CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. 1317 - 2009

WHEREAS, INTRODUCTORY RESOLUTION NO. 1317 – 2009

RESOLUTION NO. -2009, TO IMPROVE AND STRENGTHEN THE CONSULANT PROCUREMENT PROCESS IN SUFFOLK COUNTY

WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY RESOLUTION BE CONSIDERED IMMEDIATELY,

NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. 1317 – 2009, BECAUSE THE ENACTMENT OF THIS RESOLUTION, AS AMENDED, WILL ALLOW FOR THE IMMEDIATE IMPLEMENTATION OF A UNIFORM, TRANSPARENT PROCESS FOR THE PROCUREMENT OF CONSULTANT SERVICES BY THE COUNTY OF SUFFOLK.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS FOURTH DAY OF AUGUST, 2009.

BENJAMIN ZWIRN
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED
2009 AUG -4 P 4:17
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

AMENDED COPY AS OF 8/4/2009

Intro. Res. No. 1317-2009 Laid on Table 4/28/2009

Introduced by Presiding Officer Lindsay and Legislators Browning, Gregory, Kennedy, Montano, Romaine, Viloria-Fisher, Losquadro

RESOLUTION NO. -2009, TO IMPROVE AND STRENGTHEN THE CONSULTANT PROCUREMENT PROCESS IN SUFFOLK COUNTY

WHEREAS, NEW YORK GENERAL MUNICIPAL LAW §104-b requires the governing board of every political subdivision in the State to adopt policies and procedures for the procurement of goods and services which are not subject to typical competitive bidding requirements; and

WHEREAS, Resolution No. 349-1994, codified in Chapter 708, Article III of the SUFFOLK COUNTY CODE, established policies governing the County's procurement of consultant services; and

WHEREAS, these policies and procedures were enacted to guard against favoritism, fraud and corruption in the award of public contracts; and

WHEREAS, transparency in competitive contracting procedures ensures that taxpayer dollars are spent in the most efficient and economical manner, securing the best goods and services at the lowest prices; and

WHEREAS, section 104-b of the NEW YORK GENERAL MUNICIPAL LAW mandates that municipalities regularly review their procurement policies; and

WHEREAS, the County's current law needs to be updated and modified to achieve fairness, openness, and economy in the procurement process; and

WHEREAS, written quotes should be required for small consultant contracts; and

WHEREAS, the dollar threshold that triggers the RFP process should be raised because small contracts do not justify an extensive RFP process; and

WHEREAS, the current process for waiving RFP requirements is not sufficiently transparent; and

WHEREAS, creating checks and balances in the waiver process will ensure that the County's competitive procurement laws are not compromised; and

WHEREAS, the legislative branch of government should be represented on RFP and waiver committees; and

WHEREAS, the Department of Public Works should adhere to the same procurement requirements as all other County departments; and

WHEREAS, actions taken in connection with the procurement of consultant services should be adequately documented; and

WHEREAS, the Suffolk County Comptroller should be empowered to formulate rules and regulations to ensure that the County adheres to the highest and best practices in procuring consultant services; now, therefore be it

1st **RESOLVED**, that Chapter 708 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 708, PURCHASING

* * * *

ARTICLE III, Consultant/Personal Services Procurement

§ 708-4. Procedures [involving cost] for Procuring Consultant/Personal Services.

(A) The following procurement procedures are adopted for purposes of governing the hiring and contracting of consultant services, subject to the requirements of Local Law No. 4-1993, a local law to promote local business for County consulting work:

Cost	Procedure
$0.01 to $1,000.00	Hiring at the discretion of the County Executive or his/her duly authorized representative
$1,000.01 to [$10,000.00] $25,000.00	Written quotes from at least 3 sources (if available) with award made at the discretion of the County Executive [or]
[$10,000.01 to $20,000.00]	[Advertised requests for proposals (RFP's) with award made by the County Executive or his/her duly authorized representative; however, in the case of consultant services for public works projects, RFP's may be solicited from at least 3 prequalified firms with the award made by the County Executive or his/her duly authorized representative]
[$20,000.01] $25,000.01 and up	Advertised RFP's with each separate award made by a separate committee appointed solely for the purpose of making that specific award and whose membership shall always include the County Executive or the County Executive's duly authorized representative or representatives, the Presiding Officer of the Suffolk County Legislature, or the Presiding Officer's duly authorized representative and the department head of the department requesting the RFP or his/her representative or representatives; [however, in the case of consultant services for public works projects, RFP's may be solicited from at least 5 prequalified firms with the award made by a

separate committee appointed solely for the purpose of making that specific award and whose membership shall always include the County Executive or the County Executive's duly authorized representative or representatives**]**

(B) Each member of any committee appointed to make an RFP contract award shall file a written statement that he/she does not have a conflict of interest that would preclude him/her from serving upon the designated committee.

* * * *

§ 708-6. Exceptions.

The following circumstances may warrant exceptions to the procedures set forth herein:

* * * *

B. Formal bid solicitations or RFP's for the hiring of certain consultant services requiring special or technical skill, training or expertise in the **[**$10,000.01**]** $25,000.00 and up range may be waived by **[**the**]** a waiver committee made up of the County Executive or his/her duly authorized representative, the Presiding Officer of the County Legislature or his or her duly authorized representative and a member appointed by the County Executive, where it would be in the best interest of the County to do so.

(1) Such a waiver would be appropriate where the individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity and moral worth; these qualifications are not necessarily found in the individual or company that submits the lowest bid or proposal, and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

(2) In determining whether a service fits into this category, the **[**County Executive or his duly authorized representative**]** waiver committee shall take into consideration the following guidelines:

(a) Whether the services are subject to state licensing or testing requirements.

(b) Whether substantial formal education or training is a necessary prerequisite to the performance of the services.

(c) Whether the services require a professional relationship between the individual and municipal officials.

[1] Professional or technical services shall include but not be limited to the following: services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; outside counsel

or consultants hired in connection with litigation or other legal work performed by or on behalf of the County; and computer software or programming services for customized programs, or services involved in substantial modification and customizing or prepackaging software.

[C. In the $1,000.01 to $10,000 category, documented verbal quotes may substitute for written quotes if the County Executive finds that a particular set of circumstances exists which makes time of the essence in order to further the fiscal interests of the County.]

[D]C. Definitions. As used in this section, the following terms shall have the meanings indicated:

* * * *

[E]D. Formal bid solicitations or RFP's are hereby waived in those instances in which a not-for-profit, nonprofit or for-profit corporation, organization or provider has received designation as a line item for funding purposes in the Suffolk County Operating Budget and the funding constitutes a payment for reimbursement rates for client services set by Suffolk County and/or payment for reimbursement of rates established by contract for client services by Suffolk County, or in those instances in which a not-for-profit, nonprofit or for-profit corporation, organization or provider is selected to provide client services under block or generic funding in the Suffolk County Operating Budget and the funding constitutes a payment for reimbursement rates for client services set by Suffolk County and/or payment for reimbursement of rates established by contract for client services by Suffolk County. In these instances, instead of utilizing the RFP process, the pertinent department shall request, on maximum notice to the public, potential vendors to submit written documentation, in a formal request for qualification process, pertaining to the credentials, qualifications, expertise, experience, reliability, financial viability and background of such vendor so that the pertinent department may select the most qualified vendor to provide the client services.

[F]E. Use of procurement contracts for client services.

* * * *

[G]F. Policy; contracts for client services.

* * * *

[H]G. Multi-term contracts.

* * * *

§ 708-8. Rules and Regulations.

A. The Suffolk County Comptroller, in consultation with the Department of Public Works', Division of Purchasing, is hereby authorized and empowered to promulgate rules and regulations, consistent with the provisions of this Chapter, for the procurement of personal services/personal consultant services, which shall be applicable to all County departments, offices and agencies. The rules and regulations promulgated by the Comptroller shall be subject to legislative approval.

B. All departments, offices and agencies must file a Personal Services Procurement checklist developed by the County Comptroller, with the Comptroller's office within ten (10) days of award of a consultant contract.

[§708-8.] § 708-9. Application.

This article shall apply to the awarding and execution of contracts occurring on or after the effective date of this article.

and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) 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, management and information collection, and 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 resolution.

[ ] Brackets denote deletion of language.
___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

Statement of Financial Impact on Proposed Suffolk County Legislation
AMENDED 5/29/2009

IR Number: 1317 ***IR Year:*** 2009

Introduced By: DuWayne Gregory, Presiding Officer Lindsay, John Kennedy, Jr., Ricardo Montano, Vivian Viloria-Fisher, Kate Browning, Edward Romaine

Title of Proposed Resolution:
To improve and strengthen the consultant procurement process in Suffolk County

Purpose and Intent of Proposed Legislation:
To update current Suffolk County Code with respect to consultant/personal services procurement in order to achieve fairness, openness, and economy in the procurement process. This resolution expands the scope of Article III, Chapter 708, Purchasing of the County code to include the procurement of personal services in addition to consultant services.

The cost thresholds which dictate the appropriate procedure to be followed to progress the procurement process have been modified. Additionally, the procedures have been modified and updated as well. The cost threshold which triggers the RFP process has been increased from $10,000.01 to $25,000.01. Consultant/Personal Services procurement procedures with a cost threshold of $25,000 or less allow for hiring/awarding at the discretion of the County Executive or their duly authorized representative except when the Legislature or a Department headed by an elected official is seeking consultant services then the hiring is at the discretion of the Presiding Officer or elected official. Consultant/Personal Services procurement procedures with a cost threshold of $25,000.01 or greater dictate the use of advertised RFP's with each separate award made by a separate committee appointed solely for the purpose of making that specific award.

The membership of said committee has been expanded to include the Presiding Officer of the Legislature or duly authorized representative and the Commissioner from the department or duly authorized representative in addition to the County Executive and appointed committee members. Each member of said committee must file a written statement with respect to any conflict of interest. Any waivers of formal bid solicitations or RFP's must be authorized by the County Executive and the Presiding Officer of the Legislature or their duly authorized representatives unless specifically provided for in subsection 708-6. Exceptions. Subsection 708-8 has been modified to include rules and regulations which state the County Comptroller is authorized and empowered to promulgate rules and regulations pertaining to the procurement of personal/consultant services subject to legislative approval and that all Departments, Offices, and Agencies that plan to award a contract for personal/consultant services must first file a Personal Services Procurement Checklist with the Office of the Comptroller prior to the execution of the contract. Approval of the Checklist by the Comptroller is required prior to execution of the contract.

Detailed Explanation of Fiscal Impact:
Savings may be achieved resultant from the reduced number of RFP's which will need to be generated and advertised. The comprehensive fiscal impact remains indeterminate at this time.

If applicable, what is the comparison cost if this is undertaken in-house, compared to an outside contractor or vendor?
N/A

Total Financial Cost and timing over five years on each affected political or other subdivision:
Indeterminate.

Proposed Source of Funding:
N/A

Total Estimated Financial Impact on all Funds, tax rates, and property tax:
Indeterminate

Total Estimated Financial Impact on Suffolk County's economy including the impact on goods or services, economic development, small business activity, employment opportunities and overall business activity:
None

Authorized Signature

Gail Vizzini, Director
Budget Review Office

Date Completed
05/29/2009

Analyst Code
BD

CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. 1609-2009

WHEREAS, INTRODUCTORY RESOLUTION NO. 1609- 2009

RESOLUTION NO. -2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF THE PARTIAL INTEREST IN THE JOHN P. COHALAN COURT COMPLEX, CONSTITUTING THE PORTION OF FACILITY NOT CURRENTLY OWNED BY THE COUNTY, FROM THE SUFFOLK COUNTY JUDICIAL FACILITIES AGENCY (CP 1137)

WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY RESOLUTION BE CONSIDERED IMMEDIATELY,

NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. – 2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF THE PARTIAL INTEREST IN THE JOHN P. COHALAN COURT COMPLEX, CONSTITUTING THE PORTION OF FACILITY NOT CURRENTLY OWNED BY THE COUNTY, FROM THE SUFFOLK COUNTY JUDICIAL FACILITIES AGENCY (CP 1137) BECAUSE OF AN AMENDMENT THAT WAS FILED ALLOWING THE ACQUISITION TO MOVE FORWARD.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS FOURTH DAY OF AUGUST, 2009.

BENJAMIN ZWIRN
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED
2009 AUG -4 P 1:37
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

AMENDED COPY AS OF 8/3/2009

Intro. Res. No. 1609-2009 Laid on Table 6/23/2009

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF THE PARTIAL INTEREST IN THE JOHN P. COHALAN COURT COMPLEX, CONSTITUTING THE PORTION OF FACILITY NOT CURRENTLY OWNED BY THE COUNTY, FROM THE SUFFOLK COUNTY JUDICIAL FACILITIES AGENCY (CAPITAL PROJECT 1137)

WHEREAS, the Suffolk County Judicial Facilities Agency was established in 1999 for the purpose of purchasing from the NYS Dormitory Authority an interest in the John P. Cohalan Court Complex; and

WHEREAS, on September 1, 1999, the Suffolk County Judicial Facilities Agency ("Agency") issued Service Agreement Revenue Bonds for the acquisition from the NYS Dormitory Authority an interest in the John P. Cohalan Court Complex; and

WHEREAS, the Agency Service Agreement Revenue Bonds are special obligations payable from moneys received by the Agency from Suffolk County as service fee payments pursuant to a Service Agreement between the Agency and Suffolk County; and

WHEREAS, Suffolk County is presented with an opportunity to acquire from the Agency the portion of the John P. Cohalan Court Complex Facility not currently owned by the County; and

WHEREAS, this acquisition of the portion of the John P. Cohalan Court Complex Facility not currently owned by the County will result in a substantial savings to Suffolk County due to the lower interest rates available on Suffolk County General Obligation Serial Bonds and due to the fact that no bond insurance will be required for the issuance of these serial bonds as a result of Suffolk County's strong bond rating; and

WHEREAS, in addition, the current Debt Service Reserve Fund of the Agency is required to be utilized to pay down the current debt service on the outstanding Service Agreement Revenue Bonds reducing the amount required to defease these revenue bonds; and

WHEREAS, a CHARTER LAW entitled "A Charter Law To Implement a Cost Saving Measure to Help Mitigate Budgetary Shortfall" has been adopted which waives the requirement that an increase in the capital budget and program during the fiscal year be offset by a corresponding reduction in the capital budget and program in order for the County to purchase the Agency's interest in the John P. Cohalan Court Complex; and

WHEREAS, Resolution No. 471-1994 and as amended by Resolution No. 461-2006, has established a priority ranking system as the basis for funding Capital Projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $66,000,000 in Suffolk County General Obligation Serial Bonds; now, therefore be it

1st **RESOLVED**, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes an unlisted action, pursuant to 6 NYCRR; and be it further

2nd **RESOLVED**, and determined that implementation of this action will not have significant adverse impacts on the environment for the following reasons:

1. the action simply involves the acquisition of the partial interest in an existing facility, the John P. Cohalan Court Complex, constituting the portion of the facility not currently owned by the County; and

2. the proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and

3. the proposal does not significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and Code;

and be it further

3rd **RESOLVED,** that in accordance with Section 279-5 (c)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution; and be it further

4th **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty (60) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

5th **RESOLVED**, sufficient funds are not included in the 2009 Capital Budget and Program to cover the cost of said request under Capital Project 1137 and pursuant to the Suffolk County Charter, Section C4-13 (B) an offsetting authorization is not required on the amendment to finance the County's acquisition of Suffolk County Judicial Facilities Agency's interest in the John P. Cohalan Court Complex located in Central Islip, New York; and be it further

6th **RESOLVED**, that the 2009 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1137
Project Title: Acquisition of the John P. Cohalan Court Complex from the Suffolk County Judicial Facilities Agency

	Total Est'd Cost	Current 2009 Capital Budget & Program	Revised 2009 Capital Budget & Program
3. Construction	$66,000,000	$0	$66,000,000B
TOTAL	$66,000,000	$0	$66,000,000

and be it further

7th **RESOLVED**, that the proceeds of $66,000,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	Project Title	Amount
525-CAP-1137.310 (Fund 001-Debt Service)	Acquisition of the Portion of the John P. Cohalan Court Complex, Not Currently Owned by the County, from the Suffolk County Judicial Facilities Agency	$66,000,000

and be it further

8th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreements and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

1609

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. - 2009, AMENDING THE 2009 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE ACQUISITION OF THE PARTIAL INTEREST IN THE JOHN P. COHALAN COURT COMPLEX, CONSTITUING THE PORTION OF FACILITY NOT CURRENTLY OWNED BY THE COUNTY, FROM THE SUFFOLK COUNTY JUDICIAL FACILITIES AGENCY (CAPITAL PROJECT 1137)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes X No _____**

5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)

County **Town** **Economic Impact**

Village **School District** **Other (Specify):**

Library District **Fire District**

6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact

SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

SEE ATTACHED ANALYSIS

8. Proposed Source of Funding

SERIAL BONDS

9. Timing of Impact

2009

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine Chiusano, Assistant Budget Director	Carmine Chiusano	June 23, 2009

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**($5,381,469)**	**($10.05)**		-$0.017

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$0**	**$0.00**		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**-$5,381,469**	**(10.05)**		-$0.017

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

CAPITAL PROJECT RANKING FORM

CAPITAL PROJECT RANKING FORM	Response	Score	Category
Cumulative Ranking (maximum score=100 points)		60.0	
1. Does this project meet the minimum 5-25-5 criteria for inclusion in the capital program pursuant to Local Law 23 of 1994? Enter "Y" or "N".	*y*	5.6	Planning
2. ENTER "Y" if this is either a non-recurring project or a recurring project that is financed with "G" money or ENTER "N" if this is a recurring project financed through the capital program with a source of funds other than "G" money.	*y*	5.6	Planning
3. Is implementation of the project mandated by federal, state or local law? ENTER "0" if not mandated, ENTER "1" (yes-long term) if mandated, but more than 3-years (beyond the current capital program) are needed to meet the mandate, or ENTER "2" if mandate must be met within the current 3-year capital program.	*0*	0.0	Planning
4. What percent of the project is funded by state or federal aid, or other nonproperty tax revenue (department income, tuition at the college, interfund transfers from Fund 404 for sewers, etc.)? ENTER the percent from 0 to 100.	*15*	1.7	Fiscal
5. What is the non-debt service net operating budget impact? ENTER "1" for an increase in net operating expenses (net of debt service on borrowing for this capital project and net of state & federal aid and other nonproperty tax revenue); ENTER "2" for no impact; ENTER "3" for a decrease in net operating expenses within 10 years; ENTER "4" for a decrease in net operating expenses within 5 years.	*4*	16.7	Fiscal
6. What affect will this project have on the local economy with respect to expansion of the tax base and/or job creation? ENTER "1" = negative economic impact; ENTER "2" = no effect; ENTER "3" = positive economic impact.	*3*	11.1	Economic
7. Which level of service best describes this project? ENTER "1" = will expand the level of services, provide new services, or provide service level quality enhancements; ENTER "2" = needed to maintain existing levels; or ENTER "3" = replaces, rehabilitates or repairs a deteriorating or obsolete facility (i.e., Yaphank Jail)	*2*	2.8	Service
8. Does this project (1) correct a critical health or safety hazard, (2) prevents a critical breakdown in county facilities (i.e. asbestos removal or road improvements at high accident locations) or (3) promotes public safety or public health, providing critical services to county residients? Enter "Y" or "N".	*n*	0.0	Service
9. What impact does the project have on the environment? ENTER "1" a for negative impact, ENTER "2" for no impact or ENTER "3" for a positive impact.	*2*	5.6	Service
10. What percent of the County's population will potentially be served? ENTER "1" if potential use is less than or equal to 25% of the county's population, ENTER "2" if potential use is less than or equal to 50%, ENTER "3" if potential use is less than or equal to 75%, ENTER "4" if potential use exceeds 75%.	*4*	5.6	Service
11. How would you (the analyst) rate the need for this project? ENTER "1" = Not necessary; ENTER "2" = Moderate priority; ENTER "3" = High priority; ENTER "4" = Critical.	*4*	5.6	All Categories

CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. 721 2009

WHEREAS, INTRODUCTORY RESOLUTION NO. 721 -2009

RESOLUTION NO. -2009, ACCEPTING A GRANT AWARD FROM THE UNITED STATES FEDERAL AVIATION ADMINISTRATION, IN CONNECTION WITH THE PAVEMENT MANAGEMENT REHABILITATION AT GABRESKI AIRPORT (CP-5739)

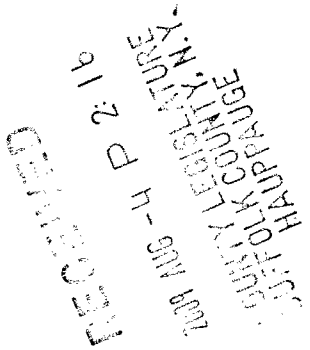
WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY RESOLUTION BE CONSIDERED IMMEDIATELY,

NOW, I, BRENDAN CHAMBERLAIN, DIRECTOR OF INTERGOVERNMENTAL RELATIONS CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. 721 - 2009, BECAUSE A STIPULATION OF THIS FAA GRANT REQUIRES A CONTRACT AGREEMENT TO BE EXECUTED BEFORE THE NEXT GENERAL MEETING OF THE LEGISLATURE.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS FOURTH DAY OF AUGUST, 2009.

Brendan Chamberlain

BRENDAN CHAMBERLAIN
DIRECTOR OF INTERGOVERNMENTAL RELATIONS



Intro. Res. No. 1721-09 Laid on the Table 8/4/09

Introduced by the Presiding Officer on the request of the County Executive

RESOLUTION NO. -2009, ACCEPTING A GRANT AWARD FROM THE UNITED STATES FEDERAL AVIATION ADMINISTRATION, IN CONNECTION WITH THE PAVEMENT MANAGEMENT REHABILITATION AT GABRESKI AIRPORT (CP-5739)

WHEREAS, through Resolution 384-2009 the County accepted grants from the Federal Aviation Administration (FAA) in the amount of $6,690,739 and the New York State Department of Transportation in the amount of $176,072 to assist with the rehabilitation of Runway 6-24 at Gabreski Airport and authorized the County Executive or his designee to execute any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation; and

WHEREAS, through this same resolution the county committed its matching requirement of $176,072 representing two and one half percent; and

WHEREAS, the Department of Public Works has received bids on this project with the lowest bid being $295,149 higher than amounts appropriated through Resolution 384-2009; and

WHEREAS, there are sufficient funds to award the project but insufficient funds for the required construction inspection; and

WHEREAS, by notice dated August 3, 2009 the FAA has agreed to increase their grant amount by $280,391 and through the Master Grant Agreement with the New York State Department of Transportation, New York State will increase their support of this project by $7,379; and

WHEREAS, the County's additional commitment will be $7,379; and

WHEREAS, as a result of the increased grant funding the project of $7,338,032 will be supported by ninety five percent federal aid, two and a half percent state aid and two and a half percent county funding; and

WHEREAS, the FAA is requiring that the County execute the Agreement accepting the full grant award of $6,971,130 by August 15, 2009 or the County will be in jeopardy of losing the entire grant; and

WHEREAS, due to the FAA's timeframe this Legislature finds that it is necessary to authorize the execution of this Agreement prior to adopting a resolution appropriating these funds; and

WHEREAS, the resolution appropriating the additional grant funds shall be introduced to the Legislature at the next Legislative meeting; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (c) (21) and (27)" of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns preliminary planning, other studies and adoption of a local legislative

decision in connection with the same, and the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED,** that the County Legislature hereby authorizes the County Executive or his designee to execute any and all necessary documents including but not limited to those with the Federal Aviation Administration and the New York State Department of Transportation on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

Date:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. -2009, ACCEPTING A GRANT AWARD FROM THE UNITED STATES FEDERAL AVIATION ADMINISTRATION, IN CONNECTION WITH THE PAVEMENT MANAGEMENT REHABILITATION AT GABRESKI AIRPORT (CP-5739)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes** __X__ **No** _____

5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)

County	**Town**	**Economic Impact**
Village	**School District**	**Other (Specify):**
Library District	**Fire District**	

6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact

This resolution allow the County Executive or his designee to execute any and all necessary documents including but not limited to those with the Federal Aviation Administration and the New York State Department of Transportation on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project. This resolution is necessary to process the Federal and State grant agreements with a slight increase in the total federal authorization and state authorizations.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

Suffolk County must "first instance" fund the entire cost of the project. The share allocation for the project is 95% Federal, 2.5% State and 2.5% County

8. Proposed Source of Funding

Federal Aviation Administration: 95% Federal Aid
New York State Master Grant Agreement with NYS DOT: 2.5%
Suffolk County matching commitment: 2.5%

9. Timing of Impact

2009

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine Chiusano Assistant Budget Director	Carmine Chiusano	August 4, 2009

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	$0	$0.00		$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	$0	0.00		$0.000

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

U. S. Department
of Transportation

Federal Aviation
Administration

New York Airports District Office
600 Old Country Rd, Suite 446
Garden City, New York 11530
Telephone: 516-227-3800
Fax: 516-227-3813

AUG - 3 2009

Mr. Anthony Ceglio, Airport Manager
Francis S. Gabreski Airport
Administration Building
Westhampton Beach, NY 11978

Dear Mr.Ceglio:

FRANCIS S. GABRESKI AIRPORT, WESTHAMPTON, NY
AIP Project Number 3-36-0122-13-09
GRANT OFFER

Enclosed are the original and four (4) copies of the grant offer issued in response to your project application dated July 23, 2009 for Airport Improvement Project No. 3-36-0122-13-09 at FRANCIS S. GABRESKI AIRPORT, WESTHAMPTON, NY. The grant offer is in the amount of $6,971,130 for the following project description:

"Rehabilitate a Portion of Runway 6-24 (Approximately 4,400 L.F. x 150 L.F.) - Phase I Construction including Drainage, Lighting and Markings and Additional Engineering Design Phase II."

As you know, the most current version of the "Master Agreement on Terms and Conditions for accepting Airport Improvement Program Grants" is incorporated into this Grant Agreement by reference and becomes binding upon your execution of the Grant Agreement.

The execution by this agency of Part I – Offer, indicates the intention of the United States to participate in the allowable costs of the project in an amount not to exceed the maximum obligation of the United States and subject to the terms and conditions set forth and described herein.

If the terms of the grant offer are satisfactory, you should accept the grant offer prior to August 15, 2009 and have your attorney certify that the acceptance complies with the local and state laws and constitutes a legal and binding obligation on the part of the airport sponsor.

The original and three (3) copies of the executed Grant Agreement should be returned to this office as soon as possible. Please notify Christine Sanchez from this office at (516) 227-3814 as soon as the grant has been fully executed.

Sincerely,

Steven M. Urlass
Manager, NYADO

Enclosures

08/03/2009 13:45 FAX 5162273813 NEW YORK ADO 001

U. S. Department of Transportation
Federal Aviation Administration

GRANT AGREEMENT

ORIGINAL

Date of Offer AUG - 3 2009

Project Number 3-36-0122-13-09

RECIPIENT: County of Suffolk (Herein called Sponsor)

AIRPORT: FRANCIS S. GABRESKI AIRPORT, WESTHAMPTON, NY

OFFER

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay, as the United States' share of 95 percent of the allowable costs incurred in accomplishing the project consisting of the following:

Rehabilitate a Portion of Runway 6-24 (Approximately 4,400 L.F. x 150 L.F.) - Phase I Construction including Drainage, Lighting and Markings and Additional Engineering Design Phase II

See Attached Special Conditions

as more particularly described in the Project Application dated 7/23/09
The maximum obligation of the United States payable under this Offer shall be $6,971,130.

For the purpose of any future grant amendments which may increase the foregoing maximum obligation of the United States under provisions of Section 47108(b) of Title 49 U.S.C., the following amounts are being specified for this purpose:

$6,971,130 for airport development,

_____ for land, and

_____ for planning.

This offer is made in accordance with and for the purpose of carrying out the provisions of Title 49, United States Code, herein called Title 49 U.S.C. Acceptance and execution of this offershall comprise a Grant Agreement, as provided by Title 49 U.S.C., constituting the contractual obligations and rights of the United States and the Sponsor.

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION

_____
Manager Airports District Office

08/03/2009 13:45 FAX 5162273813 NEW YORK ADO 002

CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. -2009

1723

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2009

RESOLUTION NO. -2009, AUTHORIZING USE OF THEODORE ROOSEVELT COUNTY PARK PROPERTY BY LONG ISLAND COMMUNITIES OF PRACTICE, INC., FOR A FAMILY FUN DAY

WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY RESOLUTION BE CONSIDERED IMMEDIATELY,

NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY RESOLUTION NO. – 2009, AUTHORIZING USE OF THEODORE ROOSEVELT COUNTY PARK PROPERTY BY LONG ISLAND COMMUNITIES OF PRACTICE, INC., FOR A FAMILY FUN DAY BECAUSE A DELAY IN THE PASSAGE OF THIS LEGISLATION COULD POTENTIALLY IMPEDE THE PLANNING OF THIS EVENT.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS FOURTH DAY OF AUGUST, 2009.

BENJAMIN ZWIRN
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED
2009 AUG -4 P 5:04
SUFFOLK COUNTY LEGISLATURE
HAUPPAUGE

1723

Intro. Res. No. -2009 Laid on Table 8/4/09
Introduced by Legislator Schneiderman

RESOLUTION NO. -2009, AUTHORIZING USE OF THEODORE ROOSEVELT COUNTY PARK PROPERTY BY LONG ISLAND COMMUNITIES OF PRACTICE, INC., FOR A FAMILY FUN DAY

WHEREAS, the Long Island Communities of Practice, Inc. ("LICoP") is a non-profit organization that provides free recreational opportunities for children with all disabilities and their families on the east end of Long Island: and

WHEREAS, LICoP would like to host a Family Fun Day at Theodore Roosevelt County Park in Montauk on Saturday, August 22, 2009, to thank all of the generous donors and families for their support; and

WHEREAS, the County of Suffolk shall receive consideration in the total amount of One Hundred and Fifty and 00/100 Dollars ($150.00), to use Theodore Roosevelt County Park, payment of which shall be guaranteed by the LICoP; and

WHEREAS, a Certificate of Insurance and accompanying declaration page naming Suffolk County as an additional insured will be provided by LICoP; now, therefore be it

1st **RESOLVED**, that the use of County-owned property, i.e. Theodore Roosevelt County Park in Montauk, by Long Island Communities of Practice, Inc. ("LICoP"), in consideration of the payment of One Hundred and Fifty and 00/100 Dollars ($150.00), for the purpose of hosting a Family Fun Day on Saturday, August 22, 2009 between the hours of 3:00 p.m. and 8:00 p.m. is hereby approved pursuant to Section 215(1) of the NEW YORK COUNTY LAW, subject to the receipt of a Certificate of Insurance by the County of Suffolk from LICoP, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

2nd **RESOLVED**, that before this event shall be permitted to occur, LICoP must apply for and obtain a permit from the Commissioner of the Department of Parks, Recreation, and Conservation as required by Section 378-7(B) of the Suffolk County Code; and be it further

3rd **RESOLVED**, that the Commissioner of the County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, and the County Department of Public Works is hereby authorized, empowered and directed, under Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take such measures, either alone or in conjunction with each other, as shall be necessary and appropriate to facilitate the hosting of the Family Fund Day by LICoP at Theodore Roosevelt County Park; and be it further

4th **RESOLVED**, that LICoP shall also provide an entertainment promoter certificate to Suffolk County if it wishes to allow vendors at the event to sell tangible personal property other than food or drink in order to comply with the provisions of the NEW YORK TAX LAW; and be it further

5th **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law,

Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(15), (20), and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and, since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

s:\res\r-use-theodore-roosevelt-park-licop

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Never doubt that a small group of thoughtful committed people can change the world. Indeed it is the only thing that ever has.

Margaret Mead

Long Island Communit

LICOP Mission Statement

Long Island Communities of Practice [LICOP]
Mission (Value)

To enhance the quality of life for individuals with disabilities, disadvantaged youl forum, a 'community of practice', in which all stakeholders come together aroun and support needs.

Purpose (Goal)

- Provide humanitarian assistance to people with disabilities and disadvant
- Implement and support social and recreational programs for children witl
- Provide resources to local level organizations to help build their capacity t disadvantaged youth
- Implement and support programs that educate the community about disa
- Create and implement programs that support career development for pec
- Implement and support programs that further the mission of LICOP

Program Director and Board Members

Programming And Operations
Lisa Carlesco

LICOP Board
Helene Fallon - President/Founder
Lynne Burke - Secretary
Bettina Stelle
Kim Covell
Stacy Rebello
Terry Harris

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1723 ***IR Year:*** 2009

Introduced By: Legislator Schneiderman

Title of Proposed Resolution:
Authorizing Use of Theodore Roosevelt County Park Property by Long Island Communities of Practice, Inc., For a Family Fun Day

Purpose and Intent of Proposed Legislation:
The intent of this proposed legislation is to authorize the use of Theodore Roosevelt County Park property by the Long Island Communities of Practice, Inc., for a Family Fun Day on August 22, 2009 between the hours of 3:00 pm and 8:00 pm to thank its generous donors and families for their support.

Detailed Explanation of Fiscal Impact:
Upon approval, this legislation will have a positive fiscal impact on the County in the amount of $150 in 2009 from the collection of the park use fee for this event. As per the current fee schedule, a $150 park use fee is for a special group event with 101-200 people.

If applicable, what is the comparison cost if this is undertaken in-house, compared to an outside contractor or vendor?
Not applicable.

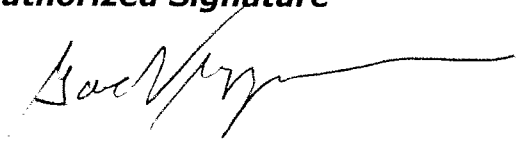
Total Financial Cost and timing over five years on each affected political or other subdivision:
There will be a positive fiscal impact in the amount of $150 in 2009 parks department revenues.

Proposed Source of Funding:
The Long Island Communities of Practice, Inc. will pay the park use fee.

Total Estimated Financial Impact on all Funds, tax rates, and property tax:
Not applicable.

Total Estimated Financial Impact on Suffolk County's economy including the impact on goods or services, economic development, small business activity, employment opportunities and overall business activity:
Not applicable.

Authorized Signature



Gail Vizzini, Director
Budget Review Office

Date Completed
8/4/2009

Analyst Code
JM