



Onondaga County Legislature

JAMIE McNAMARA
Clerk

JAMES J. ROWLEY
Chairman

MELANIE VILARDI
Deputy Clerk

401 Montgomery Street • Court House • Room 407 • Syracuse, New York 13202
Phone: 315.435.2070 • Fax: 315.435.8434 • www.ongov.net/legislature

OFFICE OF THE CLERK

April 15, 2022
RESOLUTIONS 66-67

VIRTUAL

Livestream: <https://www.facebook.com/OnondagaCountyLegislature>

Listed below are the resolutions to be presented to the County Legislature at the April Special Session. The meeting was held virtually at **9:00 a.m. on Friday, April 15, 2022.**

- A. CALL TO ORDER
- B. CALLING OF ROLL MEMBERS
- C. INVOCATION – **Ms. Gunnip**
- D. PRESENTATION OF COMMUNICATIONS
 - 1. **Public Comment:** *Written statements will be accepted via email to jamiemcnamara@ongov.net or via USPS mail to the above address through 8:00 p.m. on Thursday, April 14, 2022 and will become part of the permanent record.*
- E. CALL OF RESPECTIVE LEGISLATIVE DISTRICTS (District No. 4)

1st DISTRICT – MR. MAY – WAYS & MEANS

- 1. **No. 66 Waiver** Resolution of the Legislature of the County of Onondaga Electing a Cents Per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage Rate of such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York (14 May, Rowley, Burtis, Gunnip, Cody, Abbott, Chase, Olson, Knapp, Bush, Kelly, Kinne, Garland, Ervin -1 Kuhn – 2 Ryan, McBride)
- 2. **No. 67 Waiver** Resolution Regarding the Imposition of a Cents Per Gallon Rate of Sales and Compensating Use Taxes on Motor Fuel and Diesel Motor Fuel and Onondaga County Efforts Pursuant to the Enactment Thereof (16-0-1 Ryan)
- F. UNFINISHED BUSINESS
- G. ANNOUNCEMENTS FROM THE CHAIR
- H. ADJOURNMENT

Respectfully submitted,

JAMIE McNAMARA, Clerk
Onondaga County Legislature

**APRIL 15, 2022
SPECIAL SESSION**

ROLL CALL

LEGISLATOR	PRESENT:	ABSENT:	
1. MAY	✓		<p align="center"><i>Chairman Rowley called the meeting to order at 9:10 a.m.</i></p> <p align="center"><i>Ms. Abbott and Mr. McBride arrived at the meeting after the roll was called.</i></p>
3. BURTIS	✓		
4. GUNNIP	✓		
5. CODY	✓		
6. ABBOTT		✓	
7. KUHN	✓		
8. RYAN		✓	
9. CHASE	✓		
10. OLSON	✓		
11. McBRIDE		✓	
12. KNAPP	✓		
13. BUSH	✓		
14. KELLY	✓		
15. KINNE	✓		
16. GARLAND	✓		
17. ERVIN	✓		
2. ROWLEY	✓		
TOTAL:	14	3	



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TO: All Legislators

FROM: Jamie McNamara, Clerk
Onondaga County Legislature

DATE: April 12, 2022

RE: NOTICE OF SPECIAL SESSION

Please be advised that, per the attached request, a special session will be held **VIRTUALLY**:

Date: FRIDAY, APRIL 15, 2022

Time: 9:00 a.m.

Meeting Link:

<https://us02web.zoom.us/j/82098578336?pwd=ZHY4YUI1bFF4amsyMW1MR3d1WkxMQT09>

The purpose of the meeting shall be to consider a resolution entitled, "Resolution of the Legislature of the County of Onondaga Electing a Cents Per Gallon Rate of Sales and Compensating Use Tax on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage of such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York", and any other appropriate business.

cc: media



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April 12, 2022

Jamie McNamara, Clerk
Onondaga County Legislature
401 Montgomery Street
407 Court House
Syracuse, New York 13202

We, the undersigned, pursuant to Section 1A, Rule 2A of the Rules of the Onondaga County Legislature, hereby request that the Clerk notify all members of the Legislature of a special session to be held on **Friday, April 15, 2022 at 9:00 a.m. VIRTUALLY** via Zoom.

Meeting Link:

<https://us02web.zoom.us/j/82098578336?pwd=ZHY4YUI1bFF4amsyMW1MR3d1WkxMQT09>

The purpose of the meeting shall be to consider a resolution entitled, “Resolution of the Legislature of the County of Onondaga Electing a Cents Per Gallon Rate of Sales and Compensating Use Tax on Motor Fuel and Diesel Motor Fuel, in Lieu of the Percentage of such Taxes, Pursuant to the Authority of Article 29 of the Tax Law of the State of New York”, and any other appropriate business.

This 12th day of April 2022.

JAMES J. ROWLEY
Chairman

BRIAN F. MAY
Republican Floor Leader

CHRISTOPHER J. RYAN
Democrat Floor Leader

April 15, 2022

WAIVER

Motion Made By Mr. May, Mr. Knapp

RESOLUTION NO. 66

RESOLUTION OF THE LEGISLATURE OF THE COUNTY OF ONONDAGA ELECTING A CENTS PER GALLON RATE OF SALES AND COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL, IN LIEU OF THE PERCENTAGE RATE OF SUCH TAXES, PURSUANT TO THE AUTHORITY OF ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

Be it enacted, by the Legislature of the County of Onondaga, as follows:

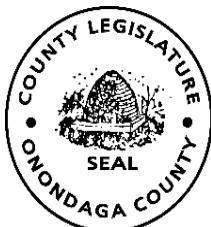
SECTION 1. Resolution No. 372 of 1967, is amended by adding a new section 4-B to read as follows:

Section 4-B. Cents per gallon rate of sales and compensating use taxes on motor fuel and diesel motor fuel.

Notwithstanding any provision of this enactment to the contrary, commencing June 1, 2022, in lieu of the percentage rate of sales and compensating use taxes imposed on receipts from the retail sale of and consideration given or contracted to be given for, or for the use of, motor fuel and diesel motor fuel, such taxes shall be imposed at a rate of cents per gallon of such motor fuel or diesel motor fuel, in the manner prescribed by subdivision (m) of section 1111 of the New York Tax Law, provided that, for purposes of calculating the cents per gallon rate of tax, such receipts or consideration shall be limited to three (3) dollars per gallon of either such fuel. Provided that, if the average price of such fuels changes as described in such subdivision (m) of section 1111 of the Tax Law, the Commissioner of Taxation and Finance shall adjust the cents per gallon tax rate on such fuels in the manner prescribed in such subdivision (m) of section 1111 of the Tax Law.

SECTION 2. This resolution shall take effect June 1, 2022 and shall expire or be deemed repealed as of November 30, 2022.

ADOPTED 4/15/22



I hereby certify that the foregoing is a true and exact copy of the legislation duly adopted by the County Legislature of Onondaga County on the 15th day of April 2022.
Clerk, County Legislature

**APRIL 15, 2022
SPECIAL SESSION**

1

LEGISLATORS	AYES:	NOES:	ABSENT:	EXCUSED:	
1. MAY	✓				<p align="center"><i>Mr. May requested a waiver to present the following resolution. There was no objection, and the waiver was allowed.</i></p>
8. RYAN			✓		
4. GUNNIP	✓				
5. CODY	✓				
6. ABBOTT	✓				
7. KUHN		✓			
9. CHASE	✓				
10. OLSON	✓				
11. MCBRIDE			✓		
12. KNAPP	✓				
13. BUSH	✓				
14. KELLY	✓				
15. KINNE	✓				
16. GARLAND	✓				
17. ERVIN	✓				
3. BURTIS	✓				
2. ROWLEY	✓				
TOTAL:	14	1	2	0	

April 15, 2022

WAIVER

Motion Made By Mr. May

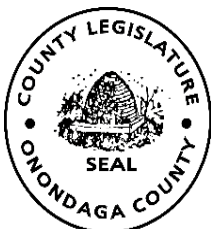
RESOLUTION NO. 67

RESOLUTION REGARDING THE IMPOSITION OF A CENTS PER GALLON RATE OF SALES
AND COMPENSATING USE TAXES ON MOTOR FUEL AND DIESEL MOTOR FUEL AND
ONONDAGA COUNTY EFFORTS PURSUANT TO THE ENACTMENT THEREOF

WHEREAS, the Onondaga County Legislature is proposing to enact a cents per gallon rate of sales and compensating use taxes on motor fuel or diesel motor fuel, in lieu of the percentage rate of such taxes, limited to three (3) dollars per gallon for either such fuel; now, therefore be it

RESOLVED, that in the event the City of Syracuse opts to not participate in such a cap of sales and compensating use tax at the rate of three (3) dollar per gallon in relation to the City's share of sales tax collected in Onondaga County, the County of Onondaga will make reasonable efforts to compensate the City of Syracuse for demonstrated losses in sales and compensating use tax revenue it would have otherwise received but for the County's imposition of the aforementioned cents per gallon rate of taxation on motor fuel and diesel motor fuel and the three (3) dollar per gallon limitation associated therewith. No compensation will be required pursuant hereto if the City's actual share of sales tax equals or exceeds the amount budgeted by Onondaga County in 2022.

ADOPTED 4/15/22



I hereby certify that the foregoing is a true and exact copy of the legislation duly adopted by the County Legislature of Onondaga County on the 15th day of April 2022.
Clerk, County Legislature

A handwritten signature in blue ink, appearing to be "Jm", is written over the printed name of the Clerk.

