

LOCAL LAW NO. "L" FOR 2012

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK OVERRIDING THE TAX LEVY LIMIT FOR ALBANY COUNTY FOR 2013 AND AUTHORIZING THE ADOPTION OF A BUDGET FOR 2013 THAT REQUIRES A TAX LEVY GREATER THAN THE TAX LEVY LIMIT FOR THE 2013 FISCAL YEAR

Introduced: 9/10/12

By Mr. Morse:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

Section 1. Legislative Findings and Purpose.

General Municipal Law §3-c "Limit upon real property tax levies by local governments" requires 60% approval from the County Legislative Body in order to increase the county tax levy from the previous year above two (2) percent or above the rate of inflation, whichever is less.

Due to the cost of State mandated programs and services the Albany County Legislature has been forced to authorize the override of the State imposed tax cap in order to have sufficient funds to protect the well being of the citizens of Albany County and provide essential local public health, safety, and infrastructure programs and services.

Mandated State programs and services include Medicaid, Public Assistance, Child Welfare, Pre-School Special Education, Indigent Defense, Early Intervention, Youth Detention and Pension Costs. These State mandated programs and services require more than One Hundred Million County dollars and well exceeds the total prior year's County real property tax levy.

These State mandates must be paid first before local taxes may be used for County purposes.

Albany County can effectively implement a property tax cap only if there is a meaningful action by the State of New York to control the cost of State Mandated Programs and Services and provide mandate relief.

The purpose of this local law is to comply with the requirements of General Municipal Law §3-c prior to adopting the 2012 County Budget.

Section 2. Budget Authorization.

The Legislature hereby overrides the tax levy limit for Albany County for 2013 and authorizes Albany County to immediately adopt a budget for 2013 that requires a tax levy that is greater than the tax levy limit calculated for 2013 pursuant to §3-c of the General Municipal Law.

Section 3. 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 invalidity shall not affect the validity of the remaining portions of this law which shall remain in full force and effect.

Section 4. Effective Date.

This local law shall take effect immediately upon passage by this Legislative Body.

Referred to Audit and Finance Committee. 9/10/12

Favorable Recommendation - Audit and Finance Committee. 11/29/12

On roll call vote the following voted in favor: Messrs. Beston, Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Ms. Connolly, Messrs. Corcoran, Cotrofeld, Domalewicz, Ethier, Jacobson, Joyce, Mss. Kinsch, Lockart, Mr. Mackey, Ms. Maffia-Tobler, Mr. Mayo, Ms. McKnight, Messrs. Morse, Nichols, Rahm, Reilly, Simpson, Steck, Tunny and Ward – 27.

Those opposed: Mss. Benedict, Busch, Messrs. Carman, Clouse, Crouse, Dawson, Feeney, Higgins, Hogan, Mendick, O'Brien and Stevens – 12.

Local Law was adopted. 12/3/12