

Amendment in the Nature of a Substitution – Clerk Item 315-12

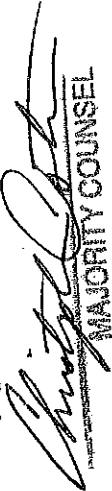
Submitted by the County Executive and Introduced by Presiding Officer Peter Schmitt

LOCAL LAW NO. 8-2012

A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO TAKE ANY AND ALL ACTIONS HE DEEMS NECESSARY TO CREATE FORTY-MILLION-DOLLARS IN SAVINGS FOR THE COUNTY

Passed by the Nassau County Legislature on May 21, 2012
Voting: ayes: 10 nays: 0 abstained: 0 (DEMS VACATED THE CHAMBERS)

Became a law on June 18, 2012 with the approval of the County Executive

FORM APPROVED

MAJORITY COUNSEL

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

Section 1. **Legislative Intent.** Nassau County set forth a plan adopted by the Legislature and approved by NIFA that responsibly sought to put an end to borrowing to pay tax refunds. Due to the refusal of the Legislative Minority to implement this plan, Nassau County is currently embroiled in a fiscal crisis which has seriously jeopardized its ability to finance the payment of tax certiorari settlements and judgments. This crisis is particularly acute because the inability of the County to finance the payment of those settlements and judgments has resulted in economic hardship for many of the County residents and businesses who are owed refunds pursuant to those settlements and judgments. To alleviate this crisis, the County Executive submitted, and this Legislature and NIFA approved, a multi-year financial plan which included provisions for

transitional financing of tax refunds as the County implemented the multi-year financial plan.

Bonding to finance the payment of tax certiorari settlements and judgments requires a bipartisan super-majority vote of the County Legislature pursuant to the New York Local Finance Law. Despite the clear need to raise funds to finance the payment of these refunds, certain Legislators have steadfastly refused to approve any bonding absent a *quid pro quo*. Furthermore, these Legislators have failed to advance any viable alternative to the multi-year financial plan. Due to this failure to approve bonding to cover the payment of these settlements and judgments, the individuals and businesses which are owed refunds are entitled to ask a court to order the execution of those judgments and settlements by levying against the County's bank accounts. This levying would result in widespread chaos throughout the County and would severely impair its ability to provide even nominal services to County residents. This Legislature finds and determines that it is absolutely necessary to avoid the execution of these judgments by levying against the County's bank accounts.

In light of this economic reality, absent approval of bonding by a super-majority vote of this Legislature, the County Executive must be authorized to take action to move expeditiously to provide for the financing necessary to finance the payment of funds owed by the County.

§2. Action by the County Executive.

(A) Notwithstanding any inconsistent provision of law, the County Executive, upon the issuance of an Executive Order invoking this Local Law, shall be authorized to take any action he deems necessary, including but not limited to, the following actions in order to create forty-million-dollars in savings for the County.

1. relieve from duty any duty employees represented by a collective bargaining unit for one day per week
2. embargo County funds
3. modify any County contracts

4. freeze base and supplemental wages for County employees
5. reduce or eliminate employer contribution to employee benefits
6. sell, lease, or otherwise dispose of any and all real and personal property owned by the County including, but not limited to, vehicles, buildings, land, computers, and heavy machinery
- ~~7. close or restrict the hours of operation of any County facility~~
8. reduce or eliminate any County operated program or service whose continuing existence is not mandated by State or Federal law
9. shutter, reduce, or eliminate any County agency or department whose continuing existence is not mandated by State or Federal law
10. reduce or eliminate assistance to Towns, Cities and Villages within the County
11. any action not enumerated in this list but otherwise authorized pursuant to State, Federal or County law

(B) Said Executive Order shall be filed with the County Clerk, the Clerk of the Nassau County Legislature, and posted conspicuously on the County Website within twenty-four hours of its issuance.

(C) The County Executive shall file on a quarterly basis with the County Clerk and the Clerk of the Nassau County Legislature a statement detailing the savings achieved and the savings estimated to be achieved by the issuance of Executive Orders pursuant to subdivision (A) of this Local Law.

(D) The authorities granted by this Local Law shall expire upon a certification issued by the Office of Legislative Budget Review that forty million dollars in savings have been achieved.

(E) Any savings realized pursuant to the authorities granted by this Local Law shall be used solely to finance tax certiorari judgments and settlements.

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§3. **Budget Amendment.** Notwithstanding any other provision of law, the Nassau County Legislature may, upon receipt of an ordinance submitted by the County Executive, amend the Nassau County budget to implement a provision of this Local Law to the extent necessary pursuant to State or Federal law.

~~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.

§4. **No Impairment.** Nothing in this Local Law shall be construed to impair any power of the County Executive under any provision of law.

§5. **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. ("SEQRA") 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 enactment of this local law is an Unlisted Action and has been determined not to have a significant effect on the environment and no further review is required for the reasons set forth in the attached Determination of Non-Significance. This Legislature recognizes, however, that specific actions taken to implement the

provisions of this local law may require further SEQRA determinations as they are taken.

§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.

7. **Effective Date.** This Local Law shall take effect immediately.

APPROVED



County Executive

DATE 6/18/2012

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Nassau County	2. PROJECT NAME Local Law - Authorize County Executive to take certain actions
3. PROJECT LOCATION: Municipality Nassau County County Nassau	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) The local law itself takes no specific actions at any precise locations	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: This local law authorizes the County Executive to take certain actions to alleviate the County's fiscal issues by raising forty-million-dollars.	
7. AMOUNT OF LAND AFFECTED: Initially n/a acres Ultimately n/a acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND-USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly The local law itself does not impact zoning restrictions	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: The local law itself cannot have any adverse affects	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: The local law itself cannot have any adverse affects	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: The local law itself cannot have any adverse affects	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: Nassau County Date: 4/30/2012 Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 The local law itself cannot have any adverse affects

C2. Aesthetic, agricultural, archeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 The local law itself cannot have any adverse affects

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 The local law itself cannot have any adverse affects

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 The local law itself cannot have any adverse affects

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 The local law itself cannot have any adverse affects

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 The local law itself cannot have any adverse affects

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 The local law itself cannot have any adverse affects

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:
 The local law itself cannot have any adverse affects

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:
 The local law itself cannot have any adverse affects

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide, on attachments as necessary, the reasons supporting this determination.

Nassau County 4/30/2012

 Name of Lead Agency Date

 Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

 Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from responsible officer)

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