

AMENDED COPY AS OF 11/18/2024

Intro. Res. No. 1687-2024
Introduced by Legislators Trotta and Bergin

Laid on Table 7/30/2024

**RESOLUTION NO. -2024, ADOPTING LOCAL LAW
NO. -2024, A LOCAL LAW AMENDING CHAPTER 189 OF
THE SUFFOLK COUNTY CODE TO PROVIDE FURTHER
RESTRICTIONS ON ADMINISTRATIVE EXPENSES OF
CONTRACT AGENCIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on July 30, 2024, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 189 OF THE SUFFOLK COUNTY CODE TO PROVIDE FURTHER RESTRICTIONS ON ADMINISTRATIVE EXPENSES OF CONTRACT AGENCIES**"; now, therefore be it

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

LOCAL LAW NO. -2024, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AMENDING CHAPTER 189 OF THE SUFFOLK
COUNTY CODE TO PROVIDE FURTHER RESTRICTIONS ON
ADMINISTRATIVE EXPENSES OF CONTRACT AGENCIES**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature finds that the County of Suffolk has adopted guidelines and technical requirements, as well as financial filing and reporting requirements, for County contract agencies for the purpose of increasing oversight and accountability in the use of County funds by these agencies.

This Legislature has previously determined that an important metric to examine in determining whether to fund a contract agency is the percentage that administrative costs make up of an agency's total expenditures.

This Legislature has determined that further restrictions on contact agency eligibility is needed to ensure that County funds are being utilized efficiently in a way that provides the most benefit to the community.

Therefore, the purpose of this local law is to require that no contract agency shall be eligible for funding if any employee of that agency has a salary greater than the salary budgeted for the governor of the State of New York.

Section 2. Amendments.

Chapter 189 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 189. Purchasing and Contracts

Article VIII. Guidelines and Requirements for Contract Agencies

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§ 189-40. Definitions.

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CONTRACT AGENCY SALARY

For the purposes of this Article the salary for a contract agency employee, officer, director, or member shall be the sum of the amounts provided columns D, E and F in Part VII of IRS form 990.

§ 189-41. Requirements.

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D. Contract Agency Salaries.

1. No contract agency shall be eligible for funding by the County of Suffolk from County funds, in any fiscal year where any employee, officer, director, or member of the contract agency received a salary in the previous year greater than the budgeted salary for the governor of the State of New York for that year, as determined by the County Department of Audit and Control.
2. Waiver.
 - a. A contract agency may request for a waiver from the above requirement by submitting a written request to the Clerk of the Legislature.
 - b. Within ten (10) days of receipt of the waiver request by the Clerk of the Legislature, a committee consisting of a representative of the County Executive, the Commissioner that would oversee the contract agency and the chair of the committee that has jurisdiction over the department that oversees the contract agency shall meet and make a recommendation to the legislature as to whether the waiver should be approved. Such recommendation shall be filed with the Clerk of the Legislature.
 - c. Upon the committee filing its recommendation with the Clerk of the Legislature the Legislature may grant the waiver and approve funding for the contract agency by the adoption of a resolution that receives at least a two-thirds vote of the entire membership of the Legislature.
3. Exemptions.
 - a. This section shall not apply to any contract agency:
 - i. That is a hospital, or;

- ii. A Federally Qualified Health Center that is contracted with the County to provide care to patients at health centers formerly operated by the County.

[D]E.

[E]E.

[F]G.

[G]H.

[H]I.

[I]J.

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Article XIII. Evaluation of Contract Agencies by County Departments; Contract Agency Financial Disclosure Requirements.

§ 189-64 Definitions.

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CONTRACT AGENCY SALARY

For the purposes of this Article the salary for a contract agency employee, officer, director, or member shall be the sum of the amounts provided columns D, E and F in Part VII of IRS form 990.

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§ 189-66 Disclosure by contract agencies.

- A. Each contract agency shall be required to complete and submit an online contract agency disclosure form to the Department of Audit and Control no later than September 15 of each year. Such contract agency disclosure form shall include such content and be in such form as determined by the Department of Audit and Control, but, at a minimum, shall require that the contract agency set forth the contract agency's program revenues from all sources and expenses from all sources, administrative expenses and the salary of every employee, officer, director, or member of the contract agency[s top five employee salaries].

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:

APPROVED BY:

County Executive of Suffolk County

Date: