

County-Wide Shared Services Initiative Questions and Answers

April 24, 2017

PROGRAM OVERVIEW

Q: What is the County-wide Shared Services Initiative?

A: The Fiscal Year 2018 New York State Budget enacted the County-wide Shared Services Property Tax Savings Plan Law to require the chief executive officer of each of the 57 counties outside of New York City to convene a panel of public officials to develop, publicly deliberate and vote upon County-wide Shared Services Property Tax Savings Plans. The initiative aims to save property taxpayers money by implementing shared services and other cooperative arrangements between governments (collectively “shared services”). The success of the initiative—and consequent savings to taxpayers—depends upon robust public participation and engagement.

Q: Which counties are required to submit County-wide Shared Services Property Tax Savings Plans (Shared Services Plans)?

A: All 57 counties outside of the City of New York are required to prepare Shared Services Plans.

Q: Who within each of the 57 counties is required to begin and lead the process for preparing the Shared Services Plan?

A: The “chief executive officer” (CEO) of each county is required to prepare a property tax savings plan for shared, coordinated and efficient services among the county, cities, towns and villages within such county. To develop the Plan, the CEO of the county must work with the county legislative body, chair and convene a Shared Services Panel, consult local collective bargaining units, and engage community stakeholders and the general public through a series of public hearings. The CEO of the county is also required to conduct a public presentation of the Plan, and to certify and submit the approved final Plan and its projected tax savings to the New York State Division of the Budget.

Q: What is in a Shared Services Plan?

A: A Shared Services Plan should contain actions that when implemented will result in new property tax savings. Each county is free to identify those shared services actions through which such savings may be achieved. Here is a non-exhaustive list of actions that each county may choose to include in its Shared Services Plan: 1) the elimination of duplicative services; 2) shared services, such as joint purchasing, shared highway equipment, shared storage facilities, shared plowing services, and energy and insurance purchasing cooperatives; 3) reduction in back office administrative overhead; and 4) better coordination of services.

PARTICIPANTS

Q: Who is considered the Chief Executive Officer (CEO) of the county under the County-wide Shared Services Property Tax Savings Plan Law?

A: The “chief executive officer” (CEO) is the county executive if there is one, or in the alternative a county manager or county administrator. Where no such officials exist, the CEO is the chair of the county legislature or chair of the board of supervisors.

Q. Who serves as chair of the County-wide Shared Services Panel?

A: The CEO of the county will serve as chair of the Panel.

Q: Who are the required members of the County-wide Shared Services Panel (the Panel)?

A: The Required Panel Members are the chief executive officer (CEO) of the county, along with all the mayors of the cities and villages in the county, and the supervisors of the towns in the county. In any city where the position of city mayor does not exist, the city manager or other chief executive officer of the city will represent such city on the Panel.

In addition, the CEO is permitted to identify and invite the participation of any school district, board of cooperative educational services (BOCES), and/or special improvement district as Optional Panel Members.

Q: How are additional stakeholders eligible to participate as members of the Panel?

A: The CEO of the county may at his or her sole discretion invite school districts, boards of cooperative educational services and/or special improvement districts in the county to participate on the Panel. If invited, the governing body of the entity may, by a majority vote, appoint a representative of the board to participate on the Panel. The CEO can invite any combination of school districts, BOCES or special improvement districts to participate as a panel member or may choose not to invite any such entity.

Q: If a school district, BOCES or special improvement district is invited to serve on a Shares Service Panel, must it do so?

A: No, a school district, BOCES or special improvement district can choose to not serve on a Shared Services Panel.

Q: What is meant by “special improvement districts”?

A: For purposes of County-wide Shared Services Property Tax Savings Plan Law, “special improvement districts” means districts authorized by Town Law Articles 12, 12-A, 12-C, or 13 or County Law Articles 5-A, 5-B, or 5-D. Such special improvement districts include sewer, drainage, water, water quality treatment, park, public parking, lighting, snow removal, water supply, sidewalk, a fallout shelter district or refuse and garbage district, aquatic plant growth control district, ambulance district, watershed protection improvement district, harbor improvement district, public dock district, beach erosion control district, hurricane protection, flood and shoreline erosion control districts, and small watershed protection districts. The vast majority of these special improvement districts do not have a separate governing body but are part of their respective town/county and would be participating as part of such town/county.

Q: Can fire districts, business improvement districts or other similar entities be included as optional members on a shared services panel and/or to cast a vote in support of or opposition to a Shared Services Plan?

A: No, the statute only authorizes a county, cities, towns, villages, school districts, boards of cooperative educational services and special improvement districts (such as lighting, sewer, water, sanitation, districts etc.) to serve on a shared services panel and to cast votes for or against a Plan.

Q: Can members of the public, representatives of civic, cultural or business organizations, or representatives of collective bargaining units be appointed to serve on a shared services panel and/or to cast a vote in support of or to opposition to a Shared Services Plan?

A: No. Only the county CEO, mayors of villages and cities, town supervisors and representatives of invited school districts, boards of cooperative extension and special improvement districts may serve on a shared services panel and cast votes in support of or opposition to a Shared Services Plan.

Q: If a city, town or village is in more than one county, on which county shared services panel should such municipality participate?

A: Each city, town, or village shall serve on at least one shared services panel and if located within two counties, may serve on both county shared services panels. The mayor of such city or village, and the supervisor of such town, shall provide written notice to the CEO in each such county stating which shared services panel it will join or that it will participate in both shared services panels.

Q: If a school district, board of cooperative educational services or special improvement district is located in more than one county, may such entity participate in more than one county shared services panel?

A: Yes. A school district, board of cooperative educational services or special improvement district may serve on any shared services panel in any county it is located in if it is invited to serve by the CEO of such county.

PLAN DEVELOPMENT & PROCESS

Q: Are local collective bargaining units involved in the County-wide Shared Services Property Tax Savings Plan development process?

A: Yes. The County-Wide Shared Services Property Tax Savings Plan Law requires the CEO of the county to “regularly consult with, and take recommendations from, all the representatives of the Shared Services Panel, as well as with and from the representatives of each collective bargaining unit of the county and the cities, towns, and villages as well as from the representative of each collective bargaining unit of any participating school district, board of cooperative educational services and special improvement district.”

Q: What is required for the County CEO to “regularly consult with” panel members and collective bargaining units?

A: There are no statutorily specified steps that direct how this consultation is to take place with collective bargaining units. It is thus for each CEO to determine the manner for such consultations, but the process should be in good faith, reasonable, effective and efficient.

Q: What is required for the County CEO to “take” recommendations from panel members and collective bargaining units?

A: It is intended that the chief executive officer consider recommendations received from members, but all recommendations do not necessarily have to be included in the Shared Services Plan.

Q: Is there a process to hear and take input from the public?

A: The CEO, who is the Panel Chair, must hold a minimum of three public hearings to solicit input from citizens, civic, business, labor, and community leaders.

Q: Will there be public notice of the public hearings?

A: Public notice of the time and place of each hearing must be provided at least one week prior to the hearing's date. In accordance with Section 104(1) of the Public Officers Law (Open Meetings Law), such notice must be given or electronically transmitted to the news media and it must be conspicuously posted in one or more designated public locations in the county.

Q. Are the public hearings subject to the Open Meetings Law?

A:

The Open Meetings Law is applicable to any convening of a public body for the purpose of conducting public business (Public Officers Law section 102, defining a “meeting”). A public hearing held as part of such a meeting must adhere to the provisions of the Open Meetings Law.

Q: What is the role of a county legislative body regarding a Shared Services Plan?

A: The CEO is to submit a draft Shared Services Plan accompanied by a certification as the accuracy of the Plan and the savings set forth therein to the county legislative body (county legislature or board of supervisors) no later than August 1, 2017. The county legislative body shall “review and consider the county-wide Shared Services Plan” and may by majority vote issue an “advisory report” making recommendations as deemed necessary. The chief executive officer of the county may modify the Shared Services Plan based upon such recommendations prior to the submission of the Plan to the Shared Services Panel.

Q: Is it the obligation of the CEO of the county to certify the proposed savings in the Plan? If so, how would they do this?

A: It is the responsibility of the CEO to provide an initial certification for the savings outlined in the draft Plan when the Plan is submitted to the county legislative body. If changes are made to the Plan by the CEO in response to modifications recommended by the county legislative body, the CEO must then produce an updated certification as to the accuracy of the savings contained in the Plan. Additionally, the final Panel-approved Plan must be transmitted to DOB by the CEO and be accompanied by a final certification of the plan and its property tax savings, which requires certification of both completion of the Plan and of the property tax savings contained therein.

The certifications of Plan savings should be based on the estimated new savings that are expected to accrue from implementation of the individual proposals that are contained within and comprise the Plan. Such new savings will be assessed based on the current cost of providing the services individually, and then comparing that amount to the service delivery cost of the consolidated or shared proposal.

Unless a county charter, administrative code or local law provides otherwise, the certification is to be made by an official of such county or by a professional working on behalf of the county, such as an outside accountant or auditor, as selected for such purpose by the CEO. This may include, but is not limited to, a county treasurer, county budget director, county auditor, county comptroller or the chief executive officer of such county.

Q: When does the Panel vote on the Shared Services Plan?

A: The Panel must take action to finally approve, modify or disapprove the Shared Services Plan by September 15, 2017.

Q: Is the Panel meeting to vote on the Shared Services Plan subject to the Open Meetings Law?

A: Yes. The requirements of the Open Meetings Law should be applied to any meeting of the Panel where business is conducted or a vote is taken. A majority of the Panel members will be necessary to achieve a quorum and conduct business, pursuant to General Construction Law section 41.

Q: Does the public have the right to attend a meeting of the Shared Services Panel?

A: Yes. Shared Services Panel meetings are governed by the Open Meetings Law and are open to the public.

Q: Does the press have a right to attend meetings of the Shared Services Panel and the public hearings?

A: Yes. The Open Meetings Law mandates that the press must receive notice and reasonable access to public meetings, which would include meetings and hearings of the Shared Services Panel.

Q: Can a member of the Panel remove an action from the proposed Plan?

A: Yes, before final vote by the Shared Services Panel, each Panel Member has an opportunity to remove from the Shared Services Plan any action that affects the unit of government they represent. Written notice of removal must be submitted to the CEO. Notwithstanding panel approval, a recertification of the Plan and Plan Tax Savings reflecting such removal must be completed before the Plan can be finalized and transmitted to New York State Director of the Division of the Budget (DOB).

Q: If a Panel member has an action removed from the Shared Services Plan, does that remove the action for all Panel members?

A: No. A Panel member may opt out of any action that would impact their county, city, town, village, school district, BOCES or special improvement district. However, insofar as such action includes multiple other units of local government, the action can still go forward for such other Panel members who have not opted out.

Q: Can a member of the Panel designate an alternate or “proxy” to vote in his/her place?

A: There is no provision in the law authorizing a Panel member to designate an alternate to vote on his or her behalf. The Panel Member is the person authorized to vote on the Shared Services Plan, and is the person authorized to remove actions impacting his or her jurisdiction from the proposed Plan prior to the Panel vote on the Plan.

Q: Can a non-member of the Panel engage in discussion with the CEO of the county and other Panel Members in regard to the development and review of the Shared Services Plan?

A: Yes. There is no prohibition on the ability of a CEO and Panel Members to discuss or delegating work on the development and proposed contents of the Plan with non-members, such as a city manager or other local official.

Q: What happens if the Shared Services Plan is not approved or acted upon by September 15, 2017?

A: The CEO must release a report to the public on why the Shared Services Plan was not approved or acted upon within the County. The report must include the vote of the Panel, and the written justification that each Panel Member provided to the CEO for the Member’s vote must be attached to the report. If the Plan is not acted upon or approved by the deadlines required in 2017, then the same procedures must be followed to produce an approved Shared Services Plan by the required deadlines in 2018.

Q: When will the public be informed about the results of the Panel work and the Shared Services Plan?

A: If the Plan is approved by September 15, 2017, then the CEO shall publicly disseminate it and hold a public presentation on it by October 15, 2017. Public notice of the time and place of the Plan’s presentation must be provided at least one week prior to the date of the presentation. In accordance with Section 104(1) of the Public Officers Law (Open Meetings Law), such notice must be given or electronically transmitted to the news media and it must be conspicuously posted in one or more designated public locations in the county.

Q: Who is responsible for submission of the Shared Services Plan to the DOB?

A: It is the responsibility of the CEO (the Panel Chair) of each county to submit the Plan and certification of its property tax savings to DOB by September 15, 2017.

Q: What if the county CEO’s certified tax savings proves to be incorrect after actual amounts are known in subsequent years? Are there any legal grounds for the CEO to be found to have committed a violation of the law that might lead to a sanction against him or her?

A: No. The certification of the Shared Services Plan and tax savings requires the good faith effort of the County CEO. The certification is a good faith projection based upon information then available to the CEO, and should be understood as such.

CONTENTS OF SHARED SERVICES PLAN

Q: What type of actions must be in a Shared Savings Plan?

A: The statute requires a Shared Savings Plan to contain “new recurring property tax savings through actions such as, but not limited to, the elimination of duplicative services; shared services such as joint purchasing, shared highway equipment, shared storage facilities, shared plowing services, and energy and insurance purchasing cooperatives; reduction in back office administrative overhead; and better coordination of services.”

STATE SUPPORT

Q: Can the local officials on the Panel utilize funding assistance provided through the Department of State’s local government efficiency programs to implement actions developed in the Shared Services Plan?

A: Yes, those funds that have been awarded to a local government can be used for implementation of actions identified in the Plans.

Q: How will a Shared Services Plan receive matching funds for savings that are earned from the implementation of a Shared Services Plan?

A: The Department of State will develop an application, approved by the State Budget Director, to receive the matching fund, which will be made available on the Department of State website. As part of the application for this funding the local governments that are participating in the Shared Services Plan shall propose the allocation of such state matching funds among the parties to the Plan.