

**SPECIAL SESSION, TUESDAY, MARCH 28, 2023**  
**SPECIAL SESSION**

March 28, 2023

The Legislature convened in Special Session at 5:15 p.m. today.

The Legislature was called to order by Chairwoman Bonelli with a moment of silence and the Pledge of Allegiance to the Flag.

On roll call, all members were present with the exception of Legislator Sierra, who was excused and Legislators Amo, Anagnostakis, O'Donnell, Paduch and Stegenga, who were absent.

The Clerk read the Notice of Special Meeting. On motion the same was received and ordered placed on file.

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS COMMITTEE:**

**Sponsors: Cheney, Amo**

**RESOLUTION NO. 91 OF 2023**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE OPPOSING PART AAA OF SENATE BILL S. 4005-B, SEEKING TO APPOINT "MONITORS" TO OVERSEE THE ORANGE COUNTY INDUSTRIAL DEVELOPMENT AGENCY.**

**WHEREAS**, General Municipal Law §912 establishes the Orange County Industrial Development Agency (hereinafter, "OCIDA") for the benefit of the County of Orange and the inhabitants thereof; and

**WHEREAS**, pursuant to General Municipal Law §912, members of the OCIDA shall be appointed by the governing body of the County of Orange; and

**WHEREAS**, pursuant to General Municipal Law §856(2) members of an Industrial Development Agency receive no compensation for their services.

**WHEREAS**, the work of the OCIDA is an integral part of economic development within Orange County and, without the efforts of its Board, the County would not reap the long term economic benefits of drawing business entities to our region, stimulating our economy, and encouraging job creation; and

**WHEREAS**, the Orange County Legislature has spent significant time and effort in vetting the current members of the OCIDA Board of Directors and believe that we have appointed individuals whose values and ethics align with the principles that the Legislature intends for the OCIDA to promote, including transparency, integrity, and honesty; and

**WHEREAS**, the Orange County Legislature is satisfied with the work of the current OCIDA Board and its members in promoting economic development within Orange County, doing so with legal guidance from its Counsel as to policies, practices, and decisions related to contracts and agreements, and providing appropriate reporting to State entities that provide oversight as required by law, including to the Authorities Budget Office (hereinafter, "ABO") and the Office of the New York State Comptroller.

**WHEREAS**, the Orange County Legislature deems it appropriate to oppose Part AAA of Senate Bill S. 4005-b, which seeks to appoint "monitors" to oversee the Orange County Industrial Development Agency inasmuch as the proposal seeks solely to undermine the work of the OCIDA and its Board members, seeking to render undue veto power over the decisions made by its Board and redundant oversight where oversight authority is already provided by the ABO and the Office of the New York State Comptroller; and

**NOW BE IT HEREBY,**

**RESOLVED**, that the Clerk of the Legislature is directed to forward certified copies of this resolution to the Governor of the State of New York, Majority Leader of the New York State Senate, Speaker of the New York State Assembly, to each member of the New York State Senate, to each member of the Assembly whose districts include all or part of Orange County, and all others deemed necessary and proper.

Seconded by Mr. Ruszkiewicz.

Chairwoman Bonelli asked Legislative Counsel Abraham to provide a brief synopsis of the proposed Senate Bill S. 4005-B.

Ms. Abraham pointed out a few highlights of Part AAA of Senate Bill S. 4005-B, which seeks to amend Section 912 of the General Municipal Law which establishes the Orange County Industrial Development Agency. The proposal seeks to have up to two monitors appointed by, and serving at the pleasure of the Director of the Authorities Budget Office (ABO) to provide oversight, guidance and technical assistance related to the fiscal policies, practices, programs and decisions of the Orange County Industrial Development Agency including but not limited to decisions, actions and policies related to contracts and payment in lieu of taxes agreements. The board is to provide the monitors with meeting agendas, all resolutions and motions for each board meeting no later than 72 hours prior to the meetings. Copies of proposed contracts or pilot agreements are to be provided to the monitors at least seven days prior to the meetings. In addition, the Bill proposes that if the monitors are not provided such agreements or contracts at least seven days prior to the meeting, the monitors may remove an item including board resolutions or motions from consideration by the board at the meeting where same was to be discussed. Monitors have the discretion to disapprove of any contract, pilot agreement, agreement to waive mortgage recording of taxes or agreement to provide sales tax exemptions proposed by the board with 72 hours notice prior to the planned consideration of same. Also pursuant to proposal, the monitors shall have the discretion to make changes to the bylaws and policies of the IDA as well as the IDA's uniform tax exemption policy. Those changes must be made with 72 hours notice to the board. In addition, in consultation with the monitors, the board shall adopt a conflict of interest policy that complies with all existing applicable laws, rules and regulations. Pursuant to the proposal, monitors will have the power to approve or disapprove of the appointment hiring or contracting with officers or employees or agents by the board after ten days following the submission of the recommendation of same by the board to the monitors. The Director of the ABO shall do an enhanced review of the budget decisions and pilot agreements of the IDA. She added that it is a rather significant proposal. There are other portions that are included in there but these are the main highlights of it.

Chairwoman Bonelli announced that the County Executive Steven Neuhaus would like to say a few words.

County Executive Neuhaus stated that the County Legislature, the 21 of you, has the authority and complete oversight over the Orange County Industrial Development Agency. This Bill that is in Albany will result in some oversight or a lot of oversight pushed to the ABO. He reminded the Legislature what the ABO did for them. Every year the Orange County IDA submits their records of all the great things they are doing, ABO rubber stamped it and it was good to go. Meanwhile, the Orange County Legislature was suspicious about things going on with the IDA, specifically Legislator O'Donnell with the support of the rest of the Legislature who backed him up. The ABO said nothing was going on and everything was okay. The Legislature went to the New York State Comptroller, the District Attorney, and the Attorney General. The Attorney General left it up to the District Attorney and if it was not up to the push at the local level, nothing would have happened and they probably would still be stealing money today. The Legislature voted 19 to 1 to have an audit done. Nobody knew what was going on but this Legislature has had an overwhelming unified front from the start. With this Bill, the Legislature would basically be giving up their power to an organization that said everything was okay, meanwhile millions of dollars were stolen and probably not returned to the taxpayers. There will be big companies that will now say why bother with the IDA. He was asked by a few Legislators to reach out to a retired business owner from Orange County to see if he wanted to serve on the IDA, he did not just say no but he asked if he was kidding and why would he ask him to be on that board. This Legislature, 21 to 0 voted unanimously appointed the current IDA members, voted on by the Legislature, and are being accused of being a criminal enterprise. The only people that have the responsibility over those people if they are criminals, is the Legislature. We know they are not, they are trying to do their best. Does the IDA need some work, of course they do. Does this Legislature want to give, or parlay their authority up to Albany, hell no! We are one of the best counties in the state, we are number 1 welfare to work, and this is out of 62 counties. It is all because of our economic program and the momentum we have here in Orange County. The Legislature should not give it away for something like this. There are only two benefits of economic development coming into Orange County; the jobs while the project is under construction and then the permanent jobs afterwards. Look what happened with Medline. A 1.3 million square foot building, they applied for an IDA incentive, they received push back and said forget it, they will do a 45B. Everyone that worked on the construction part of it were from Pennsylvania, New Jersey and Connecticut. Nobody from our local building trades worked there. They are going to get hit with \$10 million from Medicaid this year, the State Legislature just approved that with the Governor today. The people in Albany are not our friends. They have never represented us well. Drive on any state road and you will need a wheel alignment. Nothing good is coming from Albany. He urged the Legislature not to give up their authority to them. If you need to reform the IDA, do it locally.

Mr. Faggione thanked the County Executive and noted that it is always great to work with him and he appreciates his leadership and open mind along with his honest opinion. He continued to state that the resolution speaks for itself. It addresses the issues that they find important. He wanted to talk about the current members of the IDA, the current board members. The board Members of the IDA are Orange County citizens, each with individual professional backgrounds and experiences collectively that create a dynamic balance for positive economic development in Orange County. We are talking about professionals in the fields of architecture, higher education, labor, land title work, residential and property development, international finance and more. Many of these board members served or have served on charity boards in their communities, rotary clubs,

educational foundations and other civic organizations. These are the people that make our communities a great place to live, work and to raise families. Each of these board members have been vetted. During the vetting process, these individuals were asked about potential conflicts of interest and related topics that may come up while serving on the board. Each board member was made aware and given documentation related to their duties on the board. Those documents include an Acknowledgement of Fiduciary Duties to the Orange County Industrial Development agency, an Acknowledgement of Fiduciary Duties to the Orange County Funding Corporation, a Certificate of Independence, the IDA Code of Ethics and a Conflict of Interest Policy. The board members of this IDA were approved by votes made by this Legislative Body. As the County Executive eluded to, each of these board members must have received at least a minimum of 11 votes from this body. Every single member of this current board of the IDA has been supported by a unanimous vote of this Legislative Body. Upon appointment, each one of the board members had to adhere to and sign those documents previously mentioned. The IDA has retained outside counsel who is an expert in public authorities. The transparency of the IDA is visible on their website and their meetings. The website contains volumes of documentation related to the work of the IDA where meetings are open and can be seen live online and archived for review. In addition, those meetings are held downstairs on the main floor of the Orange County Government Center. These public meetings and public hearings are scheduled at times which are most accessible to the public. The IDA is subject to rules and regulations of the New York State Authorities Budget Office. Their website is [abo.ny.gov](http://abo.ny.gov). There is a lot of information on that website including updates on reporting schedules that public authorities such as the IDA must adhere to. In the most recent of the ABO reporting dates of March 17<sup>th</sup>, there is a listing of public authorities that are under warning by the ABO for failure to file reports on time. Those reports include a report of their budgets, an annual report and an audit report. Not on that list is the Orange County Industrial Development Agency. He complimented the members of the board and they are all grateful that those members took on the challenge to sit on the board. He asked his fellow colleagues to support the resolution.

Mr. Brescia concurred with what County Executive Neuhaus and Majority Leader Faggione stated. He could not believe that they were there discussing this. It is an overreach at its best or worst. Senator Skoufis brought this forward and he is the same Senator that headed up the investigative committee for the Senate when the governor forced Covid patients into Valley View and other nursing homes throughout the state and did nothing. He claims he did a lot but he did nothing. Is he not the same senator that voted for bail reform which put criminals on the street and cost the taxpayers a lot of money and lives. Is he not the same senator that yelled about raises that the Legislature received, although they had not received one in eight years but yet he gets a \$60,000 worth of raises in the last three to four years. It is a double standard. He sat on the IDA for 19 years and we all know what happened from the year 2016 to roughly 2021. He was there before and during. It was very embarrassing. The Legislature had to do what they had to do. The District Attorney did what he had to do and they were very thorough and now they have a new IDA. What happened should never have happened and he hopes it never happens again. It was not caught by the IDA during those terms but many things happened from 2016 to 2021, a lot of good things. A new IDA was appointed by this Legislature, a very thorough IDA who are doing a great job. He was happy with what they are doing. Before they did these reforms, the IDA throughout the state of New York are under scrutiny and microscopes and they have the ABO reporting and the Paris reporting and everything that goes into what the IDAs do, in addition the public scrutiny. Senator Skoufis is talking about corporate welfare but it is not. They have a letter from the Building Trades that he believes Mr. Hines plans on reading, who are opposing this attempt. They do not need a monitor for IDAs, they do not need to cripple the IDAs in the State of New York. They are bringing in business.

Last year 180,000 people left the state of New York. It was certainly not because of IDAs or the Orange County Partnership or the economic development executives throughout the state or the Legislatures who support economic development. They are leaving because of leadership in Albany and they are being taxed to death in New York State. That is why they are leaving, not because of monitors that some senators want to bring forth to them. He was happy that local labor was opposing it. He always supported local labor throughout the seven counties. They cannot support what Senator Skoufis wants to do. We need economic development in this county. Orange County is one of the premier counties, tax stability and bond rating. This is will be a setback. Senator Skoufis is grandstanding all over. Please support the resolution opposing the monitors.

Ms. Tautel asked Legislative Counsel if the Legislative Body has a say in what IDA grants or tax incentives or reliefs or do we empower that board to make those decisions, and the Legislature appoints the board.

Ms. Abraham explained that pursuant to the General Municipal Law, their authority rests with appointing the board members, there is no other oversight such as contracts.

Ms. Tautel confirmed that the legislation's intent is to appoint monitor(s) to oversee something that they do not have control over. It was not taking their power away. For many years she heard that we trust the IDA, it is transparent, everything is on our website. Look at the mess they got into with the previous board, it was an embarrassment. She has said this before and she will say it again, she thinks that years ago a bunch of businessmen came up with this idea and it is like a shell game. The IDA hands out a bunch of tax breaks, but what about the Mom and Pop stores, they don't get it because they are only creating two or three jobs. There are applications where they say yes, the expansion is going to happen whether they get a tax break or not for car dealerships and they still get the tax break. She was told so many times how transparent the IDA is and they put everything on their website. The taxpayers got deceived by the previous board. She does not vet these people, she does not know what the vetting questions are. She sees a resume and asks her own questions. She does not see the whole vetting process and she does not know who does on the Legislature. Why are they so afraid of not taking our power away because we still have the power to appoint board members but to have someone come in and take another look after the whole mess we got into. She did not see why everyone is getting so concerned about this. They should come in, take another look, more eyes can't hurt. If she was doing a report, or she is reviewing something, there is nothing wrong with that. Let it happen. What harm is it to have someone else look at the work especially after the previous mess that went through.

Mr. Ruskiewicz asked about the proposed bill and mention of expenses being reimbursed to the monitors. Who is paying the salary to those monitors. Would it be the state or Orange County IDA.

Ms. Abraham explained that after reviewing the bill, in the initial section that seeks to appoint two monitors, whether appointed by and serving at the pleasure of the Director of the ABO, that is where the salary comes from but the reasonable expense of the monitors pursuant to this proposal is to be paid by the Orange County IDA.

Mr. Ruskiewicz stated that they all know what took place with the Orange County IDA and our sole responsibility is to appoint the board members. Things went wrong and they took drastic action by removing the old board and they put in a interim board to fix the problems. They removed the bad actors, changed policies, terminated contracts that were not legal and came up with a

permanent board and they put in new policies. The IDA put in a brand new Cognitive Interest Policy, Code of Ethics Policy. The Legislature came up with a very thorough process for vetting individuals that they consider for the IDA. They took a hard look at the types of people that they want to put on the IDA and they are all very good people. They are a volunteer board and they are experts in their field and they understand economic development. By putting a monitor in from the ABO is redundant. The IDA reports to the ABO and the ABO reviews all of the IDA's activities and has regulatory oversight over the IDA. Having the two monitors will effectively render the IDA Board irrelevant, taking away all their power, they will lose their expertise, it is unnecessary and a waste of taxpayer dollars. He did not think they should support it.

Mr. Luján stated that unfortunately Minority Leader Paduch was unable to attend the meeting today, but he wanted to share some of his comments, as well as his own. He appreciated the hard work that has gone into trying to reform the IDA. They can give praise to the hard work done here. Senator Skoufis has done a great deal of work in Orange County. Bill Fioravanti has been very hard at work on this. These board members are volunteers and fully came into this recognizing the challenges they were going to be facing. We have all done our best to steer this ship. They are all trying to do the same thing, but from a different perspective. They want to serve the best interest of Orange County residents. They hear about the reason why not to have these monitors, but for many others who have seen what has been going on over the last few months. Over the last few months there have been big projects, \$32 million for one project that did not ask for a break but they got it anyway. They listen to Mr. Fioravanti, they listen to Senator Skoufis and our constituents who we all serve. They need to get away from the politics and listen to the public. To truly recalibrate this IDA, they started by doing what they can to fix the image of it. They tried but even talking to people now, they see press releases these projects who are getting millions of dollars, people asking about communities across the county that still have the highest unemployment in the region. Mr. Fioravanti discussed the importance of housing and economic development. Millions of dollars that can be used as incentives to encourage housing with different projects, which is not happening. When he sees \$32 million for a project, Amazon, a corporation that does not need tax breaks, that concerns him and his constituents. A level of monitoring would be beneficial. The best way to show true transparency is adding another layer of monitoring.

Ms. Ramos supports IDAs as an economic development engine and tool when used appropriately. Her statement is not directed at Mr. Fioravanti or the current board members, but on the process that they can improve on and build back the faith of the IDA. Signing disclosures and livestreaming meetings is required by law. There have been letters that show bipartisan support across the county for improvements and provide more collaboration with municipalities. If they all agree that the Orange County IDA is one that can be trusted, she did not see an issue with having a monitor or an additional level of checks and balances. The Democratic Caucus of the Orange County Legislature fully supports Senator Skoufis' Part AAA of State Bill S 4005-B, providing additional oversight of the Orange County Industrial Development Agency. We understand the pivotal role checks and balances have on rebuilding the trust and credibility this public agency has amongst our constituents. Stakeholders throughout the county including municipal leaders, school boards, and labor unions such as the CSEA, the largest Orange County government union, supports measures to expand oversight of the OCIDA and have signed onto letters in the past urging for these measures to be enacted. We ask that state legislators support this critical legislation to prevent our taxpayers from any further unwarranted incentives, or poor negotiations. We, as a Democratic caucus of Orange County, welcome and understand the importance of economic development and investment in our

communities throughout Orange County. However, we also want to ensure that decisions being made by the IDA are in the best interest of Orange County residents. We urge that this bill be considered as a mechanism for rebuilding the future of the OCIDA which can in fact be an engine for economic development when and if used in good faith and with the due diligence our constituents in Orange County deserve. She did not plan to support the resolution.

Mr. Hines stated that the reason they have an IDA is because New York State is a tough place to do business. Why is that, it is because there are people in New York State that are anti-business and raise the taxes to drive companies out of our area. In Orange County, they have an IDA and they have a County Executive who's favorite thing to say is "Orange County is open for business." Senator Skoufis' resolution basically says Orange County is closed for business because the monitors have veto power. Within the proposed bill, it says it could be one or two monitors, who might not even live in Orange County, maybe someone in Albany who is a friend of somebody who gets appointed, has power to veto any tax incentive that this Legislature and County Executive supports, the Orange County Partnership might support and our Economic Development Director might support, but now someone who might not even live in Orange County is going to come here and tell us what to do in our own county. That is the part he finds to be most offensive. They have tremendous companies coming here. Commissioner Gallagher recently informed us that our sales tax through March is up 17.4% over our projections. Once again, Orange County is doing a phenomenal job with sales tax, and that sales tax goes to the concerns of their constituents. It runs our budget, the towns' budgets, the cities' budgets. They give back to the community to lower their taxes. They have project labor agreements when the IDA money is given out. Project labor agreement means that you will get local labor, prevailing wage, an apprentice program and those people can afford to live and raise a family in Orange County. All twenty-one of us have to agree that we want people to be able to afford to live in Orange County with a good job with health benefits and 401k opportunities. When these big companies come in, they inform the IDA of their job creation structure, growth potential. A vote to support this is a vote for prevailing wage, good benefits, project labor agreements, sharing ratables with our towns and cities. This resolution from the state says that Orange County is closed for business, there is no other county mentioned, just Orange County. What company would negotiate a pilot with the IDA knowing that someone who might not live in Orange County, can just say no, the deal is off. The reason people come here is because they know Orange County is open for business. They speak to County Executive Steve Neuhaus and Economic Development Director Steve Gross or Maureen Halahan from the Partnership or Bill Fioravanti from the IDA and they see that Orange County is open for business. Big companies are here, LegoLand is here, Amazon and they pay jobs with benefits, pensions, 401k's. Lets keep our sales tax going. They exercise the ability to fire IDA Board members if we do not like them, they have done that. They do not control their day to day decisions, that is the Authorities Budget Office (ABO). That is the power that exists now. To put monitors there, it is substituting for the ABO saying that they are not doing their job. They do not need a monitor to tell them what to do, it is absurd and insulting. He spoke to the construction trades and everyone knows Todd Diorio, the President of the Construction Trades. Mr. Diorio asked him share a Memorandum of Non-Support which he sent to the Governor and the State Labor individuals.

Mr. Hines read the memorandum: (On file in Clerk, Legislative Office)

The Hudson Valley Building and Construction Trades Council is the umbrella organization of 28 local trade unions and 8,000 plus trade workers and covers the Counties of Orange, Ulster, Sullivan and Dutchess.

The Hudson Valley Building and Construction trades Council opposes **SENATE BUDGET RESOLUTION 555, S4005B, PART AAA** to install a state appointed monitor to the Orange County Industrial Development Agency. The appointment of a monitor is an oversight capacity to a local agency such as the IDA would set a bad precedent and could deter volunteer board members from wanting to serve on these boards.

Orange County has seen large growth in economic development over the last several years and IDA benefits have played a major role to bring many corporations and businesses to Orange County. Most importantly the use of IDA benefits triggers a local labor policy, ensuring local labor is used on these projects and in many cases, local union labor.

For the above reasons the Hudson Valley Building and Construction Trades Council opposes the SENATE Budget Resolution mentioned above.

Mr. Hines stated that when large companies come here without pilots, local labor is not used. When we bring these projects here, there is ancillary revenue and income. Workers come here and they spend money at gas stations, delicatessens, restaurants, and coffee shops. The benefits just roll and roll, that is why our sales tax is so phenomenal. We are doing things right here in Orange County. This resolution by the state is insulting. He urged his colleagues to support this resolution to say no to the state and yes to Orange County is open for business.

Mr. Tuohy commented that when the Legislative Body took up this matter when the IDA became under scrutiny. We took it into our own hands after we realized there was an issue. The Legislature took steps to remedy the problems from 2016 to 2021 and cleaned house. We re-established the IDA. These board members are volunteers from our community, professional that were vetted and they know what they are doing. They have been treated unfairly. Some of his fellow Legislators today mentioned things that they would like to see Orange County doing. He wished that the senator who brought this forward would spend his time better. They are fighting for Medicaid dollars and it is another unfunded mandate and it is the same old story from Albany. Even with SUNY Orange and the 1/3 that the state is supposed to pick up, there is supposed to be a partnership with the state. He could go on with all that is happening in Albany, Bail Reform, abortion up to the time of birth, it is crazy what is happening. We do not need help from Albany to be a better county, we are doing it on our own with no help from them.

Mr. Minuta stated that Orange County has done an excellent job in economic development, lowering taxes, creation of jobs and new businesses. Those who oppose this have no idea what it is like to own your own business or to be in business. The previous IDA Board was accused of things and all this does is kick us while we are down. There were three bad actors that had something going on. This Legislature uncovered what happened, they swept the board clean and now all the board members are new. What are they afraid of, he is not afraid of anything. He is there to protect Home Rule, not let someone from Albany come here to tell us how we should run our county, we are doing just fine without them, in fact, we are doing better without them. We are putting money towards SUNY Orange, as Mr. Tuohy mentioned, that is nothing new. The state is constantly failing in their share of this. They have a Senator who has been out protesting these projects, nothing came of it, nothing happened for him. Now he is barely elected during the re-election and decides to come up with a rule and a law to make himself heard. This is not what we need for lawmaking, it is not what they need in the state, they need less government, not more. We are fine where we are. We are committed to do what is necessary for our county to survive. Why is Amazon here, why are these other companies here, if you have to ask why, you shouldn't be asking the question. They are here because we have incentives for them and for what the IDA did for them, they are here in



Orange County. He felt that everyone has spoken eloquently for this resolution and he would strongly suggest that they all support it.

Mr. Neuhaus stated that Legislator Tautel mentioned that they appoint the board and that was it, they cannot really do anything else. They should show up at a public hearing, anyone of the 21 Legislators show up, and oppose a project, the board members will listen to you. If they want a monitor, appoint your own. The same people that they want to put in as a monitor, rubber stamped and said everything was going well. If you did not request an audit, we would still be getting robbed. The most impactful thing that the Legislature has done, and himself as County Executive, was lower the tax rate for everyone in this county. Inflation is a tax on the poor. They provided real tax relief for every family and every business in this county. When he was the Town of Chester Supervisor, he sued the IDA. They made improvements but they can take more.

The vote resulted as follows:

Ayes: Faggione, Benton, Brescia, Cheney, Ehlers, Hines, Minuta, Ruszkiewicz, Sassi, Sutherland, Tuohy, Bonelli

Noes: Luján, Ramos, Tautel

Excused: Sierra

Absent: Amo, Anagnostakis, O'Donnell, Paduch, Stegenga

Ayes 12;                      Noes 3;                      Excused 1;                      Absent 5;                      ADOPTED.

Legislator Ramos left the meeting at 6:06 p.m.

**RULES, ENACTMENTS AND INTERGOVERNMENTAL RELATIONS AND WAYS AND MEANS COMMITTEES:**

**Sponsors:      Cheney, Amo, Benton, Faggione**

**RESOLUTION NO. 92 OF 2023**

**RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, PURSUANT TO THE NEW YORK STATE CONSTITUTION ARTICLE IX AND MUNICIPAL HOME RULE LAW SECTION 40, SENDING A HOME RULE REQUEST TO THE NEW YORK STATE LEGISLATURE SEEKING ENACTMENT OF A SENATE BILL AND AN ASSEMBLY BILL FOR A SPECIAL LAW, PURSUANT TO NEW YORK STATE TAX LAW SECTION 1210, EXTENDING THE THREE-QUARTERS OF ONE PERCENT INCREASE TO THE SALES TAX RATE.**

**WHEREAS**, Article IX of the New York State Constitution and Section 40 of the Municipal Home Rule Law provide for the enactment of special laws by the New York State Legislature initiated by a Home Rule Request from a local municipality; and

**WHEREAS**, the Legislature of Orange County and the County Executive wish to send a Home Rule Request as to enactment of special legislation affecting N.Y.S. Tax Law Section 1210, et seq.; and

**WHEREAS**, the Legislature, by Resolution No. 154 of 2020 did previously impose an additional three-quarters of one percent (3/4%) use and compensating use tax for the period beginning December 1, 2020 and ending November 30, 2023, pursuant to authority granted by the State of New York; and

**WHEREAS**, the authority to impose the aforesaid sales and compensating use tax increase expires on November 30, 2023; and

**WHEREAS**, the Orange County Legislature and the County Executive find that it is absolutely necessary to extend the three-quarters of one percent (3/4%) increase to the sales tax rate for the period beginning December 1, 2023 and ending November 30, 2025 so as to provide revenue to meet the ever-increasing costs associated with the following required and/or mandated and severely under-funded programs; and

**WHEREAS**, it is hereby determined that a necessity exists for such legislation in that the County of Orange does not have the power to enact such legislation by Local Law;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that we, the Orange County Legislature do hereby authorize the Clerk of the Orange County Legislature, on its behalf, to send this Resolution Request pursuant to Article IX of the New York State Constitution and Section 40 of the Municipal Home Rule Law by the New York State Legislature so as to enact a Senate Bill and Assembly Bill for a Special Law authorizing and empowering the Orange County Legislature to adopt and amend Local Laws and Resolutions to extend the imposition of taxes pursuant to New York State Tax Law Section 1210 at a rate which is three-quarters of one percent (3/4%) additional to the three percent (3%) rate otherwise authorized in said statutes as made and provided, for the period beginning December 1, 2023 and ending November 30, 2025.

Seconded by Mr. Ruszkiewicz.

Legislative Counsel Abraham explained that in anticipation of the budget being passed on April 1<sup>st</sup>, it is important that this be addressed in advance of that. The resolution seeks to send a Home Rule request to New York State Legislature seeking the enactment of Senate Bill and Assembly Bill to extend the three quarters of one percent increase to the current tax rate that currently exists.

Chairwoman Bonelli thanked Legislative Counsel Abraham and the County Attorney and Deputy County Attorney and the Finance Department. This is something that they kept in close contact with the New York State Association of Counties and the executive director there and numerous meetings on how they should proceed. There was a lot of running around but the job was done by everybody involved.

The vote resulted as follows:

Ayes: Faggione, Benton, Brescia, Cheney, Ehlers, Hines, Luján, Minuta, Ruszkiewicz, Sassi, Sutherland, Tautel, Tuohy, Bonelli

Excused: Sierra

Absent: Amo, Anagnostakis, O'Donnell, Paduch, Ramos, Stegenga

Ayes 14;                   Noes 0;                   Excused 1;                   Absent 6;                   ADOPTED.

On motion of Mr. Paduch, seconded by Ms. Tautel, the Legislature adjourned at 6:09 p.m.

ADJOURNED.

Jean M. Ramppen, Clerk