

## **County-Wide Shared Services Initiative Questions and Answers**

### **PROGRAM OVERVIEW**

#### **Q-1: What is the County-wide Shared Services Initiative?**

A-1: 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-2: Which counties are required to submit County-wide Shared Services Property Tax Savings Plans (Shared Services Plans)?**

A-2: All 57 counties outside of the City of New York are required to prepare Shared Services Plans.

#### **Q-3: Who within each of the 57 counties is required to begin and lead the process for preparing the Shared Services Plan?**

A-3: 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-4: What is in a Shared Services Plan?**

A-4: 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-5: Who is considered the Chief Executive Officer (CEO) of the county under the County-wide Shared Services Property Tax Savings Plan Law?**

A-5: 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-6. Who serves as chair of the County-wide Shared Services Panel?**

A-6: The CEO of the county will serve as chair of the Panel.

### **Q-7: Who are the required members of the County-wide Shared Services Panel (the Panel)?**

A-7: 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-8: How are additional stakeholders eligible to participate as members of the Panel?**

A-8: 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-9: If a school district, BOCES or special improvement district is invited to serve on a Shares Service Panel, must it do so?**

A-9: No, a school district, BOCES or special improvement district can choose to not serve on a Shared Services Panel.

### **Q-10: What is meant by “special improvement districts”?**

A-10: 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-11: 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-11: 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-12: 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-12: 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-13: If a city, town or village is in more than one county, on which county shared services panel should such municipality participate?**

A-13: 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-14: 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-14: 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-15: Are local collective bargaining units involved in the County-wide Shared Services Property Tax Savings Plan development process?**

A-15: 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-16: What is required for the County CEO to “regularly consult with” panel members and collective bargaining units?**

A-16: 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-17: What is required for the County CEO to “take” recommendations from panel members and collective bargaining units?**

A-17: 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-18: Is there a process to hear and take input from the public?**

A-18: 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-19: Will there be public notice of the public hearings?**

A-19: 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-20: Are the public hearings subject to the Open Meetings Law?**

A-20: 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-21: What is the role of a county legislative body regarding a Shared Services Plan?**

A-21: 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-22: 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-22: 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-23: When does the Panel vote on the Shared Services Plan?**

A-23: The Panel must take action to finally approve, modify or disapprove the Shared Services Plan by September 15, 2017.

**Q-24: Is the Panel meeting to vote on the Shared Services Plan subject to the Open Meetings Law?**

A-24: 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-25: Does the public have the right to attend a meeting of the Shared Services Panel?**

A-25: Yes. Shared Services Panel meetings are governed by the Open Meetings Law and are open to the public.

**Q-26: Does the press have a right to attend meetings of the Shared Services Panel and the public hearings?**

A-26: 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-27: Can a member of the Panel remove an action from the proposed Plan?**

A-27: 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-28: If a Panel member has an action removed from the Shared Services Plan, does that remove the action for all Panel members?**

A-28: 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-29: Can a member of the Panel designate an alternate or “proxy” to vote in his/her place?**

A-29: 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-30: 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-30: 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-31: What happens if the Shared Services Plan is not approved or acted upon by September 15, 2017?**

A-31: 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-32: When will the public be informed about the results of the Panel work and the Shared Services Plan?**

A-32: 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-33: Who is responsible for submission of the Shared Services Plan to the DOB?**

A-33: 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-34: 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-34: 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-35: What type of actions must be in a Shared Savings Plan?**

A-35: 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-36: 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-36: Yes, those funds that have been awarded to a local government can be used for implementation of actions identified in the Plans.

### **Q-37: How will a Shared Services Plan receive matching funds for savings that are earned from the implementation of a Shared Services Plan?**

A-37: 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.

## **ADDITIONAL QUESTIONS AND ANSWERS (ADDED APRIL 28, 2017)**

### **Q-38: How should the "Anticipated Savings to the Average Taxpayer" be calculated for inclusion in the Plan?**

A-38: The County-wide Shared Services Property Tax Savings Plan Law requires the Plan to report on "the amount of the savings that the average taxpayer will realize in calendar year 2018, calendar year 2019, and annually thereafter if the net savings are realized."

This can be calculated by dividing the "Total Anticipated Savings," as reported in the Plan, by the number of property tax payers in the county.

### **Q-39: How should the "Anticipated Costs/Savings to the Average Homeowner" be calculated for inclusion in the Plan?**

A-39: The County-wide Shared Services Property Tax Savings Plan Law requires the Plan to report on "the percentage amount a homeowner can expect his or her property taxes to increase or decrease in calendar year 2018, calendar year 2019, and annually thereafter if the net savings certified in the plan are realized."

This can be calculated by estimating the percentage that property taxes are expected to increase for all local governments participating in the Plan, using reasonable assumptions that could be described later in the Plan, and reducing these percentages by the "Anticipated Savings as a Percentage of Participating Entities Property Taxes."

For Example:

	<b>2018</b>	<b>2019</b>	<b>Annually Thereafter</b>
Expected Property Tax Increase/ Decrease to Homeowners Without Actions	1.5%	1.7%	1.6%
Anticipated Savings as a Percentage of Participating Entities Property Taxes	1.0%	1.2%	1.4%
Expected Property Tax Increase/ Decrease to Homeowners With Actions	0.5%	0.5%	0.2%

**Q-40: How should the "Anticipated Costs/Savings to the Average Business" be calculated for inclusion in the Plan?**

A-40: The County-wide Shared Services Property Tax Savings Plan Law requires the Plan to report on "the percentage amount a business can expect its property taxes to increase or decrease in calendar year 2018, calendar year 2019, and annually thereafter if the net savings certified in the plan are realized."

This can be calculated by estimating the percentage that property taxes are expected to increase for all local governments participating in the Plan, using reasonable assumptions that could be described later in the Plan, and reducing these percentages by the "Anticipated Savings as a Percentage of Participating Entities Property Taxes."

For Example:

	<b>2018</b>	<b>2019</b>	<b>Annually Thereafter</b>
Expected Property Tax Increase/ Decrease to Businesses Without Actions	1.6%	1.8%	1.5%
Anticipated Savings as a Percentage of Participating Entities Property Taxes	0.9%	1.1%	1.2%
Expected Property Tax Increase/ Decrease to Businesses With Actions	0.7%	0.7%	0.3%

**Q-41: Can a Shared Services Plan include actions that do not save property taxes, but reduce other costs and bring new efficiencies to the residents of the county? For instance, can a Shared Services Plan include the creation of a utility purchasing program that will reduce utility costs for residential and/or business customers, even though the property tax is not impacted?**

A-41: A Shared Services Plan may include actions that do not directly reduce the property tax. For instance, a Shared Services Plan can include the creation of a utility purchasing program organized by one or more governments that is available to residents in the county either directly or through an opt in by a municipality. However, such a program will not be eligible for the state matching funds because it does not reduce property taxes.

If a Shared Services Plan provides for a reduction in government utility bills, either as part of a broader program that offers savings to residential and/or business customers or savings just to governments, that action can both be included in a Shared Services Plan and to the extent it reduces governmental utility bills, it may be eligible for the state matching grants.



**Q-42: Must a Shared Services Plan lead to an actual reduction in property taxes, or can a Shared Services Plan include among its actions one or more actions that prevent taxes from rising more than they otherwise would have but for the shared services actions?**

A-42: The goal of a Shared Services Plan is to reduce property taxes. However, if an action in a Shared Services Plan prevents an increase in property taxes that otherwise would have occurred but for the shared services action, such action(s) can be included in a Shared Services Plan. A Shared Services Plan must conclusively demonstrate with the best available information that the Shared Services Plan will lead to a reduction in property taxes or a reduction in the growth of property taxes.

**Q-43: The Shared Services Law states that "each member of the panel may, prior to the panel-wide vote, cause to be removed from the plan any proposed action that affects the unit of local government represented by the respective member." Can such an action be made on the individual's own authority, or only by vote of the board the panel member represents?**

A-43: The Shared Services Law empowers the panel member, individually, to cause removal of a proposed action affecting the unit of government he or she represents by providing written notice to the county CEO prior to the Panel's vote on the Plan.

**Q-44: The Shared Services Law includes deadlines for reimbursement eligibility. Are there deadlines for implementation of the Shared Services Plan?**

A-44: There are no deadlines for the implementation of actions called for in the Plan. However, the law applies specific timeframes for implementation regarding the eligibility for match funding. Each county with a Shared Services Plan that is finalized in 2017 may be eligible for a one-time match of the net savings from new shared service actions implemented and achieved among multiple jurisdictions between January 1st and December 31st of 2018. Each county with a Shared Services Plan that is finalized in 2018 may be eligible for a one-time match of such savings achieved between January 1st and December 31st of 2019.

**Q-45: Can a town authorize someone other than its supervisor to serve as its panel member? For example, we have two town supervisors who are ill in our county. Can the deputy supervisor or other board member serve on the panel in the place of the supervisor?**

A-45: Under the Shared Services Law, the town supervisor is the town's chief executive officer who is expressly authorized to serve on the Shared Services Panel established in the county where the town is located. A deputy supervisor in a town can serve on the Shared Services Panel established in the county where the town is located, in accordance with Section 42 of the Town Law, which permits the deputy supervisor to act: 1) during the absence of the supervisor, or 2) inability of the supervisor to act, or 3) while the office of supervisor is vacant. A case-by-case determination of applicable facts must be used to determine whether a town supervisor is absent or unable to act to trigger the deputy supervisor's power under Section 42 of the Town Law. Public Officers Law, Article 3, section 30, provides an enumerated list of ways the office of town supervisor can be deemed vacant.

Under circumstances when a supervisor's absence, inability to act, or office vacancy exists, Section 42 empowers the deputy supervisor with authority not only to "preside, when present, at the meetings of the town board", but also to "perform all of the duties of the supervisor under [the Town Law] or any other law [such as the Shared Services Law]". The deputy supervisor's power to act in the place of the town supervisor under Section 42 has some exceptions that are not applicable here.

**Q-46: Notwithstanding sections 5d, 6f and 9 of the county-wide shared services property tax savings plan law, is implementation of the Panel-approved plan binding on the municipalities and their elected boards? In other words, does implementation still require a vote of the individual elected boards, or does this legislation transfer authority over shared services from the elected boards to the Panel?**

A-46: All applicable legal prerequisites to implementation of any action or component of an action contained within a final, approved Shared Services Plan must be satisfied in order for that action or component of an action to properly take effect.

**Q-47: If a panel member objects to a "proposed action" is that whole action dead? As an example - in a particular county, there may be seven separate jurisdictions with different plowing services. If the Panel proposes that they share plowing services and, prior to the Panel vote, one town decides to remove its jurisdiction's participation in the action – may the proposed action be voted on by the Panel for the remaining six jurisdictions?**

A-47: One proposed Plan action, such as shared plow services affecting seven jurisdictions, is not defeated in its entirety if a Panel Member that represents one of the seven affected jurisdictions decides to remove their jurisdiction from participating prior to the vote. In such instance, the components of the action affecting that Panel Member's jurisdiction would be removed. The Panel Members for the remaining six affected jurisdictions could still decide to move forward with the action as among their six jurisdictions. If the proposed action is ultimately contained in the Plan approved by the Panel, the affect, if any, on the certified savings would have to be reflected on the final certification of the approved Plan.

**Q-48: If an action called for in a Plan requires a referendum prior to implementation, is a referendum required? If so, is the required referendum on the entire Plan or just those actions that would normally be subject to a referendum? Should Plans calling for actions requiring referenda prior to implementation describe those necessary steps?**

A-48: The plan should include a summary description, and next steps required for implementation of planned actions. If a referendum is required by the Constitution or State law, it should be noted along with the process for its completion, and will need to be completed before the action is implemented. Only the action that is required by law to be subject to a referendum would need to be included in the scope of the referendum.

#### **ADDITIONAL QUESTIONS AND ANSWERS (ADDED MAY 4, 2017)**

**Q-49: Are there any plans to provide either staff support or funding to counties to allow clerical support for the initiative?**

A-49: No, however the Department of State, within available resources, will provide technical assistance and guidance to local governments to help them comply with the law.

**Q-50: Is there a process to request an extension of timeframes within the statute?**

A-50: No. The timeframes are established in statute.

**Q-51: What is the 1:1 savings match based upon? One year, 2 years, other? How will the match be computed?**

A-51: For each county with a Shared Services Plan that is approved by the 2017 deadlines, the eligible one-time match will be of the net savings from new shared service actions implemented and achieved among multiple jurisdictions between January 1<sup>st</sup> and December 31<sup>st</sup> of 2018. If the County Shared

Services Plan is approved by the 2018 deadlines, the eligible one-time match will be of the net savings from new shared service actions implemented and achieved between January 1<sup>st</sup> and December 31<sup>st</sup> of 2019.

**Q-52: What constitutes a quorum for the Shared Services Panel meetings? What if a majority of the panel members in a county do not participate in this effort, or do not attend a panel meeting?**

A-52: A majority of the members of the Panel constitutes a quorum. The Panel cannot approve a Plan without a quorum and majority vote of the Panel, though there is no requirement that a quorum be present for each meeting of the Panel.

**Q-53: Does the county-wide shared services property tax savings law modify any referendum requirements under other existing laws?**

A-53: No. Nothing in the new shared services law changes the mechanism or requirements for conducting a referendum. Any referendum (such as, permissive referendum, referendum on petition, or mandatory referendum) would need to be conducted in accordance with existing applicable law.

**Q-54: What is the total amount of the appropriation for the new shared services program just passed in the 2017-2018 budget?**

A-54: The 2017-2018 State Budget authorizes the County-wide Shared Services Initiative and the State match of savings. Given the Initiative's timeline, an appropriation will not be needed for the State match until the 2018-2019 State budget.

#### **ADDITIONAL QUESTIONS AND ANSWERS (ADDED June 7, 2017)**

**Q-55: Would the privatization of a service, through a shared contract with two local governments, be eligible? For example towns contracting with one business to provide golf course management or vehicle maintenance.**

A-55: As part of the Plan development process, local governments will need to determine what efforts they want to undertake through cooperative efforts. Sharing a contract for maintenance activities is one opportunity to consider; however, two local governments separately contracting with the same vendor for the same service is not a shared service and would not be eligible for State matching funds.

**Q-56: Does cost avoidance equate to property tax savings in terms of the matching funds and can it be included in the plans? For example, the cost savings plans may save costs that may not translate to actual property tax reduction due to other increasing costs in the budget. How does a county certify property tax savings when the plan is separate and apart from the budget driving property taxes?**

A-56: As noted in A-42, the goal of a Shared Services Plan is to reduce property taxes. However, if an action in a Shared Services Plan prevents an increase in property taxes that otherwise would have occurred but for the shared services action, such action can be included in a Shared Services Plan. A Shared Services Plan must conclusively demonstrate with the best available information that the Shared Services Plan will lead to a reduction in property taxes or a reduction in the growth of property taxes in order to be eligible for matching funds.

**Q-57: If a shared service is currently in development and may begin in the 4th quarter of 2017, would that be eligible for the calculated savings in 2018?**

A-57: For purposes of calculating savings, an action called for in the Plan that is implemented in the 4th quarter of 2017 that results in tax savings in 2018 should be included in the Plan's listing of anticipated savings. However, it should be noted that the Shared Services Law does not authorize a one-time match

for savings achieved through the implementation of a shared service action in the 4th quarter of 2017. Therefore, saving resulting from an action implemented in the 4<sup>th</sup> quarter of 2017 would not be eligible for one-time match. Please see A-44 and A-51 for more information about the timeframes applicable to eligibility for the one-time match.

**Q-58: If elected boards vote by resolution to direct their panel member or the chair to opt out or include an action, contrary to what the panel member or chair wants, what is the panel member or chair to do?**

A-58: Each Panel member is empowered and authorized by state law to determine if their community should opt out of a plan and to vote for or against a plan. There may be circumstances where local officials are bound by their governing documents to follow certain protocols. For instance, a city, town or village manager may be required by the local government charter to comply with a position taken by a municipality's legislative body when expressed by a majority vote of such body. The duty and power of a municipal official who is serving on a shared services panel in such circumstances is a local question that must be determined based upon the governing documents that are applicable to such municipality. It should be noted that, in many cases, a local action may need to be supported by a vote or action of the local governing body prior to implementation of the action.

**Q-59: Appendix A, Row 9, "Anticipated Savings to the Average Taxpayer" – does this mean that the county rate/county savings 2018 is a savings only on the county tax rate?**

A-59: No, the savings is for all municipalities included in the plan. Please see A-38 for additional information on how to calculate the "Anticipated Savings to the Average Taxpayer."

**Q-60: Pursuant to Row 10 in the Tax Plan Summary, "Anticipated Costs/Savings to the Average Homeowner," if a town does not set the budget until November, what is the formula to identify Net Savings?**

A-60: Cost savings in the Plan are a projection and should be based off of numbers the local governments can justify and are comfortable using pursuant to generally acceptable standards. Many local governments utilize multi-year financial planning, which could be used to help estimate a future year's budget. Please see A-39 for additional information on how to calculate the "Anticipated Costs/Savings to the Average Homeowner."

**Q-61: Will actions that shift costs from the property tax levy to special district fees count towards the match?**

A-61: No. This does not generate savings; it just changes the revenue source paying for the service.

**Q-62: What happens to a jurisdiction (such as a county, city, town, village, school district, BOCES) that pulls out of one or more proposed actions within the plan?**

A-62: A jurisdiction whose representative Panel member removes it from proposed actions in the Plan by opting out of such actions upon written notice to the Panel Chair prior to the Panel vote on such Plan, will not be included in the proposed actions called for in the final Shared Services Plan. As a result, they will not be eligible for any matching funds that might be earned from such a shared services action.

**Q-63: Will there be funding for consolidation projects already in the works?**

A-63: Consolidation projects may be eligible for Local Government Efficiency funds offered by the Department of State to assist with planning or implementation costs. The Local Government Efficiency Grant application is currently available through the Consolidated Funding Application, which is accessible online at <https://apps.cio.ny.gov/apps/cfa/>. However, as noted in A-44 and A-51, in order to

be eligible for the State match of savings new shared services actions must be implemented on or after January 1, 2018 for plans finalized in 2017 and on or after January 1, 2019 for plans finalized in 2018.

**Q-64: Savings may require the agreement of multiple collective bargaining units and agreements. Must a new agreement be in place at the time the plan is implemented?**

A-64: While Plan approval may occur prior to the implementation of actions that are included within the Plan, the implementation of an action occurs once the applicable legal prerequisites to the action's implementation have been satisfied by the participating local governments or jurisdictions. It is anticipated that actions and component actions contained in a plan may be implemented at different times following plan approval, as each action or component action may carry with it unique and varying legal prerequisites.

**Q-65: Considering the statutory timelines for plan completion and the desire for the development of meaningful and productive outcomes, can a county opt to use the 2018 timeline for the plan development?**

A-65: The Shared Services Law requires each county CEO to take certain specific actions in 2017. If a county does not achieve an approved Plan by the deadlines required for 2017 (i.e., the Plan is not approved on or before September 15, 2017 by the Shared Services Panel), a report on the proposal that did not achieve approval must be provided to the public and a Plan must be resubmitted to the Panel for consideration and vote in 2018. Under circumstances when a Plan cannot garner the approval of an affirmative majority of the full Panel membership, then the process can be continued to allow for decision a Plan by the 2018 deadlines. Please see also A-24, A-31, and A-32 for additional information on Panel voting.

**Q-66: Will school districts be invited on a case-by-case basis or all at once?**

A-66: It will be up to the County CEO to invite for Panel participation school districts, or other optional members like BOCES and special improvement districts. There is no prescribed method for the manner of issuance of such invitations in the Shared Services Law.

**Q-67: Can the reduction in the number of legislators in a county be included as part of the County Wide Shared Services Plan?**

A-67: The Shared Services Law does not prohibit any specific actions from being proposed or included within a Plan. However, the proposal or inclusion of actions within a Plan does not guarantee that such actions will ultimately be implemented or that such actions will be eligible for one-time match funding. Decisions regarding the specific actions to be included in a Plan are locally determined pursuant to the CWSSI.

**ADDITIONAL QUESTIONS AND ANSWERS (ADDED July 5, 2017)**

**Q-68: Will eligibility for matching funds be impacted if local governments operate budget cycles that are not on the calendar year?**

A-68: No. A non-calendar year budget cycle would not impact eligibility for matching funds so long as the county's application for such funds are in conformance with the provisions and timelines in the Shared Services Law. For example, assume a city has a July 1 fiscal year, adopts an eligible new shared services action or proposal as part of the 2017 shared services plan approval cycle and starts to earn savings from implementation of the eligible, new action or proposal on January 1, 2018. That city would be eligible for a state shared services match of the net savings achieved on each new action or proposal implemented over the twelve month period that commences on January 1, 2018. The net savings would

be attributed to 6 months of that city's 2017/18 fiscal year and 6 months of its 2018/19 fiscal year. The state match will be based on net savings that are documented and achieved during that twelve month period in 2018. The same calculation would be made for net savings achieved on each new shared services action or proposal in the approved 2018 Plan that were implemented in calendar year 2019.

**Q-69: There are three public hearings required between August 1 and September 15. Does the hearing have to be before the entire panel or is it ok to have a hearing officer and transcript available for everyone to read?**

A 69: The law does not require the public hearings to be held before the panel, however county CEOs and all panel members are strongly encouraged to convene and participate in each public hearing. All public hearings, regardless of panel member participation, must conform with any applicable New York State Open Meetings Law requirements, as well as any applicable local laws and regulations. All hearings must be open to the public, and there must be advance public notice of the time and place all such hearing.

It is the responsibility of the CEO (chief executive official of the county) to conduct or to oversee how hearings are conducted in accordance with applicable state and local laws. The law would allow the appointment of a hearing officer and the preparation of a transcript. See Q-18/A-18 in the Shared Services Law Qs and As online at [http://www.dos.ny.gov/lg/pdf/CWSS\\_QandA.pdf](http://www.dos.ny.gov/lg/pdf/CWSS_QandA.pdf).

Although the law allows flexibility in how to conduct public hearings, the spirit of the Shared Services Law would be better served by the personal presence at each hearing of the CEO and of a large number of Panel Members.

**Q-70: If applicants achieve savings through new, eligible actions, but still effect a levy increase, will the levy increase automatically disqualify the applicants from receiving a match for the savings?**

A-70: No. A levy increase will not automatically disqualify applicants from receiving the match. Each application for match will be considered on the merits. The savings identified will need to have been demonstrably and actually realized by the applicants. However, it is important to note, this program was created for the purpose of reducing property taxes by encouraging local governments to aggressively develop and take advantage of service sharing arrangements that reduce operating costs. Successful applications will demonstrate effectiveness in this regard.

**Q-71: How will Shared Services Plan participants receive matching funds for net savings that are earned from the implementation of a new Shared Services Plan action or proposal?**

A-71: The Department of State will develop an application, approved by the State Budget Director, for counties to apply for State funds to match net savings achieved on each new Shared Services Plan action or proposal that is implemented in accordance with the provisions and timelines in the Shared Services Law (matching funds). The application will be made available on the Department of State website and the Department of State will send out a notice to all subscribers to its Shared Services website notifying them of the availability of the application. The application will detail required elements necessary to apply for the matching funds.

**Q-72: Will a shared services action undertaken in partnership with a public authority or other entity that is not a core or optional shared services panel member, but that is located in the same county as the panel member, qualify for matching funds?**

A-72: To qualify for a one-time match, a shared service proposal must include the participation of two or more entities that are a core Panel member (county, cities, towns, villages) or eligible to be an optional Panel member (school district, BOCES or special improvement district) regardless of whether the optional member has been invited by the CEO to be a Panel member. Entities that are not core or optional members may participate in the shared service proposal, but any savings that accrue to such entity are not eligible for a state match. Savings that are realized by core or optional Panel members as a result of the new shared service activity may be eligible for a match. In order for such a shared service proposal to qualify for matching funds the proposal must be included within a shared services plan submitted by the CEO of their county and approved by the Shared Services Panel.

#### **ADDITIONAL QUESTIONS AND ANSWERS (ADDED July 19, 2017)**

##### **Q-73: What steps must a county take in 2017?**

A-73: Counties are required to take all steps to develop and advance a plan for consideration by the panel in 2017. Counties must complete the following steps in 2017 to comply with the County-wide Shared Services Initiative (Note: The numbered paragraphs in the Answer below correspond to the relevant paragraphs in the shared services law. The full text of the County-wide Shared Services Initiative [Part BBB of Chapter 59 of the Laws of 2017] can be found on the Department of State website at [https://www.dos.ny.gov/lg/countywide\\_services.html](https://www.dos.ny.gov/lg/countywide_services.html)):

- 2.a. The formation of the shared services panel;
- 2.c. A decision by the county CEO to invite (or not invite) school districts, BOCES and/or special improvement districts to serve on the panel;
- 2.d. Consultations by the CEO with panel members and collective bargaining units;
3. Public input from business, labor and community leaders, including three or more public hearings prior to submission of the county-wide shared services plan for a vote to the panel;
- 4.b. Submission of the shared services plan to the county legislative body prior to August 1, 2017;
- 4.c. The county legislative body shall review and consider the plan and may issue an advisory report;
- 4.d. The panel shall consider the county-wide shared services plan;
- 4.e. If a panel does not approve a plan by the 2017 deadline, the CEO shall release to the public a report on the proposal showing the vote of the panel and include a statement in writing from each panel member indicating the reasons for such vote. The County shall then follow the same procedures to produce an approved county-wide shared services property tax savings plan in 2018.

##### **Q-74: Will the use of matching funds be restricted?**

A-74: The law does not contain any restrictions on how matching funds may be used. However, the law directs that “each county and all of the local governments within the county that are part of any action to be implemented as part of the approved plan must collectively apply for the matching funding and agree on the distribution and use of any matching funding in order to qualify for matching funding” (CWSS law, section 1, paragraph 8 [italics and underline added]).

##### **Q-75: Must a panel member be personally present to vote, or can they vote from a remote location by phone or video conference, can they submit a written vote, or can they designate someone to vote for them?**

A-75: A panel member must be physically present or present via videoconference (allowing the panel member to be seen and heard by all other present panel members). A member that is not present in

person or by videoconference would not be able to vote and would not count toward meeting the quorum requirement for the panel meeting.

The provisions of New York State’s General Construction Law section 41 apply. Section 41 states, in relevant part, “Whenever . . . three or more persons are charged with any public duty to be performed or exercised by them jointly or as a board or similar body, a majority of the whole number of such persons or officers, gathered together in the presence of each other or through the use of videoconferencing, . . . at any meeting duly held upon reasonable notice to all of them, shall constitute a quorum and not less than a majority of the whole number may perform and exercise such power, authority or duty.”

There is no provision in the law authorizing a Panel member to designate an alternate to vote on his or her behalf; unless validly authorized by state statute or charter provision, an official cannot designate someone else to vote for them. 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. (see Q/A#29)

**Q-76: By when must the public hearings required by the County-wide Shared Services Initiative law be conducted?**

A.-76: The County CEO must conduct a minimum of three public hearings prior to the submission of the County-wide Shared Services Property Tax Savings Plan (Plan) to a vote of the Shared Services Panel (Panel). The Plan must be voted on by the Panel by September 15, 2017. Submission of the Plan to the Panel must occur sometime between August 1, 2017—the deadline for submission of the Plan to the County Legislature—and September 15, 2017—the deadline for a vote on the Plan by the Panel. Thus, the minimum three mandated public hearings must be concluded before the earlier of September 15, 2017, or whenever the Panel chooses to vote.

A major objective of the County-wide Shared Services Initiative is to gather citizen and stakeholder input through a public and transparent process. Counties are encouraged to maximize public input, and gather input in a timely manner so that it can be considered not just by the Panel, but also by the County Legislature during their period of deliberations on the Plan.