

Warren County Board of Supervisors

RESOLUTION NO. 396 OF 2024

RESOLUTION INTRODUCED BY SUPERVISORS THOMAS, GERACI, MERLINO, MADAY, DRISCOLL, CROCITTO, STROUGH, BRUNO AND EUT

**ENACTING LOCAL LAW NO. 6 OF 2024, ENTITLED
“A LOCAL LAW TO AUTHORIZE OVERRIDING THE PROPERTY TAX LEVY LIMIT
ESTABLISHED BY GENERAL MUNICIPAL LAW § 3-C FOR THE
2025 WARREN COUNTY BUDGET”**

WHEREAS, a proposed local law was duly presented to the Board of Supervisors and considered by them, said proposed local law entitled, “A Local Law to Authorize Overriding the Property Tax Levy Limit Established by General Municipal Law §3-c for the 2025 Warren County Budget,” and

WHEREAS, the Board of Supervisors adopted Resolution No. 328 of 2024, which authorized a public hearing to be held by the Board of Supervisors on the 18th day of October, 2024, in the Supervisors’ Rooms in the Warren County Municipal Center on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at such public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 18th day of October, 2024, does hereby enact and adopt Local Law No. 6 of 2024, as annexed hereto.

**COUNTY OF WARREN
LOCAL LAW NO. 6 OF 2024**

**A LOCAL LAW TO AUTHORIZE OVERRIDING THE PROPERTY TAX LEVY LIMIT
ESTABLISHED BY GENERAL MUNICIPAL LAW §3-C FOR THE
2025 WARREN COUNTY BUDGET**

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. TITLE.

This Local Law shall be know as “A Local Law to Authorize Overriding the Property Tax Levy Limit Established by General Municipal Law §3-c for the 2025 Warren County Budget.”

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE.

- A. That by Chapter 97 of the Laws of 2011, effective June 24, 2011, codified as Section 3-c of the General Municipal Law, the State of New York imposed upon counties and other local governments and schools, with certain exceptions, a limit equal to the lesser of the rate of inflation or 2 percent on the annual increase in the amount of real property taxes that may be levied on behalf of such entities.
- B. That the New York State Comptroller’s Office determined that property tax levy growth for local governments must be capped at two percent (2.0%) for 2025, which is the maximum allowable levy growth under New York State law, despite the Comptroller’s Office also determining that the 2025 inflation factor was 3.3%.
- C. That this is the fourth year in a row that the New York State Comptroller’s Office determined that the property tax levy growth for local governments must be capped at two percent (2.0%) despite the Comptroller’s Office also determining that the inflation factor for fiscal years 2022 through 2025 exceeded the annual combined 2.0% maximum allowable levy growth by more than eleven percent (11%).
- D. That General Municipal Law §3-c(6) provides that if a local government’s actual tax levy for a given fiscal year exceeds the tax levy limit, as determined by the State Comptroller, the local government must place the excess amount in reserve and use such funds to offset the tax levy for the ensuing fiscal year.
- E. That due to the high cost of State mandated programs and services which are paid for from the budget for Warren County, as well as the combined eleven (11%) increase in the inflation factor from 2022-2025 above the combined 2.0% tax levy limit for this same budget years, the Warren County Board of Supervisors now confronts a 2025 budget which may exceed the State-imposed tax cap in order to protect the health, safety, and well-being of Warren County residents in order to provide essential County services, including public health, safety and infrastructure programs for the 2025 fiscal year.

- F. That Mandated State programs and services include Medicaid, Public Assistance, Child Welfare, Pre-School Special Education, Community Colleges, Indigent Defense, Early Intervention, Youth Detention placements from Raise-the-Age laws, Court ordered competency examinations and restoration services under section 730 of the Criminal Procedure Law, and Pension Costs. These State mandated programs and services must be paid first before local taxes may be used for County purposes.
- G. That General Municipal Law §3-c(5) provides that a local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year only if the governing body of such local government first enacts, by a vote of 60 percent of the total voting power of such governing body, a local law to override such limit.
- H. That General Municipal Law §3-c(6) provides that if a local government's actual tax levy for a given fiscal year exceeds the tax levy limit, as determined by the State Comptroller, the local government must place the excess amount in reserve and use such funds to offset the tax levy for the ensuing fiscal year.
- I. That the purpose of this Local Law is to comply with the requirements of General Municipal Law §3-c prior to adopting the 2025 Warren County budget should it exceed the tax levy limit for 2025.

SECTION 3. ENACTMENT AUTHORITY.

That this Local Law is adopted pursuant to authority provided in Section 10 of the Municipal Home Rule Law of the State of New York as well as the specific authority set forth in General Municipal Law §3-c(5).

SECTION 4. OVERRIDE AUTHORIZATION.

That the Warren County Board of Supervisors hereby overrides the County of Warren tax levy limit for 2025, and is hereby authorized to adopt a County Budget for fiscal year 2025 that requires an actual property tax levy that is greater than the tax levy limit calculated for 2025, pursuant to General Municipal Law §3-c.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or other portion of this local law is for any reason declared unconstitutional, or invalid, 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 6. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State.