the agency which was unable to utilize the 2020 funds and the amount of such funding. Only the agency which was unable to utilize their 2020 funds may receive their portion of unexpended funds held in this account for use in 2021. Funds shall not be transferred from one agency to another.
- C. All funds provided from this account must be expended by the contract agency for cultural or arts programming on or before December 31, 2021.
- D. The fund shall sunset on June 30, 2022, at which time any remaining fund balance shall be deposited into Fund 193.

Section 5. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 6. 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 7. 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 8. Effective Date.

This law shall not take effect until at least forty-five (45) 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 forty-five (45) 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 24(2) of the NEW YORK MUNICIPAL HOME RULE LAW and Section 6-e of NEW YORK GENERAL MUNICIPAL LAW and upon filing in the office of the Secretary of State.

DATED: July 21, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: August 21, 2020

After a public hearing duly held on August 3, 2020
Filed with the Secretary of State on October 9, 2020