

Introduced by Legislator Denise Ford and Alternate Deputy Presiding Officer Howard J. Kopel

LOCAL LAW 4 - 2012

A LOCAL LAW GRANTING POWER TO THE LEGISLATURE TO AUTHORIZE THE PASSING THROUGH OF STATE MARCHISELLI FUNDS FROM NASSAU COUNTY TO THE NASSAU COUNTY BRIDGE AUTHORITY FOR PURPOSES OF PAYING PRINCIPAL DEBT OF AUTHORITY BONDS IN SUPPORT OF PROJECTS THAT ARE ELIGIBLE FOR FUNDING PURSUANT TO TITLE 23 OF THE UNITED STATES CODE.

FORM APPROVED
Meredith Ford
Deputy MAJORITY COUNSEL

Passed by the Nassau County Legislature on April 16, 2012

Voting: ayes: 15, nays: 0, abstained: 0

Became a law on April 23, 2012 with the approval of the County Executive.

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

§ 1. Short Title

This law shall be known as the "Marchiselli Funds Pass Through Law" and shall appear in the Miscellaneous Laws of Nassau County as Title 79.

§ 2. Legislative Intent

This Legislature finds that certain public works projects that call for the apportionment of costs to be borne at the ratio of eighty (80%) percent federal funds and twenty (20%) percent local funds are eligible for funding under Title 23 of the United States Code, as amended.

This Legislature further finds that Local Authorities can commit to funding one hundred (100%) percent of the non-federal share of costs of projects that are eligible for the funding described above.

This Legislature further finds that Nassau County enters into three-way agreements between Nassau County, Local Authorities, and the New York State Department of Transportation to further the passing through of federal-funds and/or Marchiselli Funds to Local Authorities after they make the commitment to the appropriate funding.

This Legislature further finds that additionally, the passing through of Marchiselli Funds from Nassau County to a Local Authority must be in furtherance of a County purpose.

This Legislature further finds that the Nassau County Bridge Authority is a Local Authority pursuant to Title I of the Public Authorities Law.

Therefore, the primary purpose of this local law is to authorize the passing through of Marchiselli Funds from Nassau County to the Nassau County Bridge Authority by way of resolution by the Nassau County Legislature and declare that such passing through is in furtherance of a county purpose.

§ 3. Definitions.

- a. Marchiselli Funds: New York State funds provided to municipalities to draw down Federal matching grants pursuant to the Municipal Streets and Highway Program for capital projects for bridges and highways not located on the New York State highway system.
- b. Local Authority: (i) a public authority or public benefit corporation created by or existing under the New York State Public Authorities Law or any other law of the state of New York whose members do not hold a civil office of the state, are not appointed by the governor or are appointed by the governor specifically upon the recommendation of the local government or governments; (ii) a not-for-profit corporation affiliated with, sponsored by, or created by a county, city, town or village government; (iii) a local industrial developmental agency or authority or other local public benefit corporation; or (iv) an affiliation of such local authority.

§ 4. Power Of The Legislature To Authorize The Passing Through Of Marchiselli Funds And Its Declaration In Connection Thereto.

- (a) The Legislature shall have power to authorize the passing through of Marchiselli funds to the Nassau County Bridge Authority, a Local Authority, after Nassau County receives the same from New York State for purposes of paying principal debt of such Authority's bonds that is entitled to Marchiselli Funds.
- (b) The Legislature hereby declares that support of State Public Authorities including the distribution of Marchiselli Funds to such State Public Authorities is in furtherance of a County purpose.

§ 5. 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.


§ 6. SEQRA Determination

It is hereby determined, based on the recommendation of the Nassau County Planning Commission acting in an advisory capacity to the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required. A record of the Planning Commission's recommendation of negative declaration for this action shall be maintained in a file, readily accessible to the public, at the Office of the Planning Commission.

§ 7. Effective Date:

This law shall take effect immediately after becoming a law.

APPROVED



County Executive

DATE 4/23/12