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OFFICE OF THE
DEMOCRATIC MINORITY



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NASSAU COUNTY LEGISLATURE
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Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel *PJC*

CC: Hon. Norma Gonsalves, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: August 23, 2017

Re: A LOCAL LAW TO AMEND THE CHARTER REGARDING A LIMIT ON
UNRESERVED FUND BALANCE.

2017 AUG 23 P 2:45
NASSAU COUNTY LEGISLATURE

Attached please find the above referenced proposed local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Norma Gonsalves along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

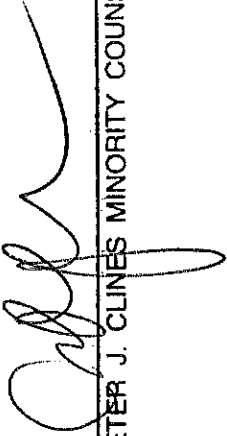
Introduced by: **Legislator Siela Bynoe.**

Co-sponsored by: **Minority Leader Kevan Abrahams and Legislators Delia DeRiggi-Whitton, Arnold W. Drucker, Ellen Birnbaum and Laura Curran.**

PROPOSED LOCAL LAW NO. – 2017

A LOCAL LAW TO AMEND THE CHARTER REGARDING A LIMIT ON UNRESERVED FUND BALANCE.

APPROVED AS TO FORM



PETER J. CLINES MINORITY COUNSEL

2017 AUG 23 P 2:45

CLERK OF SUPERIOR COURT
NASSAU COUNTY
60 FORT MONROE AVENUE
FORT MONROE, VA 22031

WHEREAS, it is the judgment of the Legislature that retention of excessive unreserved fund balance places an unnecessary burden on Nassau County taxpayers and deprives important County programs of necessary funding; and

WHEREAS, it is sound fiscal practice to utilize excess levels of unreserved fund balance to pay for non-recurring municipal expenses, such as the non-recurring expenses in the Other Than Personal Services (“OTPS”) expense line in the County Budget; and

WHEREAS, the use of unreserved balance to offset non-recurring expenses may free operating funds to be utilized to support important County programs which may otherwise be unfunded or underfunded; and

WHEREAS, the expenditure of such excess fund balance should be undertaken in a fiscally responsible manner pursuant to a multiyear utilization plan approved by the County Legislature; and

WHEREAS, in view of the foregoing, it is the judgment of the Legislature that there should be a legal cap on the amount of unreserved fund balance retained by the County and that any excess fund balance shall be expended through a duly adopted multiyear utilization plan, now therefore

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

Section 1. Section 308A, Article III of the County Government Law of Nassau County, known as the County Charter, is hereby amended by adding a new section as follows:

Section 308A. Unreserved fund balance

1. The County's unreserved fund balance shall be maintained at an amount not exceeding five percent of prior-year expenditures made from its General Fund, the Countywide Special Revenue Funds, the Police District Fund, and the Reserve Funds.

2. Fund balance amounts accumulated in excess of the five percent limit set forth in subsection one of this section shall be used solely for non-recurring expenses, and expended pursuant to a multiyear utilization plan to be adopted by the County Legislature as part of the County's multiyear financial plan.

3. Expenditures of excess unreserved fund balance shall be made as provided in the multiyear utilization plan established pursuant to subsection two of this section and shall be authorized by a supplemental appropriation adopted pursuant to Section 307 of this Charter.

Section 2. 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 3. SEQRA Determination. 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) and (27) of 6 N.Y.C.R.R., 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 4. Effective Date. This Local Law shall take effect immediately.

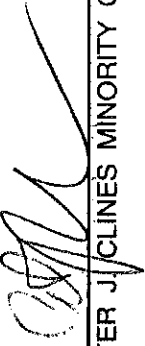
Introduced by: Legislator Siela Bynoe.

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PETER J. CLINES MINORITY COUNSEL

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CLERK OF COUNTY COURTS
NASSAU COUNTY

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