

Legislation Meeting Agenda



Committee Chair: Colin Smith

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, July 31, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

I. ITEMS FOR DISCUSSION

2023-329 ACT - Sales Tax Extender

AN ACT of the Westchester County Board of Legislators extending the imposition of the additional rate of sales and compensating use taxes in accordance with Article 29 of the Tax Law of the State of New York.

Guest: Budget Dept.: Larry Soule, Budget Director; Law Dept.: Deputy County Attorney Justin Adin

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

July 28, 2023

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt “AN ACT of the Westchester County Board of Legislators extending the imposition of the additional rate of sales and compensating use taxes in accordance with Article 29 of the Tax Law of the State of New York.”

By Act 119-2019, the County increased sales and compensating use taxes from 3% to 4%, by amending Act No. 77-1971, as amended by Act Nos. 117-1981, 105-1991, and 14-2004. By Chapter 272 of the Laws of 2023, the State extended the period of authorization for the increase in the County’s sales and compensating use taxes until November 30, 2025.

The attached legislation will effectuate the extension of the increase in the sales and compensating use taxes for the period permitted by the State. The New York State Department of Taxation and Finance has reviewed and approved the attached legislation.

In light of the aforementioned, I respectfully request that this Honorable Board adopt the proposed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer". The signature is fluid and cursive, written over a light blue horizontal line.

GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

The Committee is in receipt of “AN ACT of the Westchester County Board of Legislators extending the imposition of the additional rate of sales and compensating use taxes in accordance with Article 29 of the Tax Law of the State of New York.”

By Act 119-2019, your Honorable Board exercised the authority granted by the New York State Legislature to raise Westchester County’s sales and compensating use taxes from 3% to 4%, by amending Act No. 77-1971, as amended by Act Nos. 117-1981, 105-1991, and 14-2004. By Chapter 272 of the Laws of 2023, the State extended the period of authorization for the increase in the County’s sales and compensating use taxes until November 30, 2025.

Your Committee is informed that the attached legislation will effectuate the extension of the increase in the sales and compensating use taxes for the period permitted by the State. The New York State Department of Taxation and Finance has reviewed and approved the attached legislation.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 12, 2023, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

The Committee, after careful consideration, recommends the adoption of this Act.

Dated: 2023
White Plains, New York

COMMITTEE ON

ACT NO. ____ - 2023

AN ACT of the Westchester County Board of Legislators extending the imposition of the additional rate of sales and compensating use taxes in accordance with Article 29 of the Tax Law of the State of New York

Be it enacted by the Board of Legislators of the County of Westchester, as follows:

§ 1. Act No 77-1971, enacted by the Board of Legislators of the County of Westchester, imposing sales and compensating use taxes, as amended, is amended by modifying section 4-A (added by Act 119-2019) to read as follows:

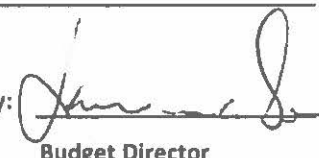
SECTION 4-A. Imposition of additional rate of sales and compensating use taxes.
Pursuant to the authority of section 1210 of the Tax Law, in addition to the sales and compensating use taxes imposed by sections 2 and 4 of this act, there is hereby imposed and there shall be paid an additional one percent rate of such sales and compensating use taxes in the area of the County outside the cities of Mount Vernon, New Rochelle, White Plains, and Yonkers, beginning August 1, 2019. Such additional taxes shall be identical to the taxes imposed by such sections 2 and 4 and shall be administered and collected in the same manner as such taxes. All of the provisions of this act relating or applicable to the administration and collection of the taxes imposed by such sections 2 and 4 shall apply to the additional taxes imposed by this section, including the applicable transitional provisions, limitations, special provisions, exemptions, exclusions, refunds and credits as are set forth in this act, with the same force and effect as if those provisions had been incorporated in full into this section and had expressly referred to the additional taxes imposed by this section. This section shall expire on November 30, 20235.

§ 2. Effective date. This enactment shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: <u>Sales Tax Extender</u>	<input type="checkbox"/> NO FISCAL IMPACT PROJECTED
OPERATING BUDGET IMPACT To Be Completed by Submitting Department and Reviewed by Budget	
SECTION A - FUND	
<input checked="" type="checkbox"/> GENERAL FUND	<input type="checkbox"/> AIRPORT FUND <input type="checkbox"/> SPECIAL DISTRICTS FUND
SECTION B - EXPENSES AND REVENUES	
Total Current Year Expense	\$ (7,225,000)
Total Current Year Revenue	\$ (24,080,000)
Source of Funds (check one):	<input checked="" type="checkbox"/> Current Appropriations <input type="checkbox"/> Transfer of Existing Appropriations
<input type="checkbox"/> Additional Appropriations	<input checked="" type="checkbox"/> Other (explain)
Identify Accounts:	<u>101-52-2102-5100 Municipal Sales Tax Distribution</u>
	<u>101-52-1000-9032 Sales and Use Tax Revenue</u>
Potential Related Operating Budget Expenses:	Annual Amount _____
Describe:	_____

Potential Related Operating Budget Revenues:	Annual Amount _____
Describe:	_____

Anticipated Savings to County and/or Impact on Department Operations:	
Current Year:	_____
Next Four Years:	<u>1/1/2024-12/31/24: (\$192,645,000) Loss in sales tax collections, (\$57,800,000)</u>
	<u>Reduction in Municipal Sales Tax Distribution Expense. 01/01/2025-11/30/2025: (\$171,500,000)</u>
	<u>Loss in sales tax collections, (\$51,500,000) Reduction in Municipal Sales Tax Distribution</u>
	<u>Expense.</u>
Prepared by:	<u>Michael Dunn</u>
Title:	<u>Senior Budget Analyst</u>
Department:	<u>Budget</u>
Date:	<u>July 20, 2023</u>
Reviewed By:	 Budget Director
Date:	<u>7/21/23</u>