

SUPPORT SERVICES COMMITTEE
COUNTY ATTORNEY AGENDA
MARCH 23, 2016

*Committee Members: Supervisors Vanselow, Frasier, McDevitt, Wood, Brock, Seeber,
Montesi, and Leggett*

- I. Committee meeting called to order by Chairman
- II. Motion to approve the minutes of the prior meeting
- III. Action Agenda/New Business Items:
 - 1.) Resolution Request
Transfer funds from Contingency to Salaries
 - 2.) Resolution Request
Home Rule request – Additional Mortgage Recording Tax
- IV. Referrals/Pending Items:
None.
- V. Discussion Items:
None.
- VI. Privilege of the Floor to discuss any additional items to come before the Committee
- VII. Motion to adjourn

Attachments:

Form 10 with backup
Form 20 with backup

RESOLUTION REQUEST FORM NO. 10

Request for Transfer of Funds

TO: AMANDA ALLEN, CLERK, WARREN COUNTY BOARD OF SUPERVISORS

DEPARTMENT NAME: Law (County Attorney) 1420

SIGNED:

DATE: 3/18/16

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
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Please state reason for transfers requested:

CONTINGENT FUND TRANSFER REQUESTS

<u>FROM CODE</u>	<u>TITLE</u>	<u>TO CODE</u>	<u>TITLE</u>	<u>AMOUNT</u>
A.1990 469	Contingent Account- Other Payments/Contributions	A.1420 110	Salaries - Regular	\$49,000

Please state reason for transfer request: Retiree payout and separation payout was not accounted for in the budget. Budget increase for difference in Salary amount for Confidential Secretary

Please file original request with Clerk of the Board and retain copy for your records.

Amounts paid out in 2016 that were not budgeted:

Prior County Attorney Salary Payout	\$ 2,699.91
Prior County Attorney Fringe Payout	\$ 2,105.37
Prior Secretary Salary Payout	\$ 2,573.55
Prior Secretary Fringe Payout	\$ 316.55
Assistant County Attorney Retirement Payout	\$ 41,190.21
	\$ 48,885.59

RESOLUTION REQUEST FORM NO. 20

MISCELLANEOUS

**Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.
Please attach any backup information available and be as detailed as possible.*

DEPARTMENT NAME: County Clerk

DATE: 3/23/16

- (a) Purpose of Request: **HOME RULE REQUEST BY WARREN COUNTY FOR THE ENACTMENT OF SENATE BILL NO. S.6852 AND ASSEMBLY BILL NO. A.9386 ENTITLED "AN ACT TO AMEND CHAPTER 368 OF THE LAWS OF 2008 AMENDING THE TAX LAW RELATING TO AUTHORIZING THE COUNTY OF WARREN TO IMPOSE AN ADDITIONAL MORTGAGE RECORDING TAX, IN RELATION TO EXTENDING THE EFFECTIVENESS THEREOF"**
- (b) Details: **The current additional mortgage tax expires on 12/1/16. It has a significant impact on the county financial condition and is critical to the county revenue (raising \$919,735.38 in 2015 alone)**
- (c) Previous Resolution Number: **99 of 2016**
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount: **n/a**

Sample: A.8021 470 Planning & Community Development – Contract

* as listed in budget and LOGOS

Warren County Board of Supervisors

RESOLUTION NO. ___ OF 2016

Resolution introduced by Supervisors Vanselow, Frasier, McDevitt, Wood, Brock, Seeber, Montesi, Leggett and Vacant

HOME RULE REQUEST BY WARREN COUNTY FOR THE ENACTMENT OF SENATE BILL NO. S.6852 AND ASSEMBLY BILL NO. A.9386 ENTITLED "AN ACT TO AMEND CHAPTER 368 OF THE LAWS OF 2008 AMENDING THE TAX LAW RELATING TO AUTHORIZING THE COUNTY OF WARREN TO IMPOSE AN ADDITIONAL MORTGAGE RECORDING TAX, IN RELATION TO EXTENDING THE EFFECTIVENESS THEREOF"

WHEREAS, the Warren County Board of Supervisors, on behalf of the County, desires to request enactment of Senate Bill No. S.6852 and Assembly Bill No. A.9386, entitled "An Act to amend chapter 368 of the laws of 2008 amending the tax law relating to authorizing the county of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof", a copy of Assembly Bill No. A.9386 and Senate Bill No. S.6852 being on file with the Clerk of the Board of Supervisors, and

WHEREAS, the local government, Warren County, does not have the power to enact such legislation by local law, now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors, on behalf of the County of Warren, pursuant to Article 11 of the Constitution, hereby requests the Legislature to enact Senate Bill No. 6852 and Assembly Bill No. 9386, said bills entitled "An Act to amend chapter 368 of the laws of 2008 amending the tax law relating to authorizing the county of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof", and a copy of Assembly Bill No. A.9386 and Senate Bill No. S.6852 being on file with the Clerk of the Warren County Board of Supervisors and also being available at this meeting of the Board of Supervisors, and be it further

RESOLVED, that it is hereby declared that a necessity exists for the enactment of such legislation in that the local government, Warren County, does not have the power to enact such legislation by local law, and be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and he hereby is, authorized to complete

the Municipal Home Rule Request form, complete the certification contained thereon, and indicate that the Board of Supervisors has voted in favor of the Municipal Home Rule Request stated therein, and transmit the same together with this resolution to the Senate and the Assembly.

Backup Documentation

OFFICE OF THE WARREN COUNTY CLERK
PAMELA J. VOGEL, COUNTY CLERK
SUEANNE LINEHAN, DEPUTY

Mortgage Tax

- 1.) Mortgage Tax is collected on the amount of money borrowed to finance real property (Tax Law, Article 11, Section 253).
- 2.) Mortgage tax is collected at the time of recording the mortgage in the County Clerk's Office. New mortgages, refinancings, equity loans apply.
- 3.) Warren County's Mortgage Tax is currently 1.25% or 25 cents per \$ 100 of the mortgaged amount. Lender pays ¼ % (25 cents), borrower balance.
- 4.) Mortgage Tax History:
Basic Mortgage Tax: Collected for towns (Semi-Annual distribution), 50 cents/ \$ 100 (c. 1906-07). Section 253 (1);
Special Additional: Collected for NYS, distributed monthly, 25 cents/\$100. Section 253 (1a);
Additional: Optional for counties. Requires Local Law/Home Rule approved by NYS Legislature. Warren County imposed Additional in 1999 (followed a brief levy c. 1969-1972, suspended in 1972 - 1999). Distributed Monthly. Section 253 (2a);
Local: **Optional for counties. Requires Local Law/Home Rule approved by NYS. Warren County passed Local Law 10 of 2008, effective Oct. 1, 2008; 25 cents per \$ 100. Distributed monthly. Renewed by Local Law 10 of 2011, expires 12/1/2014. Local Law 5 of 2014, public hearing to extend to 12/1/2016, set for Oct. 17, 2014. Approved. Section 253-w. Expires 12/1/2016. Eligible for renewal in 2016.**
- 5.) Mortgage Tax by Counties: Basic (to Towns) and Special Additional (to NYS) are collected by all counties; 24 counties impose Local Tax; 43 have additional or transportation authority.
- 6.) Budget Impact: Revenue generated from Local Mortgage Tax supports Warren County and its residents; impacts overall county tax base. Average Annual Revenue: \$ 900,000.
- 7.) Funds are collected and deposited monthly under Rev. Code A. 1410 1256 – Mortgage Tax which includes **both** the additional mortgage tax (1999) and the county local tax (2008). Note: additional tax typically generates a little less than local tax. Together they make up the revenue for A. 1256 Mortgage Tax. 2014 Total MT: \$ 1,746,754 2015 Total MT: \$ 1,890,723.

Warren County Board of Supervisors

RESOLUTION NO. 99 OF 2016

Resolution introduced by Supervisors Conover, Seeber, Sokol, Simpson, Merlino, Dickinson, Girard, Frasier, Beaty, McDevitt and Braymer

RESOLUTION REQUESTING EXTENSION OF EXISTING ADDITIONAL MORTGAGE RECORDING TAX THROUGH DECEMBER 1, 2018

WHEREAS, New York State Tax Law Section 253-w authorizes Warren County to impose an additional mortgage recording tax of 25 cents for each \$100 and each remaining major fraction thereof of principal debt or obligation which is or may be (per a contingency) secured by a mortgage on real property in the county, and

WHEREAS, this additional mortgage recording tax raised \$919,735.38 in revenue for the County in 2015, and therefore has a significant impact on the County's financial condition, and

WHEREAS, the current authorization for this additional mortgage recording tax expires December 1, 2016, now, therefore, be it

RESOLVED, that Warren County Board of Supervisors hereby requests an extension of the existing additional mortgage recording tax through December 1, 2018, and, be it further

RESOLVED, that the Clerk of the Board of Supervisors be, and hereby is, authorized and directed to forward copies of this resolution to Senator Elizabeth O'C. Little and Assemblyman Daniel Stec.



DANIEL G. STEC
Assemblyman 114th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

RANKING MINORITY MEMBER
Environmental Conservation Committee

COMMITTEES
Banks
Local Governments
Social Services
Tourism, Parks, Arts & Sports Development

March 3, 2016

Warren County Municipal Center
Brian Reichenbach, County Attorney
1340 State Route 9
Lake George, New York 12845-3434

Dear Mr. Reichenbach:

Enclosed please find eight copies of a home rule request for legislation requested by the Warren County Board of Supervisors authorizing the county of Warren to impose an additional mortgage recording tax.

At your next board meeting, please pass a resolution in support of this bill and fill out the home rule request forms. It is important to enclose eight engrossed copies of the resolution as well. This legislation cannot pass the Legislature if these forms are not properly filled out.

Please return the completed home rule forms and resolutions to my Albany office at your earliest convenience.

Should you have any questions, please call Deb Capezzuti (455-5565) in my Albany office.

Thank you for your attention to this matter.

Daniel G. Stec
Assemblyman, 114th AD
Essex, Saratoga, Warren and Washington Counties

IMPORTANT: READ INSTRUCTIONS ON REVERSE SIDE
HOME RULE REQUEST
 (Request by a Local Government for Enactment of a Special Law)

To the Legislature:

Pursuant to Article IX of the Constitution, the county of
(county, city, town or village)
 Warren requests the enactment of ~~Senate~~ bill (no. 9386),
(name) Assembly (strike out one)
 entitled "

AN ACT to amend chapter 368 of the laws of 2008 amending the tax law relating to authorizing the county of Warren to impose an additional mortgage recording tax, in relation to extending the effectiveness thereof

It is hereby declared that a necessity exists for the enactment of such legislation, and that the facts establishing such necessity are as follows: (Check appropriate box)

- The local government does not have the power to enact such legislation by local law.
 Other facts, as set forth in the following "Explanation" establish such necessity.

EXPLANATION

(If space below is not sufficient, use separate sheet and attach here)

Such request is made by: (Check appropriate box)

- The chief executive officer of such local government, concurred in by a majority of the total membership of the local legislative body. (See paragraph A below)
 The local legislative body of such local government, at least two-thirds of the total membership thereof having voted in favor of such request. (See paragraph B below)

READ BEFORE SIGNING

- A If the request is made by the chief executive officer and concurred in by a majority of the total membership of the local legislative body, *both* the chief executive officer *and* the clerk of the local legislative body must sign below. In such case use the word "majority" below even though the vote may have been greater.
 B. If the request is made by the local legislative body, at least two-thirds of the total membership thereof having voted in favor of such request, *only* the clerk of the local legislative body must sign below. In such case use the words "two-thirds" below.

CHIEF EXECUTIVE OFFICER'S SIGNATURE

(Signed).....
(chief executive officer)

.....
(Print or type name below signature)

Date:....., 20

.....
(Title of chief executive officer)

CLERK'S CERTIFICATION

I, do hereby certify that I am Clerk of the
(print or type name) (local legislative body)

..... of the
(county, city, town or village)

of and that on the day of
(name)

20____, such legislative body, at least ~~a majority~~ ^{two-thirds} of the total membership having voted in favor thereof, approved the foregoing request.
(strike out one)

(Signed).....
(clerk)

.....
(Print or type name below signature)

Date:....., 20

(SEAL OF LOCAL GOVERNMENT)

SCHEDULE "A"
AUTHORIZATION TO ATTEND MEETING OR CONVENTION

Check one:

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Support Services Committee hereby authorizes Brian Reichenbach
(Supervisory Committee) (Employee Name)

to attend CAASNY
(Name of meeting or organization)

at Cooperstown, NY
(Address)

on May 15, 16 & 17, 2016. Mode of transportation to be used Personal Vehicle
(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

Department Head travel

Proper documentation must be attached when submitting for approval.
(Please check documents attached)

- Notice of meeting or convention including cost.

For Overnight Travel

- Room rate \$ 90.00 GSA* Rate \$ 89.00
- Meal costs - GSA* per diem rate \$ 51

*www.gsa.gov

Date: _____



Department Head Signature

Date: _____



Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

Please check to request a fleet vehicle.

REQUEST FOR USE OF FLEET VEHICLE

Filing Instructions:

1. Original with voucher to Auditor.
2. Copy to Frank Morehouse if fleet vehicle is needed.
3. Copy to Clerk of the Board with Resolution Request form if out-of-state travel.
4. Copy to Purchasing with Purchase Order, If required.
5. Copy to County Administrator if credit card will be used.

Your search for 13326

Using rates for STANDARD RATE including Standard Rate:

Daily Per Diem Rates:

May Lodging: \$89

May M&IE: \$51

Estimated Per Diem Total:

\$305.50

Breakdown:

Date	Max. Lodging	M&IE	Total
First Day (05/15/16)	\$89	\$38.25*	\$127.25
May Rate	\$89	\$51	\$140
Last Day (05/17/16)	-	\$38.25*	\$38.25

*The first and last calendar dates of M&IE are calculated at 75%

Additional Terms and Conditions:

Traveler reimbursement is based on the location of the work activities and not the accommodations, unless lodging is not available at the work activity, then the agency may authorize the rate where lodging is obtained.

Unless otherwise specified, the per diem locality is defined as *"all locations within, or entirely surrounded by, the corporate limits of the key city, including independent entities located within those boundaries."*

Per diem localities with county definitions shall include *"all locations within, or entirely surrounded by, the corporate limits of the key city as well as the boundaries of the listed counties, including independent entities located within the boundaries of the key city and the listed counties (unless otherwise listed separately)."*

When a military installation or Government - related facility (whether or not specifically named) is located partially within more than one city or county boundary, the applicable per diem rate for the entire installation or facility is the higher of the rates which apply to the cities and / or counties, even though part(s) of such activities may be located outside the defined per diem locality.

