

446/11



Staff Summary

Subject
Local Law – Fiscal Crisis Reform Act
Department
County Executive
Department Head Name
Edward P. Mangano
Department Head Signature
Date
September 15, 2011

Internal Approvals			
Date & Init.	Approval	Date & Init.	Approval
9-15-11 <i>[Signature]</i>	County Executive or Deputy	9/15/11 <i>[Signature]</i>	Director of Legislative Affairs
	Budget	<i>[Signature]</i> 9/15/11	Counsel to County Executive

Purpose: To amend the Nassau County charter to authorize the County Executive to take appropriate action in the event of a fiscal crisis in the County.

Discussion/Procedure: Nassau County is currently embroiled in a fiscal crisis and both the County Executive and Legislature recognize that this is a fiscal crisis of an unanticipated and unprecedented nature. This crisis includes: a high rate of mortgage foreclosures; a high rate of unemployment; a tax burden amongst the highest in the nation; and incremental increases in the cost of living in Nassau County which has become too high for the residents to bear.

The solution to this crisis is not to further burden the residents of Nassau County by increasing property taxes. Instead, the powers of the County Executive under the Nassau County Charter should be expanded to permit all necessary action to alleviate such a fiscal crisis. Those powers should be explicitly delineated and to preserve the orderly administration of government, authorization for the County Executive to take such actions to address a fiscal crisis should come from the Legislature.

Such powers should include, but not be limited to: freezing base and supplemental wages; furloughing employees; modifying contracts; and reducing employer benefit contributions. The foregoing powers shall be authorized by a declaration of fiscal crisis which shall be in the form of an Executive Order to be filed with the Clerk of the Legislature. Except that in the event that any agency authorized by State or Federal law to declare a fiscal crisis in the County makes such a declaration then that declaration may be deemed a declaration of a fiscal crisis by the County Executive for the purposes of this law.

Impact on funding: This law will help to protect Nassau County residents from an unaffordable tax increase. The exact amount of savings to the taxpayer will be determined by implementation of the necessary reforms.

Recommendation: Approve as submitted.

2011 SEP 15 PM 11:52
LEGISLATURE
NASSAU COUNTY



**County of Nassau
Inter-Departmental Memo**

To: Clerk of the County Legislature
From: County Attorney
Date: September 15, 2011
Subject: LOCAL LAW - ORIG. DEPT. – County Executive

A LOCAL LAW TO IMPLEMENT THE FISCAL CRISIS REFORM ACT.

The above-described document attached hereto is forwarded for your review and approval and subsequent transmittal to the County Legislature for inclusion upon their calendar.

A handwritten signature in black ink, appearing to read "John Ciampoli", is written over a large, stylized flourish.

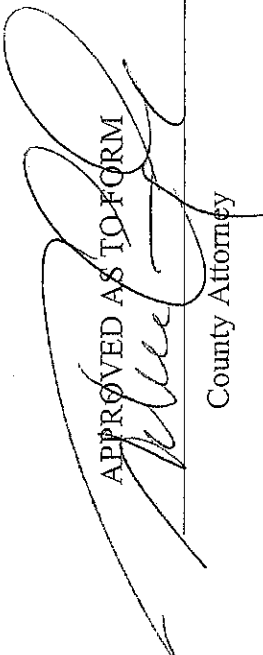
By: JOHN CIAMPOLI
County Attorney

Attachments

Submitted by the County Executive and Introduced by

PROPOSED LOCAL LAW NO. - 2011

A LOCAL LAW TO IMPLEMENT THE FISCAL CRISIS REFORM ACT.

APPROVED AS TO FORM

County Attorney

WHEREAS, Nassau County is currently embroiled in a fiscal crisis; and

WHEREAS, this Legislature recognizes that this is a fiscal crisis of an unanticipated and unprecedented nature which includes a high mortgage foreclosure rate, a high unemployment rate, a high overall tax burden, and an incremental increase in the cost of living in Nassau County which has become unacceptably high; and

WHEREAS, it would be inherently unfair and inappropriate to place the burden of this crisis onto the people of this County by increasing property taxes;

WHEREAS, the powers of the County Executive under the Nassau County Charter to take necessary action to alleviate such a crisis should be explicitly delineated; and

WHEREAS, to preserve the orderly administration of government, authorization for the County Executive to take action to address a fiscal crisis should come from the Legislature; now, therefore,

BE IT ENACTED by the County Legislature as follows:

Section 1. Subdivision 1 of Section 103 of the Nassau County Charter is amended to read as follows:

1. create, organize and abolish departments, bureaus, offices and employments, not inconsistent with the terms of this act, and fix, on the recommendation of the County Executive, the compensation of all officers and employees of the county, except as otherwise provided in this act, and, in the event of a declaration of a fiscal crisis pursuant to section 203(1) of this act, authorize, by ordinance, the County Executive to take such steps as he, in his judgment, deems necessary to address such a crisis;

§ 2. Subdivision 1 of Section 203 of the Nassau County Charter is amended to read as follows:

1. It shall be the duty of the County Executive to supervise, direct, and control, subject to the provisions of the act, the administration of all departments, offices and functions of the county government. In the exercise of this responsibility, the County Executive shall be authorized, in addition to such other powers as may be necessary to maintain the efficient operation of county government, to develop, maintain and administer services on a county-wide basis that are common needs of all departments of county government, including, but not limited to, personnel and labor management; building security; management of county-owned vehicles; planning of space requirements, management, assignment and use of county owned buildings and grounds; the provision of services to departments involving relations with the press and photography, mail, printing, reproduction and graphic art; grant application and administration; and the receipt and response to communications from members of the public. The County Executive shall, appoint, except as otherwise provided in this act,

subject to confirmation by the County Legislature, the head of every county department and office and members of county boards and commissions. The County Executive may at any time remove any person so appointed; provided that in the case of members of boards and commissions appointed for definite terms, no removal shall be made until the person to be removed has been serviced with a notice of the reasons for such removal and given an opportunity to be heard, publicly if he or she desires, thereon by the County Executive. The decision of the County Executive shall be final. The County Executive shall also appoint without confirmation by the County Legislature, and remove at his or her pleasure, the employees in his or her own office and such employees shall not be members of the classified service. The County Executive shall also be authorized to declare a fiscal crisis in the County and, upon the adoption of an ordinance by the Legislature pursuant to section 103(1) of this act, take such steps as he deems, in his judgment, necessary to resolve such a crisis including, but not limited to, freezing base and supplemental wages; furloughing employees; modifying contracts; and reducing employer benefit contributions. Such declaration shall be in the form of an Executive Order which will be filed with the Clerk of the Legislature, except that in the event that any agency authorized by State or Federal law to declare a fiscal crisis in the County makes such a declaration then such declaration may be deemed a declaration of a fiscal crisis by the County Executive for the purposes of this section.

§3. 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.

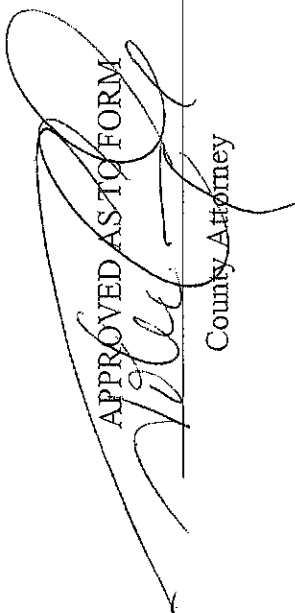
§4. Severability. If any clause, sentence, paragraph, section or part of any section of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause,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

§5. Effective Date. This local law shall be effective immediately.

Submitted by the County Executive and Introduced by

LOCAL LAW NO. - 2011

A LOCAL LAW TO IMPLEMENT THE FISCAL CRISIS REFORM ACT.

APPROVED AS TO FORM

County Attorney

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subject to confirmation by the County Legislature, the head of every county department and office and members of county boards and commissions. The County Executive may at any time remove any person so appointed; provided that in the case of members of boards and commissions appointed for definite terms, no removal shall be made until the person to be removed has been serviced with a notice of the reasons for such removal and given an opportunity to be heard, publicly if he or she desires, thereon by the County Executive. The decision of the County Executive shall be final. The County Executive shall also appoint without confirmation by the County Legislature, and remove at his or her pleasure, the employees in his or her own office and such employees shall not be members of the classified service. The County Executive shall also be authorized to declare a fiscal crisis in the County and, upon the adoption of an ordinance by the Legislature pursuant to section 103(1) of this act, take such steps as he deems, in his judgment, necessary to resolve such a crisis including, but not limited to, freezing base and supplemental wages; furloughing employees; modifying contracts; and reducing employer benefit contributions. Such declaration shall be in the form of an Executive Order which will be filed with the Clerk of the Legislature, except that in the event that any agency authorized by State or Federal law to declare a fiscal crisis in the County makes such a declaration then such declaration may be deemed a declaration of a fiscal crisis by the County Executive for the purposes of this section.

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