

**WITHDRAWN AS OF 5/20/2014**  
**REVISED AS OF 12/31/2013**

Intro. Res. No. 1027-2014

Laid on Table 1/2/2014

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO.                   -2014, ADOPTING LOCAL LAW  
NO.           -2014, A LOCAL LAW TO AMEND SECTION A13-10  
OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO  
AUTHORIZE DONATION OF PROPERTY HELD BY THE  
POLICE PROPERTY BUREAU**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on \_\_\_\_\_, 2014, a proposed local law entitled, "**A LOCAL LAW TO AMEND SECTION A13-10 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO AUTHORIZE DONATION OF PROPERTY HELD BY THE POLICE PROPERTY BUREAU;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO.    -2014, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO AMEND SECTION A13-10 OF THE  
SUFFOLK COUNTY ADMINISTRATIVE CODE TO AUTHORIZE  
DONATION OF PROPERTY HELD BY THE POLICE  
PROPERTY BUREAU**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature finds that property held by the Suffolk County Police Property Bureau consists, in part, of stolen, lost, and abandoned property.

This Legislature further finds that disposition of such property is, in the first instance, subject to State and local laws.

This Legislature further finds that after the requirements of State and County laws have been met, the Suffolk County Police Property Bureau is sometimes left holding property which cannot be auctioned, but still has redeemable value.

This Legislature also finds that the present policy is to burn, chop or dump items that are not auctioned.

This Legislature further finds that such property may be of use to a County Department, another governmental entity or a not-for-profit organization, and that the donation may constitute a benefit to the public.

This Legislature also finds that donation of such property would be environmentally beneficial because it would encourage reuse and may reduce any potential harmful environmental impacts from disposal.

This Legislature further finds that such donations may be economically beneficial by saving the County the costs of disposal.

Therefore, the purpose of this local law is to authorize the Suffolk County Police Property Bureau to donate property that it is unable to auction, subject to applicable State laws.

## **Section 2. Amendment.**

Section A13-10 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

### **§A13-10 Disposition of property held by Police Property Bureau**

A. Stolen property. Pursuant to the provisions of § 450.10 of the Penal Law, stolen funds or property shall be returned to the true owner, if claimed, subject to court order. If said stolen property is not claimed by the true owner after the expiration of six months from the date of conviction of a person for stealing said property, and provided that all court appeals have been finalized, it shall be treated as follows:

(1) If said stolen property is cash, it shall be paid by the Police Commissioner to the County Treasurer within 10 days after the expiration of the aforesaid six-month period or after all court appeals have been finalized. The County Treasurer shall deposit the funds in an appropriate account so that they can be applied to the benefit of the poor of the County by the Commissioner of Social Services as required by law.

(2) If said property is in a form other than cash and can legally be sold, the Police Commissioner shall auction said property to the highest bidder and turn over the proceeds realized in connection with said auction to the County Treasurer, who shall follow the procedures in Subsection A(1) of this section.

(3) If said property is in a form other than cash and cannot be auctioned, the Police Commissioner may donate such property to a County Department or agency, another governmental entity or a not-for-profit organization for reuse.

(4) If said property cannot be auctioned or donated (as set forth in subsections (2) and (3) above), then the Police Commissioner shall dispose of said property.

B. Lost and found property and abandoned property.

(1) Abandoned property, which has remained unclaimed for a period of six years, and which the State Comptroller has elected not to receive pursuant to § 1310 of the Abandoned Property Law; and

(2) Lost property and money constituting the proceeds of lost property, remaining unclaimed by the owner or finder, which is subject to disposal according to the provisions in Subdivision 3 of § 254 of the Personal Property Law, shall:

(a) If consisting of money and:

[1] Taken possession of by an employee of the County Police Department, be paid by the Police Commissioner to the County Treasurer for deposit into the general fund.

[2] Taken possession of by an employee of the Police Department, be paid by the Police Commissioner to the County Treasurer for deposit into the Police District fund.

(b) If consisting of other property, the Police Commissioner shall, at public auction, sell said property to the highest bidder and turn over the proceeds from its sale to the County Treasurer, who shall follow the procedures in Subsection B(2)(a) of this section. Such proceeds shall be considered to have been taken in possession by the employee who took possession of the property out of which such proceeds were derived.

(c) If said property is in a form other than cash and cannot be auctioned, the Police Commissioner may donate such property to a County Department or agency, another governmental entity or a not-for-profit organization for reuse.

(d) If said property cannot be auctioned or donated (as set forth in subsections (b) and (c) above), then the Police Commissioner shall dispose of said property.

C. Property which cannot be auctioned shall include property which is useful but is inappropriate, unsuitable, or not cost-effective for auction, as determined by the Police Commissioner. Property required by State or other County law to be destroyed or disposed of in a manner other than donation shall not be eligible for donation under this Section, such as goods bearing a counterfeit trademark.

D. Prior to authorizing any donations under this Section, the Police Commissioner shall establish procedures for implementing this Section, which shall be filed with the Clerk of the County Legislature. Copies of the procedures shall also be provided to the County Executive and the Presiding Officer of the County Legislature. Such procedures shall include, but shall not be limited to, the following:

(1) Criteria and procedures for applying to receive donations;

(2) Criteria for prioritizing and selecting the donee entities;

(3) Criteria for the acceptance of donations by the donee, which must include the following conditions:

(a) The property shall be donated "as is."

(b) The donee shall execute a waiver of liability and an indemnification and defense agreement in the County's favor, and

(c) The property shall be donated and transported to the donee at no cost to the County;

(4) Documentation of the benefit to the County and/or the public from each donation;

(5) Documentation of receipt of the donated property;

(6) Language indicating that in his or her sole discretion, the Police Commissioner may refuse to authorize any donation which he or she determines is not in the County's or the public's interest;

(7) Any other conditions or procedures deemed necessary by the Police Commissioner to implement this Section.

E. Notice of the donation program shall be posted on the Police Department and/or County website.

F. On or before January 30 of each year, the Police Commissioner shall provide a report concerning the donations to the County Executive and the Presiding Officer of the County Legislature. The report shall include an itemized list of property donated in the prior year, the names of the donees, and the purpose of such donations.

G. Donation of any such property shall be subject to applicable State and County laws.

H [C]. This section shall apply to all funds in possession of the Suffolk County Police Department (and/or District) Property Bureau and to any funds which come into the possession of the Suffolk County Police Department (and/or District) Property Bureau.

### **Section 3. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and/ (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, and management. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

### **Section 4. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of language.

\_\_\_ Underlining denotes addition of new language.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: