

**RESOLUTION NO. 703 -2020, ADOPTING LOCAL LAW NO. 45-2020, A LOCAL LAW TO AMEND RESOLUTION NO. 549-2020 TO PERMIT THE TRANSFER OF UNEXPENDED FUNDS BETWEEN ORGANIZATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on July 21, 2020, a proposed local law entitled, "**A LOCAL LAW TO AMEND RESOLUTION NO. 549-2020 TO PERMIT THE TRANSFER OF UNEXPENDED FUNDS BETWEEN ORGANIZATIONS**"; now, therefore be it

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

**LOCAL LAW NO. 45-2020, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO AMEND RESOLUTION NO. 549-2020 TO PERMIT THE TRANSFER OF UNEXPENDED FUNDS BETWEEN ORGANIZATIONS**

**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 Resolution No. 549-2020 creates a limited reserve fund to temporarily aid cultural arts organizations receiving funding through the County's hotel and motel tax.

This Legislature also finds and determines that those cultural arts organizations which are unable to utilize their hotel and motel tax funding in 2020 will be able to roll the funding over for use in 2021 through placement of those unused funds into the limited reserve fund.

This Legislature further finds and determines that it is necessary to clarify each legislative district's ability to utilize the funds to be placed in the limited reserve fund.

Therefore, the purpose of this law is to amend Resolution No. 549-2020 to permit the transfer of funds between organizations.

**Section 2. Amendments.**

Section 4 of Resolution No. 549-2020 is hereby amended as follows:

**Section 4. Procedure for fund use.**

\* \* \* \*

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. Once unused cultural arts hotel and motel tax funding for the 2020 fiscal year is allocated into Fund 193, an accounting shall be performed to determine which funds were originally allocated to cultural arts organizations within each legislative district. The sum total of funding originally allocated to cultural arts organizations within each legislative district shall be assigned for use towards cultural arts programming in that same district for the 2021 fiscal year.

[C.] D. All funds provided from this account must be expended by [the] a contract agency for cultural or arts programming in the allocating legislative district on or before December 31, 2021.

[D.] E. The fund shall sunset on June 30, 2022, at which time any remaining fund balance shall be deposited into Fund 192.

### **Section 3. Applicability.**

This 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)(26), (27) and (33) 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 in that the action constitutes 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.

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

DATED: October 6, 2020

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: October 27, 2020

After a public hearing duly held on October 19, 2020  
Filed with the Secretary of State on November 6, 2020