

4149

2013-2014 Regular Sessions

I N A S S E M B L Y

February 1, 2013

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to publication of legal notices on the official Westchester county website

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 202 of the county law is amended to read as
2 follows:
3 S 202. Publication of compensation and expenses of supervisors in
4 certain counties. In those counties wherein the compensation of supervisors
5 is fixed on a per diem basis, the clerk of the board of supervisors
6 in the month of February of each year shall cause to be published in the
7 official newspapers and in such other newspapers as may be directed by
8 the board, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH PUBLICATION SHALL BE
9 ON THE OFFICIAL COUNTY WEBSITE, and for such number of insertions as the
10 board may determine, a statement of the number of days the board was in
11 session, and the compensation and expenses paid to each member for board
12 sessions and committee work during the preceding fiscal year.
13 S 2. Subdivision 2 of section 211 of the county law, as amended by
14 chapter 627 of the laws of 2003, is amended to read as follows:
15 2. The board of supervisors may cause to be printed or electronically
16 recorded after each session, copies of its proceedings for distribution
17 among its members, county officers or for exchange with other counties.
18 The board may also cause copies of such proceedings to be published
19 after each session in such newspaper or newspapers, EXCEPT IN WESTCHES-
20 TER COUNTY WHERE SUCH PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY
21 WEBSITE, and for such period of time, as may be designated.
22 S 3. Section 214 of the county law, as amended by chapter 685 of the
23 laws of 1951, subdivisions 1 and 2 as amended by chapter 967 of the laws
24 of 1973, is amended to read as follows:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 S 214. [Designation of newspapers; official] OFFICIAL publications. 1.
2 Concurrent resolutions, election notices and official canvass. The
3 members of the county legislative body, whether such body be denominated
4 board of supervisors, county legislature or otherwise, or, in the city
5 of New York, of the council of such city representing respectively each
6 of the two principal political parties into which the people of the
7 state are divided, shall designate annually the newspaper published
8 within the county to publish the concurrent resolutions of the legisla-
9 ture, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH PUBLICATION SHALL BE MADE
10 ON THE OFFICIAL COUNTY WEBSITE. Such designation shall be in writing
11 and signed by a majority of the members representing each of said poli-
12 tical parties. In making such designation, consideration shall be given
13 to the newspapers advocating the principles of such political party, the
14 support of its nominees and the extent of the circulation in the county.
15 However the fact that a newspaper is an independent newspaper not advo-
16 cating the principles of any political party shall not disqualify it
17 from consideration. If there be but one newspaper published in the coun-
18 ty, such newspaper shall be designated. The designation shall be filed
19 with the clerk of the county legislative body or, in the city of New
20 York, with the clerk of the council of such city, who shall not later
21 than January tenth cause notice of the name and address of such newspa-
22 per or newspapers to be forwarded to the secretary of state. In like
23 manner the members of the county legislative body or, in the city of New
24 York, of the council of such city representing each of the two principal
25 political parties into which the people of the state are divided, shall
26 designate the newspaper published within the county to publish the
27 election notices issued by the secretary of state and the newspaper to
28 publish the official canvass, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH
29 PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE. In the event
30 of a failure so to designate in any year, or if either of such political
31 parties has no representatives among the body or, in the city of New
32 York, council membership, the last newspaper designated by the members
33 of such party shall be deemed duly designated.

34 2. Local laws and notices. The board of supervisors shall annually
35 designate at least two newspapers published within the county as offi-
36 cial newspapers for the publication of all local laws, notices and other
37 matters required by law to be published, EXCEPT IN WESTCHESTER COUNTY
38 WHERE SUCH PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE. In
39 such designations consideration shall be given to those newspapers advo-
40 cating the principles of the two major political parties into which the
41 people of the state are divided and their general circulation throughout
42 the county. However the fact that a newspaper is an independent newspa-
43 per and not advocating the principles of any political party shall not
44 disqualify it from consideration. If there be but one newspaper having
45 circulation in the county, that newspaper shall be designated. Except as
46 otherwise provided by law, the clerk of the board shall cause a true
47 copy of each local law to be published in such official newspapers, AND
48 ON THE OFFICIAL COUNTY WEBSITE IN WESTCHESTER COUNTY, at least once a
49 week for two successive weeks, the first publication of which shall be
50 had within ten days after such local law has become effective; provided,
51 however, that any local law which is subject to a permissive referendum
52 shall be published in such official newspapers AND ON THE WESTCHESTER
53 COUNTY OFFICIAL WEBSITE at least once a week for two successive weeks,
54 the first publication of which shall be had within ten days after such
55 local law is adopted. Legalizing acts shall be published as provided in
56 section two hundred twenty-seven OF THIS ARTICLE. Nothing herein shall

1 be deemed to prevent the designation of additional newspapers for any
2 publication and such designation shall be deemed an official newspaper
3 for the particular publication.

4 3. Erie [county] AND WESTCHESTER COUNTIES. The provisions herein
5 requiring the designation of official newspapers for the publication of
6 election notices and official canvass shall not apply to the [county]
7 COUNTIES of Erie AND WESTCHESTER.

8 S 4. Section 216 of the county law, as amended by chapter 760 of the
9 laws of 1956, is amended to read as follows:

10 S 216. Location of county offices. The board of supervisors shall have
11 power to select and change the site of any county office or building
12 within the county except as hereinafter provided. No site or location
13 for any county jail shall be selected or acquired by such board of
14 supervisors which shall not have been approved by the state commission
15 of correction. No courthouse, civil office of the sheriff, office of the
16 county clerk, county treasurer, clerk of the board of supervisors or
17 board of elections, now or hereafter located in a city or village, shall
18 be removed beyond the limits of such city or village without the
19 approval of a proposition therefor by the affirmative vote of a majority
20 of the qualified electors of the county voting thereon at a general or
21 special election. The clerk of the board of supervisors shall cause a
22 notice of such election to be published in the official newspapers AND
23 THE WESTCHESTER COUNTY OFFICIAL WEBSITE once a week for six weeks previ-
24 ous to such election; and shall on or before the first day of publica-
25 tion cause such notice to be posted upon the bulletin board at the
26 office of each city and town clerk in the county. The notice shall
27 state the time of the election, the name of the office or building and
28 the proposed site thereof by a description in general terms sufficient
29 for readily identifying the proposed site. The clerk shall cause a
30 certificate to be filed with the board of elections stating the proposi-
31 tion to be submitted on or before the first publication. Nothing herein
32 shall be deemed to dispense with any required approval of a site or
33 building by any state officer or department. In the event the board of
34 supervisors proposes changing the present site or sites, as the case may
35 be, of two or more of the above specified offices or buildings from
36 their present site or sites, as the case may be, to one site, such
37 proposal may be contained in one proposition without the necessity of
38 allowing a separate vote on each of the offices or buildings concerned,
39 and in such case, the proposition and the notice of such election shall
40 state, as to each office or building affected, the name of the office or
41 building, the present location thereof by reference to the city or
42 village, as the case may be, and the proposed site thereof by a
43 description in general terms sufficient for readily identifying the
44 proposed site.

45 S 5. Subdivision 4 of section 223 of the county law, as renumbered by
46 chapter 678 of the laws of 1951, is amended to read as follows:

47 4. Within ten days after the adoption of said resolution, the clerk of
48 the board of supervisors shall cause notice of a public hearing thereon
49 to be published in the official newspapers once a week for two publica-
50 tions, and at least twenty days shall elapse from the first publication
51 to the date of the hearing. THE CLERK OF THE WESTCHESTER COUNTY BOARD
52 OF SUPERVISORS SHALL CAUSE A NOTICE OF SUCH PUBLIC HEARING TO BE
53 PUBLISHED ON THE OFFICIAL COUNTY WEBSITE AT LEAST TWENTY DAYS PRIOR TO
54 THE DATE OF THE HEARING. The notice shall contain an abstract statement
55 of the proposed project and that the survey, plans and estimate may be
56 seen at the office of said clerk. A copy of such notice shall be mailed

1 to each owner from whom any easement or right-of-way is necessary. The
2 public hearing may be held before the board or any committee of the
3 membership designated for that purpose.

4 S 6. Subdivision 2 of section 227 of the county law, as amended by
5 chapter 934 of the laws of 1962, is amended to read as follows:

6 2. Procedure to legalize. Any municipality or local officer or agency
7 seeking relief under this section shall present to the board of supervi-
8 sors of the county a petition duly verified setting forth the facts and
9 praying for the relief authorized by this section. Attached to such
10 petition shall be certified copies of all acts done and proceedings had
11 in relation to the subject matter sought to be legalized. The board of
12 supervisors may direct the governing board or officers to do that which
13 should have been done in the first instance and the time prescribed by
14 law for the performance of the act shall be deemed extended to allow
15 compliance therewith, and such acts shall not be legalized until proof
16 is submitted of such compliance. Notice stating the time, place and
17 purpose of the public hearing shall be published at least once in a
18 newspaper designated by the board with due regard for circulation in the
19 municipality affected, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH PUBLICA-
20 TION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE, and posted in at
21 least three public conspicuous places in the municipality at least five
22 days before the date set for the public hearing. One of such notices
23 shall be posted upon the bulletin board of the respective city, village
24 or town clerk's office. The power to conduct such public hearing may be
25 delegated to a standing or special committee of the board which shall
26 file with the board a transcript of the evidence produced together with
27 its recommendations thereon. The board of supervisors or such committee
28 shall have power to compel the production of, and shall consider, any
29 documents or other evidence deemed pertinent to the inquiry and may
30 adjourn from time to time. The legalizing act must be adopted by the
31 affirmative vote of two-thirds of the whole number of the members of the
32 board at a regular or special meeting, provided, however, that legaliz-
33 ing action taken pursuant to paragraph (i) of subdivision one of this
34 section shall be by local law, and provided further where on request of
35 the board the state comptroller submits to it his certified findings and
36 approval of a petition presented pursuant to paragraph (i), such local
37 law may be adopted by the affirmative vote of a majority of the whole
38 number of the members of the board. The legalizing act shall recite the
39 filing of the petition and all proceedings taken thereon and shall
40 contain the text of the act sought to be legalized and the method of,
41 and the maximum maturity of the bonds or capital notes, if any, for
42 financing the obligation or obligations so legalized and validated. It
43 shall state the intentional act, mistake, error or omission cured by the
44 legalizing act; that such intentional act, mistake, error or omission
45 was not the result of fraud and that no substantial hardship will result
46 therefrom and the determination thereon by the board of supervisors
47 legalizing and validating the same. A copy of the legalizing act certi-
48 fied by the clerk of the board shall be published at least once a week
49 for two consecutive weeks in a newspaper designated by the board with
50 due regard for circulation in the municipality affected, the first
51 publication of which shall be had, EXCEPT IN WESTCHESTER COUNTY WHERE
52 SUCH PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE, within
53 twenty days after the legalizing act is adopted. The petition and
54 related papers, or certified copies thereof, shall be filed in the
55 office of the county clerk. Subject to limitations or restrictions
56 prescribed by the board of supervisors, the amount of any obligations

1 legalized and validated hereunder may be paid from available funds or
2 shall be deemed to be a settled claim within the meaning of subdivision
3 thirty-three of paragraph a of section 11.00 of the local finance law
4 which may be financed by the issuance of bonds or capital notes,
5 provided, however, that the maximum maturity of any such bonds shall not
6 exceed six years from the date of issuance of such bonds or from the
7 date of issuance of the earliest bond anticipation note issued in antic-
8 ipation thereof, whichever date is the earlier, and provided further,
9 however, that the cost shall be charged against the area normally
10 responsible for the payment of the obligation which had been legalized
11 and validated. The cost of all publications under this section shall be
12 a charge upon and be paid by the petitioner. A copy of the legalizing
13 act duly certified by the clerk shall be filed with the state comp-
14 troller and with the petitioner. The term "municipality" as used in
15 this section shall include a city, town or village or a fire district,
16 special district, special improvement district or other local govern-
17 mental agency or authority created by or pursuant to law.

18 S 7. Subdivision 1 of section 254 of the county law, as amended by
19 chapter 397 of the laws of 1995, is amended to read as follows:

20 1. When the agency has caused such maps and plans to be prepared, it
21 shall transmit them to the board of supervisors, together with a report
22 of its proceedings and its recommendations, including a recommendation
23 as to what officer, board or body should be the administrative head or
24 body of the proposed district. Such report may further include the
25 recommendations relating to the establishment of two or more zones of
26 assessment within the proposed district and the estimated initial allo-
27 cation of the cost of the construction of the facilities as between such
28 zones to be assessed, levied and collected in each zone in the same
29 manner and at the same time as other county charges. Upon receipt of the
30 report and the maps and plans, the board of supervisors shall call a
31 public hearing upon a proposal to establish a county district, to
32 comprise the area or areas described and defined in said maps and plans.
33 No public hearing shall be called to establish a water quality treatment
34 district until the maps and plans have been submitted to and approved in
35 writing by the state department of health. Copy of such notice of
36 approval or denial of the maps and plans shall be filed in the office of
37 the clerk of the board of supervisors of the county in which the
38 proposed district is located. The clerk of the board of supervisors
39 shall cause a notice of the public hearing to be published at least once
40 in the official newspapers of the county and in such other newspapers
41 having a general circulation in the proposed district as the board may
42 direct, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH PUBLICATION SHALL BE
43 MADE ON THE OFFICIAL COUNTY WEBSITE, the first publications thereof to
44 be not less than ten or more than twenty days before the day set therein
45 for the hearing. The notice of hearing shall contain a description of
46 the area or areas to be included within the proposed district, and if
47 the report shall have recommended the establishment of zones of assess-
48 ment, a description of the area or areas to be included within each zone
49 of assessment, the improvements proposed, the maximum amount to be
50 expended for the improvement, the estimated cost of hook-up fees, if
51 any, to, and the cost of the district or extension to, the typical prop-
52 erty and, if different, the typical one or two family home, the allo-
53 cation of such maximum amount as between the zones of assessment recom-
54 mended, if any, the proposed method of assessment of the cost and shall
55 specify the time when and place where the board of supervisors will meet
56 to consider the matter and to hear all parties interested therein

1 concerning the same. In the event that zones of assessment are provided
2 for and an allocation of cost of the facilities between such zones of
3 assessment, said notice shall further state that said zones of assess-
4 ment and said allocations of cost may be changed from time to time by
5 resolution of the board of supervisors adopted after a public hearing
6 whenever said board of supervisors shall determine that such changes are
7 necessary in the public interest. Prior to the publication of the
8 notice of hearing, the board of supervisors shall cause to be prepared,
9 and file for public inspection with the county clerk, a detailed expla-
10 nation of how the estimated cost of hook-up fees, if any, to, and the
11 cost of the district or extension to, the typical property and, if
12 different, the typical one or two family home was computed.

13 S 8. Subdivisions 1 and 3 of section 271 of the county law, subdivi-
14 sion 1 as amended and subdivision 3 as added by chapter 622 of the laws
15 of 1984, are amended to read as follows:

16 1. Notwithstanding the provisions of the preceding section, if the
17 notice of public hearing to be held by the board of supervisors pursuant
18 to section two hundred fifty-four OF THIS ARTICLE shall contain a state-
19 ment that the cost of the improvement will be assessed in proportion as
20 nearly as may be to the benefit which each lot or parcel of land will
21 derive therefrom, and in the case of a water quality treatment district,
22 such cost shall be assessed, levied and collected as hereinafter
23 provided. The board of supervisors may determine to issue, pursuant to
24 the local finance law, the obligations of the county in such an amount
25 as said board may estimate to be sufficient to pay the entire cost of
26 the improvement, but not in excess of the maximum amount proposed to be
27 expended for the improvement as stated in the notice of hearing
28 published pursuant to section two hundred fifty-four OF THIS ARTICLE.
29 In preparing the annual estimate of revenues and expenditures pursuant
30 to section three hundred fifty-three of this chapter, the administrative
31 head or body shall include, in addition to all costs of operation and
32 maintenance for the next succeeding fiscal year, sums sufficient to pay
33 the annual installment of principal of, and interest on, obligations
34 issued as aforesaid. The administrative head or body shall thereupon
35 annually assess the amount of the estimate of expenditures, less the
36 estimate of revenues as set forth in the estimate so prepared, on the
37 lots and parcels of land in the district in proportion as nearly as may
38 be to the benefit which each lot or parcel will derive therefrom and
39 shall prepare an assessment roll which shall describe each such lot or
40 parcel of land in such manner that the same may be ascertained and iden-
41 tified and shall show the name or names of the reputed owner or owners
42 thereof, and the aggregate amount of the assessment levied upon such lot
43 or parcel of land. The assessment roll shall be submitted to the budget
44 officer at the same time as the estimate is submitted, for transmittal
45 with the tentative budget to the clerk of the board of supervisors. The
46 assessment roll shall remain on file in the office of the clerk and be
47 open to public inspection during business hours. The board of supervi-
48 sors shall hold a public hearing on the assessment roll. Notice of such
49 public hearing shall be published at least once in the official newspa-
50 pers, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH PUBLICATION SHALL BE MADE
51 ON THE OFFICIAL COUNTY WEBSITE, stating that said assessment roll has
52 been completed and that at a time and place to be specified therein the
53 board of supervisors will meet and hear and consider any objections
54 which may be made to the roll. The first publication of the notice of
55 the completion of the roll shall be not less than five days before the
56 date specified for the hearing. At the time and place specified, the

1 board of supervisors shall meet and hear and consider any objections to
2 the assessment roll, and may change or amend the same as it deems neces-
3 sary or just so to do and may affirm and adopt the same as originally
4 proposed or as amended or changed, or they may annul the same and order
5 the administrative head or body to proceed anew and to prepare another
6 roll or the board of supervisors may prepare such new roll. No such
7 amended, changed or new roll shall be adopted unless the board of super-
8 visors shall hold a hearing thereon in the manner and upon the notice
9 prescribed for the original hearing. It shall be the duty of the board
10 of supervisors to levy the sum apportioned to and assessed upon each
11 such lot or parcel of land at the time and in the manner provided by law
12 for the levy of state, county or town taxes. Such sums so levied shall
13 be collected by the local tax collectors or receivers of taxes and
14 assessments and shall be paid over to the county treasurer, or compara-
15 ble officer or body, in the same manner and at the same time as taxes
16 levied for general county purposes. The county treasurer, or comparable
17 officer or body, shall keep a separate account of such moneys and they
18 shall be used only for purposes of the county district for which
19 collected. Nothing herein shall prevent the public hearing on the
20 assessment roll from being held simultaneously with the hearing on the
21 county budget held pursuant to section three hundred fifty-nine of this
22 chapter. If the cost of establishment of the county district and the
23 providing of an improvement therein has been assessed, levied and
24 collected pursuant to the provisions of this section, then the cost of
25 any improvement made pursuant to section two hundred sixty-eight OF THIS
26 ARTICLE shall be assessed, levied and collected pursuant to the
27 provisions of this section. If the cost of establishment of the county
28 district and the providing of an improvement therein has been assessed,
29 levied and collected pursuant to the provisions of section two hundred
30 seventy OF THIS ARTICLE, then the cost of any improvement made pursuant
31 to section two hundred sixty-eight OF THIS ARTICLE shall be assessed,
32 levied and collected pursuant to the provisions of section two hundred
33 seventy OF THIS ARTICLE.

34 3. In the case of water quality treatment districts, the board of
35 supervisors shall cause to be prepared estimates required to meet
36 expenses for the annual monitoring, testing, operation and maintenance
37 of the district, at the same time as provided in this section for the
38 preparation of the assessment roll. Such annual estimates shall contain
39 the anticipated revenue and expenditures for such district for the ensu-
40 ing year. It shall also show the amount of expenses which shall be
41 apportioned or charged against each lot or parcel within such district
42 in proportion as nearly as may be to the benefit which each such lot or
43 parcel will derive therefrom. After such annual estimates have been
44 prepared the board of supervisors shall cause a notice to be published
45 in the official newspapers, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH
46 PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE, that the same
47 may be examined in the office of the clerk and that a public hearing
48 will be held thereon by the board of supervisors, specifying the time
49 when and the place where such hearing will be held. Such public hearing
50 may be held on the same day as the hearing on the county budget pursuant
51 to section three hundred fifty-nine of this chapter. Such notice shall
52 be published at least five days before such hearing. After such hearing
53 the board of supervisors shall adopt such estimates or it may amend and
54 modify the same. If the amount apportioned against any one parcel is
55 increased after the public hearing, the board of supervisors shall hold
56 another public hearing on like notice. Such annual estimates and the

1 apportionment against each such lot or parcel shall be adopted by the
2 board of supervisors no later than the date of adoption of the annual
3 county budget. After such adoption such annual estimates shall be filed
4 in the office of the county clerk, and the board of supervisors shall
5 levy the amount apportioned to each lot or parcel at the time and in the
6 manner provided by law for the levy of town and county taxes. Such
7 amount so levied shall be collected and enforced at the same time and in
8 the manner that town and county taxes are collected and enforced. Noth-
9 ing in this section contained shall be construed to prevent the financ-
10 ing, in whole or in part, of expenditures by private sources, grants or
11 by other means.

12 S 9. Subdivisions 3, 4 and 5 of section 274-a of the county law, as
13 added by chapter 620 of the laws of 1996, are amended to read as
14 follows:

15 3. Notice. The clerk of the board of supervisors shall give notice of
16 such hearing in such newspapers, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH
17 PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE, and within
18 such time period as set forth in section two hundred fifty-four of this
19 article. Such notice shall specify the time when and the place where
20 such hearing will be held and, in general terms, describe the proposed
21 consolidation and shall specifically state the proposed disposition of
22 the property and indebtedness of the original districts, and where
23 appropriate, the proposed basis of the future assessment of all costs of
24 operation, maintenance and improvement including whether zones of
25 assessment are to be established and the costs of district facilities
26 are to be allocated as between such zones. Such notice shall also state
27 that the county agency has issued a report on the proposed consol-
28 idation, if such be the case, and shall specify where a copy of such
29 report may be examined prior to the public hearing.

30 4. Hearing. The board shall meet at the time and place specified in
31 such notice and hear all persons interested in the subject matter there-
32 of concerning the same. If the board shall determine, upon the evidence
33 given thereat, that it is IN the public interest to consolidate all of
34 the districts specified in said notice, or two or more thereof, if such
35 be the case, or to assess future costs of operation, maintenance and
36 improvements on a particular basis where appropriate, the board may
37 adopt a resolution subject to a permissive referendum, so consolidating
38 such districts, if such be the case, and [were] WHERE applicable,
39 setting forth the basis for the future assessment of all costs of opera-
40 tion, maintenance and improvements, including whether zones of assess-
41 ment are to be established and the costs of district facilities are to
42 be allocated as between such zones.

43 5. Notice of adoption of resolution. Within ten days after the
44 adoption by the board of a resolution consolidating districts, the board
45 shall give notice thereof at the expense of the county, by the publica-
46 tion of a notice in such newspapers, EXCEPT IN WESTCHESTER COUNTY WHERE
47 SUCH PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE, and with-
48 in such time period as set forth in section one hundred one of this
49 chapter. Such notice shall set forth the date of adoption of the resol-
50 ution and contain an abstract of such resolution, describing in general
51 terms, the districts so consolidated, and shall specify the basis for
52 the future assessment of all costs of operation, maintenance and
53 improvements where applicable, a description of boundaries of zones of
54 assessment and costs proposed to be allocated thereto, if any, and that
55 such resolution was adopted subject to a permissive referendum.

1 S 10. The closing paragraph of section 280-v of the county law, as
2 added by chapter 1185 of the laws of 1971, is amended to read as
3 follows:

4 In preparing the annual estimate of revenues and expenditures pursuant
5 to section three hundred fifty-three of this chapter, the administrative
6 head or body shall include, in addition to all costs of operation and
7 maintenance for the next succeeding fiscal year, sums sufficient to pay
8 the annual installment of principal of, and interest on, obligations
9 issued as aforesaid. The administrative head or body shall thereupon
10 annually assess the amount of the estimate of expenditures, less the
11 estimate of revenues including financial aid and assistance made avail-
12 able by the state or federal government as set forth in the estimate so
13 prepared, on the lots and parcels of land in the district in proportion
14 as nearly as may be to the benefit which each lot or parcel will derive
15 therefrom and shall prepare an assessment roll which shall describe each
16 such lot or parcel of land in such manner that the same may be ascer-
17 tained and identified and shall show the name or names of the reputed
18 owner or owners thereof, and the aggregate amount of the assessment
19 levied upon such lot or parcel of land. Provided, however, that for a
20 hurricane protection project such assessment shall be at a rate not to
21 exceed twenty per centum of the net annual cost to the county for such
22 improvement when such lot or parcel is publicly used or owned and not to
23 exceed seventy per centum of such cost when the lot or parcel is
24 privately owned. Provided further, that for single purpose flood or
25 shoreline erosion control projects, such assessment shall be at a rate
26 up to one hundred per centum of the net annual cost to the county wheth-
27 er such lot or parcel is publicly or privately owned. The assessment
28 roll shall be submitted to the budget officer at the same time as the
29 estimate is submitted, for transmittal with the tentative budget to the
30 clerk of the governing body. The assessment roll shall remain on file in
31 the office of the clerk and be open to public inspection during business
32 hours. The governing body shall hold a public hearing on the assessment
33 roll. Notice of such public hearing shall be published at least once in
34 the official newspapers, EXCEPT IN WESTCHESTER COUNTY WHERE SUCH PUBLI-
35 CATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE, stating that said
36 assessment roll has been completed and that at a time and place to be
37 specified therein the governing body will meet and hear and consider any
38 objections which may be made to the roll. The first publication of the
39 notice of the completion of the roll shall be not less than five days
40 before the date specified for the hearing. At the time and place speci-
41 fied, the governing body shall meet and hear and consider any objections
42 to the assessment roll, and may change or amend the same as it deems
43 necessary or just so to do and may affirm and adopt the same as
44 originally proposed or as amended or changed, or it may annul the same
45 and order the administrative head or body to proceed anew and to prepare
46 another roll or the governing body may prepare such new roll. No such
47 amended, changed or new roll shall be adopted unless the governing body
48 shall hold a hearing thereon in the manner and upon the notice
49 prescribed for the original hearing. It shall be the duty of the govern-
50 ing body to levy the sum apportioned to and assessed upon each such lot
51 or parcel of land at the time and in the manner provided by law for the
52 levy of state, county or town taxes. Such sums so levied shall be
53 collected by the local tax collectors or receivers of taxes and assess-
54 ments and shall be paid over to the county treasurer in the same manner
55 and at the same time as taxes levied for general county purposes. The
56 county treasurer shall keep a separate account of such moneys and they

1 shall be used only for purposes of the county district for which
2 collected. Nothing herein shall prevent the public hearing on the
3 assessment roll from being held simultaneously with the hearing on the
4 county budget held pursuant to section three hundred fifty-nine of this
5 chapter. If the cost of establishment of the county district and the
6 providing of an improvement therein has been assessed, levied and
7 collected pursuant to the provisions of this section, then the cost of
8 any improvement made pursuant to section two hundred eighty-s OF THIS
9 ARTICLE shall be assessed, levied and collected pursuant to the
10 provisions of this section. If the cost of establishment of the county
11 district and the providing of an improvement therein has been assessed,
12 levied and collected pursuant to the provisions of section two hundred
13 eighty-u OF THIS ARTICLE, then the cost of any improvement made pursuant
14 to section two hundred eighty-s OF THIS ARTICLE shall be assessed,
15 levied and collected pursuant to the provisions of section two hundred
16 eighty-u OF THIS ARTICLE.

17 S 11. Section 359 of the county law, as amended by chapter 197 of the
18 laws of 1952, is amended to read as follows:

19 S 359. Public hearing; distribution of tentative budget. Before the
20 final adoption of the budget, the board of supervisors shall hold a
21 public hearing on the tentative budget with such changes, alterations
22 and revisions, as shall have been made therein by such board pursuant to
23 section three hundred fifty-eight OF THIS ARTICLE. The clerk of the
24 board of supervisors shall cause to be printed or otherwise reproduced
25 at least one hundred copies of such tentative budget as so changed,
26 altered and revised, but the board of supervisors, by resolution, may
27 direct that a greater number of copies be so printed or reproduced. The
28 time when and place where such hearing shall be held shall be fixed by
29 resolution of the board of supervisors. The clerk of the board of super-
30 visors shall cause a notice to be published stating the time, place and
31 purpose of the public hearing and that copies of the tentative budget on
32 which the public hearing will be held are available at his office and
33 may be inspected or procured thereat by any interested person during
34 business hours. There shall be included in the notice of the public
35 hearing on the tentative budget, or in a separate notice published in
36 the same manner and at the same time as such notice of hearing, a state-
37 ment of the maximum salary, or the maximum rate of per diem compen-
38 sation, or both, as the case may be, that may be fixed and payable
39 during the ensuing fiscal year to the members of the board of supervi-
40 sors and to the chairman respectively. The notice of public hearing
41 shall be published at least once in the official newspaper or newspapers
42 of the county, and in such other newspapers, EXCEPT IN WESTCHESTER COUN-
43 TY WHERE SUCH PUBLICATION SHALL BE MADE ON THE OFFICIAL COUNTY WEBSITE,
44 and for such other times as the board of supervisors, by resolution, may
45 direct. At least five days shall elapse between the first publication
46 of such notice and date specified for the hearing. The hearing shall be
47 held on the date so specified at which time any person may be heard. The
48 hearing may be adjourned from day to day, but not later than the twenti-
49 eth day of December.

50 S 12. This act shall take effect immediately.