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Submitted by the County Executive and Introduced by

LOCAL LAW NO. 16- 2011

A Local Law to authorize the amending the Nassau County budget for fiscal year 2011 and the amending of the Nassau County budget for fiscal year 2012 in order to abolish certain positions of employment

Passed by the Nassau County Legislature on December 19, 2011
Voting: ayes: // naves: 6 abstained: 0

Became a law on December 22, 2011 with the approval of the County Executive.

APPROVED AS TO FORM

Deputy County Attorney

Be it enacted by the Nassau County Legislature as follows:

Section 1. **Legislative Intent.** The purpose of this local law is to authorize further amendments to the Nassau County budget adopted for the fiscal year 2011 and amendments to the Nassau County budget adopted for the fiscal year 2012 which will abolish certain positions of employment, effective no later than December 29, 2011, as a means of addressing the current economic shortfall.

The County Executive in consultation with the Nassau Interim Finance Authority (“NIFA”) and in accordance with the adopted 2011 Budget Ordinance, the adopted 2012 Budget Ordinance and the approved Multiyear Plan for fiscal years 2012-2015, the County of Nassau was required to achieve Budgetary Savings (the “Savings”)

in the amount of \$75,000,000 no later than December 29, 2011. The savings were to be achieved through negotiated labor concessions with the County's Labor Unions or, in the alternative, through the elimination of certain positions of County employment. Insofar as the County's Labor Unions have not come forward with the required and mandated Savings, it becomes necessary to achieve the Savings through the elimination of certain positions of County employment as set forth herein shall not be necessary.

Section 2. **Budget Amendment.** Notwithstanding any other provision of law, the Nassau County Legislature may, upon receipt of an ordinance submitted by the County Executive, further amend the Nassau County budget for the 2011 fiscal year and amend the Nassau County budget for the 2012 fiscal year to abolish certain positions of employment effective no later than December 29, 2011. Following publication of notice and hearings on such amendments, the proposed ordinance, as changed, altered or revised by the County Legislature, shall be set before the County Legislature for a vote. The County Legislature shall vote separately on any portion of the ordinance relating to the County Legislature.

Within ten days of the final approval of the proposed ordinance by the County Legislature, the County Executive shall have the right to veto any item in such ordinance that constitutes a change from the ordinance proposed by the County Executive, while at the same time approving the remainder of such ordinance. In such event, the County Executive shall return the ordinance to the County Legislature with a statement of his reasons for vetoing each such item. The County Legislature within seven days thereafter may reconsider any such item. If after such reconsideration thirteen affirmative votes of the County Legislature be cast in favor of replacing any such item, such item shall be deemed approved, notwithstanding the veto of the County Executive.

Appendix A to the proposed Ordinance may have individual line items in it stayed by Executive Order. Nothing contained herein shall limit the stay to an individual line and this shall be interpreted as permitting a stay applicable to individual job titles. The Executive's stay shall remain in full force and effect until such time as this Legislature has the opportunity to review and approve the rescission of the abolition of job titles.

Section 3. **No Impairment.** Nothing in this local law shall be construed to impair any power of the County Executive under any provision of law.

Section 4. **SEQRA.** It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) of 6 N.Y.C.R.R. ("routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment"), and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

Section 5. **Severability.** If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

Section 6. **Effective Date.** This local law shall take effect immediately.



County Executive

DATE 12/22/11