

Sixth Special Meeting
November 21, 2012

The Sixth Special Meeting of 2012 was called to order by the Chair at 10:05 A.M. All Legislative members were present.

Chair Weston asked Legislator Roberts to have a moment of prayer. "I would like to ask for a moment of silence for all the victims affected by Super Storm Sandy."

Legislator Roberts led all Legislators and those in attendance in the Pledge of Allegiance.

There were seven persons in attendance.

Legislator Sullivan moved for the adoption of the following resolution, seconded by Legislator Hollenbeck.

REFERRED TO: FINANCE/LEGAL COMMITTEE

RESOLUTION NO. 276-12 *ADOPT LOCAL LAW NO. 2 OF 2012*

WHEREAS: A public hearing was held on November 21, 2012, following due notice thereof to consider the adoption of Local Law Introductory No. B of the Year 2012 A Local Law overriding the tax levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 fiscal year; and

WHEREAS: It is in the best interests of the residents of Tioga County to adopt such Local Law which will be Local Law No. 2 of 2012; therefore be it

RESOLVED: That the following Local Law be and hereby is adopted;

County of Tioga

Local Law No. 2 of the Year 2012.

A Local Law overriding the Tax Levy limit for Tioga County for 2013 and authorizing the adoption by Tioga County of a budget for 2013 that requires a tax levy that is greater than the tax levy limit for the 2013 fiscal year.

Be It Enacted by the Legislature of the County of Tioga as follows:

SECTION 1: Title:

This Local Law shall be known as "Tioga County Responsible Budgeting Law of 2012".

SECTION 2: Declaration of Intent:

The intention of this local law is to comply with the requirements of General Municipal Law Section 3-c (5) prior to adopting the 2013 Tioga County Budget. The slow recovery of the national, state, and local economies from the most recent recession and the continued financial obligations imposed on the County by the State in the form of mandated government activities not fully funded by the State are conditions beyond the control of County government. Notwithstanding these circumstances the County will need to provide services in 2013, in addition to those mandated by the State, which are important to our citizens. In addition, the regulations regarding the tax cap continue to evolve, making it difficult to be certain that the 2013 budget falls under the tax levy limit established by the General Municipal Law. After serious consideration, the Tioga County Legislature has made a determination that although it is the intent to stay under the tax levy limit for the 2103 budget, an override of General Municipal Law Section 3-c (5) is necessary as a protective measure in the event the NYS Comptroller later determines that the calculation performed by Tioga County was incorrect and the tax levy limit was exceeded.

SECTION 3: Budget Authorization:

The Tioga County Legislature hereby overrides the tax levy limit for Tioga County for 2013 and authorizes Tioga County, after completing all required procedures for the adoption of a budget, to adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to Section 3-c of the General Municipal Law.

SECTION 4: Severability:

If any section, subsection, sentence, clause, phrase, or other portion of this local law is for any reason declared unconstitutional, or invalid or in whole or in part by any court of competent jurisdiction, such portion shall be deemed severable and such unconstitutionality or invalidation shall not affect the validity of the remaining portions of this law, which remaining portions shall remain in full force and effect.

SECTION 5: Effective Date:

This Local Law shall take effect upon the date on which a certified copy of this Local Law is filed in the Office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

And be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed, pursuant to Local Law No. 4 of 1992, to cause to be published in the official newspapers of the County of Tioga a synopsis of such Local Law, such synopsis to be within ten days after adoption of the Local Law; and be it further

RESOLVED: That the Clerk of the Legislature be and hereby is directed within five days after adoption of such Local Law to cause the Local Law to be filed as required by the Municipal Home Rule Law Section 27.

ROLL CALL VOTE

Yes – Legislators Sauerbrey, Standinger, Sullivan, Case, Hollenbeck, and Monell.

No – Legislators Roberts, Huttleston, and Weston.

Absent – None.

RESOLUTION ADOPTED.

The meeting was adjourned at 10:10 A.M.