

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

WHEREAS, INTRODUCTORY RESOLUTION NO. ¹¹⁵⁴ - 2012

**RESOLUTION NO. -2012, DELEGATING AUTHORITY TO REFUND
CERTAIN ERRONEOUS TAX PAYMENTS TO THE SUFFOLK COUNTY
TREASURER**

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

NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE THE TREASURER WOULD LIKE FOR THIS RESOLUTION TO
BE ADOPTED IMMEDIATELY IN ORDER TO ASSIST TAXPAYERS AND
EXPEDITE REFUNDS OF ERRONEOUS TAXES CHARGED.

IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

**RESOLUTION NO. 2012, DELEGATING AUTHORITY
TO REFUND CERTAIN ERRONEOUS TAX PAYMENTS TO
THE SUFFOLK COUNTY TREASURER**

WHEREAS, Section 556, New York **REAL PROPERTY TAX LAW** has been amended to permit the Suffolk County Legislature to delegate its authority to refund erroneous tax payments of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500.00) or less; now, therefore be it

1st **RESOLVED**, that this Legislature hereby delegates to the Suffolk County Treasurer the authority to grant real property tax refunds of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500.00)** or less to property owners in the County of Suffolk upon receipt of written reports of investigation and recommendation by the County Director of Real Property Tax Service Agency; and be it further

2nd **RESOLVED**, that if the County Treasurer denies the refund, in whole or in part, the County Treasurer shall transmit to the Suffolk County Legislature together with copies of the application and the reasons for denial of the refund; and be it further

3rd **RESOLVED**, that the County Treasurer shall submit a report of the refunds processed to the Suffolk County Legislature on or before the fifteenth (15) day of each month for the actions taken during the preceding month amount of the refund; and be it further

4th **RESOLVED**, that this resolution shall only be in effect through December 31st of 2012.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation
ResolutionXXX Local Law Charter Law
-
2. Title of Proposed Legislation
To readjust, compromise and grant refunds and charge backs on Correction of Errors/County Treasurer By: County Treasurer
-
3. Purpose of Proposed Legislation
To cancel or adjust taxes and make refunds and charge backs due to erroneous or improper assessments.
-
4. Will the Proposed Legislation Have a Fiscal Impact? **YES XXX** NO
-
5. If the answer to item 5 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
In the case of refunds, the County will initially refund the amount of the incorrect tax. Approximately 81% of the refunded amount will be charged back to the Town to be added to the subsequent year's tax warrant. The remainder will be a County charge. If the original tax is unpaid, the same procedure would apply, however, no County monies would be refunded and it will be charged back to the Town within twelve to eighteen months.
-
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.
Unknown
-
8. Proposed Source of Funding
To be refunded from the County General Fund
-
9. Timing of Impact
Variable
-
10. Typed Name & Title of Preparer 11. Signature of Preparer 12. Date
- | | | |
|--|---------------------------|----------|
| Angie M. Carpenter
County Treasurer | <i>Angie M. Carpenter</i> | 11/18/11 |
|--|---------------------------|----------|

Department Request:
Sponsors Memo for County Legislation

Resolution Title:

To readjust, compromise and grant refunds and charge backs on Correction of Error/County Treasurer

Purpose/Justification of Request:

This resolution is to correct, readjust, or cancel erroneous or improperly assessed properties within the Towns as they appear from the certificates of the assessors of the respective towns.

Specify Where Applicable:

- | | | |
|---|------------|-----------|
| 1. Is request due to change in law? | YES | NO |
| 2. Has this resolution been submitted previously? | YES | NO |
| 3. Is backup attached? | YES | NO |
| 4. Is this resolution subject to SEQRA review | YES | NO |
-

Fiscal Information:

Budget Line

Amount & Source of outside fund:

Federal \$ _____
State \$ _____
County \$ _____
Other \$ _____

Contact Person:

Telephone Number:

Angie M. Carpenter
County Treasurer

852-1500

Instructions: All departments must submit this form, along with your draft resolution for Legislative action, to the Budget Office no later than noon on the Monday before the Thursday deadline imposed by the Legislature.

Revised 2/7/12 4:35 p.m.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1173

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, ADOPTING
LOCAL LAW NO. -2012, A CHARTER LAW TO STRENGTHEN AND IMPROVE
THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL
FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC
DEVELOPMENT AND PLANNING**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE, THE SUFFOLK COUNTY LEGISLATURE IS NOT
SCHEDULED TO MEET AGAIN UNTIL MARCH 13TH, 2012 AND THE ECONOMIC
RECOVERY OF SUFFOLK COUNTY IS AN ISSUE TOO VITAL NOT TO ACT
UPON. WITH ENCOURAGING NATIONAL NEWS ON THE STATE OF THE
ECONOMY, NOW IS THE TIME FOR DECISIVE ACTION TO ENSURE SUFFOLK
COUNTY IS PROPERLY POSITIONED TO RECOVER FROM THE RECESSION.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

RECEIVED
FEB 9 2012
10:48 AM

REVISED 2/7/12 4:35 P.M.

Intro. Res. No. 1173 - 2012

Laid on the Table 2/7/12

Introduced by the Presiding Officer on Request of the County Executive

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A CHARTER LAW TO STRENGTHEN AND
IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY
CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN
A NEWLY CREATED DEPARTMENT OF ECONOMIC
DEVELOPMENT AND PLANNING**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2012, a proposed local law entitled, "**A CHARTER LAW TO STRENGTHEN AND IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING**," 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. -2012, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO STRENGTHEN AND IMPROVE THE
COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING
DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED
DEPARTMENT OF ECONOMIC DEVELOPMENT AND
PLANNING**

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

Section 1. Legislative Intent.

This Legislature hereby finds that a strong economic base is the foundation upon which the future of Suffolk County is built and in order to provide for a prosperous and thriving economy, the County must foster and nurture the growth of every aspect of the economic development of this County.

This Legislature also finds that because economic development and planning is of paramount importance for the growth of Long Island, and those functions are so closely associated with land use, land development, and the environment, that all five functions should be consolidated into one department.

This Legislature further finds that it is in the best interest of this County to create the Department of Economic Development and Planning and transfer all of the functions of the Department of Planning to this department due to the structural budget challenges the County faces as a result of decreased sales tax revenue and increased expenses.

This Legislature determines that the creation of this new department will not only centralize the responsibility for economic development, planning, land use, land development,

and the environment into one department, but will enable the County to better meet the needs of its diverse, complex, and ever-changing economy and communities in which its residents live.

This Legislature also finds and determines that all County elected officials have a fiduciary responsibility to ensure that taxpayer dollars are prudently and economically spent. This Legislature also has a fiduciary responsibility to ensure that public moneys are used in the best interest of County taxpayers, and by consolidating these five functions, these responsibilities are being met.

Therefore, the purpose of this law is to create the Department of Economic Development and Planning and to transfer the functions of the Department of Planning into this newly created department.

Section 2. Repealed.

Articles 14 and 42 of the SUFFOLK COUNTY CHARTER and Article 42 of the SUFFOLK COUNTY ADMINISTRATIVE CODE are hereby repealed in their entirety.

Section 3. Creation of Department, Transfer of Functions.

I.) Article XXXV of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

**ARTICLE XXXV
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING**

§ C35-1. Department established; Commissioner of Economic Development and Planning.

There shall be a Department of Economic Development and Planning, the head of which shall be the Commissioner of Economic Development and Planning. He or she shall be appointed by the County Executive, subject to approval of the County Legislature, and shall serve at the pleasure of the County Executive. The Commissioner may, within the appropriation provided, appoint and remove a Chief Deputy Commissioner and a Deputy Commissioner, who shall act generally for and on behalf of the Commissioner in all matters, and all other officers and employees as may be likewise provided.

§ C35-2. Powers and duties.

Except as otherwise provided in the Charter or by local law, the Department of Economic Development and Planning shall have the following powers, duties and responsibilities:

- A. To concern itself with any and all matters pertaining to the economic development, planning, and environment of the County, its agriculture, farming, fisheries, sustainability, housing, healthcare industry, and an innovative Suffolk.
- B. To encourage, promote and assist in the establishment, location, preservation and expansion within the County of enterprises which are beneficial to the general welfare of the people of the County.

- C.** To advise, assist and participate and cooperate with other agencies of the County, other governments, any regional or bicounty agencies, boards or commissions and private enterprise groups and committees, whether within or outside the County, on any and all matters pertaining to the economic development and planning of the County.
- D.** To solicit prospective employers through regional, national and international recruitment and marketing efforts.
- E.** To survey available commercial sites and accompany prospective employers in visiting and selecting suitable locations within the County.
- F.** To research and analyze available economic data, especially reports produced by local agencies and institutions, and to devise specific development plans and strategies based on such data.
- G.** To assist local enterprises in complying with state, local and federal environmental requirements.
- H.** To provide specialized assistance and services to women-owned, minority and small businesses.
- I.** To obtain, utilize and offer suitable sources of state, federal and private funds which can be used to further County economic development programs and benefit the business community.
- J.** To undertake a full-time program of tourism and convention promotion.
- K.** To give special services to natural resource industries such as farming and fishing.
- L.** To offer advice and to serve as an ombudsman and advocate for Suffolk County businesses.
- M.** To provide market and product information to businesses within the County on international trade opportunities.
- N.** To advise small businesses regarding the availability of procurement contracts at local, state and federal levels and to assist them to qualify for such contracts.
- O.** To educate businesses in methods of energy conservation to lower their utility costs and to assist them to qualify for energy savings available through state and federal resources.
- P.** To participate in feasibility studies on selected economic matters which could be beneficial to the general welfare of the people.
- Q.** To participate in proceedings before any federal or state agency involving or in any way affecting economic development within the County.

- R. To determine and establish basic overall policy with regard to economic development in the fields of small business, procurement, motion pictures/television and export/import economics.
- S. To establish any committees and task forces the Commissioner deems necessary in the performance of his/her duties.
- T. To make recommendations to the County Executive on any and all matters pertaining to the economic development, planning, and environment of the County.
- U. To conduct such studies and render such reports as are needed in the performance of its functions.
- V. To inform businesses that would qualify for the award of contracts for consulting services under § A4-13 of the Suffolk County Administrative Code or the award of contracts for any purchase of supplies, materials, equipment or for the construction of public works under § A4-14 of the Suffolk County Administrative Code to the maximum extent feasible and to the best of its ability through the use of forums, seminars, local advertisements, public notices, brochures, pamphlets, promotional materials, media advertisements or any other measures designed to make such businesses aware of the availability of contracts that may be awarded by the County of Suffolk, whether such contracts are awarded by competitive bid, by the request for proposal (RFP) process, or by the request for quotes (RFQ) process.
- W. To supervise and conduct the management of the Francis S. Gabreski Airport at Westhampton Beach and to accept and review requests for the lease of space at Francis S. Gabreski Airport, and to make recommendations on such requests for the lease of space at Francis S. Gabreski Airport to the County Executive and County Legislature.
- X. To supervise and conduct the management of the Affordable Housing Program established under Article XXXVI of the Suffolk County Administrative Code.
- Y. To supervise and conduct the management of Suffolk County's Community Development Agency.
- Z. To issue and promulgate such rules and regulations as it may deem necessary and appropriate to implement the provisions of Subsection W above.
- AA. To advise and assist any department, board, division, or agency of the government of the County of Suffolk, including the County Legislature and Office of the County Executive, on matters pertaining to the environment or energy, except those matters currently handled by the Council on Environmental Quality and the Office of Ecology of the Suffolk County Department of Health Services.
- BB. To oversee, supervise and manage the Division of Planning and Environment and the Division of Real Property Acquisition and Management established under Article XXXV of the Suffolk County Administrative Code.

- CC. To oversee energy conservation programs for County offices, buildings and/or facilities.
- DD. To prepare a Comprehensive Plan for Suffolk County, as provided in §§ A14-7 through A14-11 of the Suffolk County Administrative Code.
- EE. To make recommendations relating to planning functions of municipalities, as provided in § A14-12 of the Suffolk County Administrative Code.
- FF. At the request of municipalities within the County, to render planning services for the municipalities, as provided in § 14-13 of the Suffolk County Administrative Code.
- GG. To consider certain proposed municipal zoning actions, applications for variances and special permits and subdivision plats as provided in § A14-14, et seq., of the Suffolk County Administrative Code.
- HH. To continue the updating of the Suffolk County Official Map.
- II. To advise local, state and federal government on development projects, plans and activities having environmental impact.
- JJ. To implement the directives of the Council on Environmental Quality.
- KK. To formulate and coordinate all long-range facilities planning among County departments.
- LL. To make recommendations to the County Legislature and the County Executive as to what County-owned properties should be dedicated to the County nature preserve, historic trust, conservation of agricultural lands, or bird sanctuary, and what properties not owned by the County should be acquired for environmental, health or open space purposes.
- MM. To oversee and manage the Suffolk County Brownfields Program; open space acquisitions; farmland rights acquisitions and conservation easements.
- NN. To administer the County's Farmland Program under Chapter 8 of the Suffolk County Code.
- OO. To supervise and manage the Suffolk County Shellfish Aquaculture Leasing Program.
- PP. To implement and administer Chapter 59 of the Suffolk County Code.
- QQ. To perform such other responsibilities and duties as may be assigned by law or by the County Executive or the County Legislature.

§ C35-3. Membership of Planning Commission.

- A. The Planning Commission shall consist of 15 members, as follows: one member from each of the 10 towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5,000 population and three

members from the County at large, subject to the qualifications set forth in § A35-5 of this article.

- B. The Planning Commission may invite any officials of government to participate in its deliberations or otherwise assist it in discharging its functions under this article.

§ C35-4. Appointment of members of Planning Commission.

The members of the Planning Commission shall be appointed by the County Executive with the approval of the County Legislature.

§ C35-5. Qualifications for membership on Planning Commission.

- A. A Planning Commissioner shall be a resident of Suffolk County at the time of his or her appointment and while holding office as a member of the Planning Commission.
- B. In selecting the 12 members who are not chosen from the County at large, the following criteria shall apply:
 - (1) At least one member shall be a representative from a nationally renowned and/or publicly acknowledged environmental organization and/or from a nationally renowned and/or publicly recognized civic association;
 - (2) At least one member shall be an individual with a background or expertise in municipal planning and/or an individual with a law degree and experience in land use litigation, the law of land use regulation, or environmental law;
 - (3) At least one member shall be a representative from the real estate industry and/or from the business community;
 - (4) At least one member shall be a representative from a labor organization;
 - (5) At least one member shall be an individual with a background in the field of transportation;
 - (6) At least one member shall be an individual with a background or expertise in workforce housing; and
 - (7) At least one member shall be an individual recommended by the Association of Town Supervisors.
- C. No person shall be appointed or reappointed to the Planning Commission who is a party officer. For the purposes of this section, "party officer" shall mean an individual who holds any party position or any party office, whether by election, appointment, or otherwise, including committeemen, and "party" shall mean any political organization which, at the last preceding election for Governor, polled at least 50,000 votes for its candidate for Governor.

- D. To continue in office, a member of the Planning Commission shall continue to satisfy the requirements of this section with respect to eligibility for appointment to the office.
- E. No person shall be reappointed to the Planning Commission unless and until such person shall have attended at least 75% of the regular and/or special meetings held by said Commission. Absences from such meetings caused by death in the immediate family of the members (i.e., spouse, children, parents, brothers, sisters, in-laws and/or grandparents), caused by a verifiable illness or caused by a verifiable accident shall not be counted for the purpose of this calculation of attendance.
- F. No person shall be appointed or reappointed to the Planning Commission unless and until such person shall first appear at least once before the pertinent legislative committee of the County Legislature having primary jurisdiction over such resolution naming such person for approval to such appointment or reappointment and before such other legislative committees of the County Legislature as shall request an appearance by such person.
- G. No person shall be appointed to the Planning Commission who is an elected official of the State of New York or of any political subdivision thereof; who is an appointee to a position of employment with the State of New York or any political subdivision thereof, including the County of Suffolk, which position does not require a competitive civil service examination for appointment thereto; or who is appointed to a town or a village board, commission, or agency which is charged with the responsibility of making planning and/or land use decisions regarding real property.
- H. No person shall serve as a Planning Commissioner for more than 12 consecutive years.

§ C35-6. Term of office for members of Planning Commission.

- A. The term of office of each Commission member shall be four years, except that the term of office of the members first appointed from the County at large shall commence January 1, 1971, and terminate on December 31, 1971, and except that, of the remaining 12 members first appointed for terms of office commencing January 1, 1971, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years and three shall be appointed for terms of five years.
- B. This staggering of terms shall continue and remain in full force and effect and apply to all appointments made on or after the effective date of this law.
- C. In connection with any proposed project under consideration by the Commission, an appointee shall take into account the potential of any such project to have a disproportionately high and adverse health and/or environmental impact on a minority or economically distressed community.

§ C35-7. Compensation of members of Planning Commission.

Members of the Planning Commission shall not be compensated for their services but shall be reimbursed for their necessary and proper expenses incurred in the performance of their functions.

§ C35-8. Studies and reports.

The Planning Commission, within the appropriations therefor, shall conduct such studies and render such reports as are needed in the performance of its functions under this article.

§ C35-9. Office of Energy.

There shall be an Office of Energy within the Department of Economic Development and Planning which shall be responsible for the Suffolk County Electrical Agency's application for low-cost power to FERC and the implementation thereof; the implementation and administration of Chapter 59 of the Suffolk County Code; energy conservation and resource programs for County offices, buildings, and/or facilities; and the Energy Advisory Committee and the functions of such committee.

§ C35-10. Division of Water Quality/Environmental Unit.

There shall be a Division of Water Quality/Environmental Unit within the Department of Economic Development and Planning which shall be responsible for the supervision, administration, and implementation of the water quality protection and restoration program under § C12-2B of the Suffolk County Charter; the remediation and redevelopment of all brownfield sites; and the coordination of activities performed by the County Department of Public Works and the County Department of Parks, Recreation and Conservation under the Suffolk County Drinking Water Protection Program, Fund 477.

§ C35-11. Division of Planning and Environment and Division of Real Property Acquisition and Management.

There shall be a Division of Planning and Environment and a Division of Real Property Acquisition and Management within the Department of Economic Development and Planning which shall have the powers and duties as established under Article XXXV of the Suffolk County Administrative Code and shall be responsible for the administration of all matters that come under their jurisdiction.

§ C35-12. Creation of the Suffolk County Pine Barrens Zone.

The Suffolk County Pine Barrens Zone is hereby created, lying and being in the County of Suffolk, which zone is more particularly described and bounded as follows:

- A. Beginning at a point where the southerly side of Route 25A intersects the easterly side of Miller Place Road; thence southward along the easterly boundary of Miller Place Road to Helme Avenue; thence southward along the easterly boundary of Helme Avenue to Miller Place-Middle Island Road; thence southward along the easterly boundary of Miller Place-

Middle Island Road to Whiskey Road; thence westward along the southerly boundary of Whiskey Road to Mount Sinai-Coram Road; thence southward along the easterly boundary of Mount Sinai-Coram Road to Middle Country Road (Route 25); thence westward along the southerly boundary of Route 25 to Patchogue-Mount Sinai Road (County Route 83); thence southward along the easterly boundary of County Route 83 to Bicycle Path Drive; thence southeastward along the easterly side of Bicycle Path Drive to Mt. McKinley Avenue; thence southward along the easterly boundary of Mt. McKinley Avenue to Granny Road; thence northeastward along the northerly boundary of Granny Road to Port Jefferson-Patchogue Road (Route 112); thence southward along the easterly boundary of Route 112 to Horse Block Road (County Route 16); thence eastward along the northerly boundary of County Route 16 to Maine Avenue; thence northward along the westerly boundary of Maine Avenue to Fire Avenue; thence eastward along the northerly boundary of Fire Avenue to John Roe Smith Avenue; thence southward along the easterly boundary of John Roe Smith Avenue to Jeff Street; thence eastward along the northerly boundary of Jeff Street to Hagerman Avenue; thence southward along the easterly boundary of Hagerman Avenue to the Long Island Expressway (Route 495); thence eastward along the northerly boundary of Route 495 to Southaven County Park; thence southward along the westerly boundary of Southaven County Park to Gerard Road; thence southward along the easterly boundary of Gerard Road to Route 27; thence eastward along the northerly boundary of Route 27 to the easterly boundary of Southaven County Park; thence northward along the easterly boundary of Southaven County Park to Route 495; thence eastward along the northerly boundary of Route 495 to the William Floyd Parkway (County Route 46); thence southward along the easterly boundary of County Route 46 to the Long Island Railroad tracks; thence eastward along the northerly boundary of the Long Island Railroad tracks 7,500 feet; thence southward 500 feet; thence eastward 525 feet to the intersection of North Street and Manor-Yaphank Road; thence southward along the easterly boundary of Manor-Yaphank Road to Moriches-Middle Island Road; thence eastward along the northerly boundary of Moriches-Middle Island Road to Sunrise Highway (Route 27); thence eastward along the northerly boundary of Route 27 to an old railroad grade (unpaved); thence southeastward along the northerly boundary of the old railroad grade (unpaved) to Old Country Road (Route 71); thence eastward along the northerly boundary of Route 71 to the Long Island Railroad tracks; thence eastward along the northerly boundary of the Long Island Railroad tracks to Montauk Highway (Route 24); thence northward along the westerly boundary of Route 24 to Sunrise Highway (Route 27); thence eastward along the northerly boundary of Route 27 to Squiretown Road; thence northward along the westerly boundary of Squiretown Road to Upper Red Creek Road; thence westward along the southern boundary of Upper Red Creek to Lower Red Creek Road; thence southward along the easterly boundary of Lower Red Creek Road to Hubbard County Park; thence westward along the northern boundary of Hubbard County Park to Riverhead-Hampton Bays Road (Route 24); thence westward along the southerly boundary of Route 24 to Peconic Avenue; thence northward along the westerly boundary of Peconic Avenue to the center line of the Peconic River; thence westward along the center line of the Peconic River to the Forge Road Bridge; thence northward along the westerly boundary of the Forge Road Bridge to Forge Road; thence northwestward along the westerly boundary of Forge Road to the railroad tracks; thence northward along the westerly boundary of Forge Road (unpaved) to the intersection of Route 25 and River Road; thence westward along the southerly boundary of River Road to Edwards Avenue; thence northward along the westerly boundary of Edwards Avenue 3,800 feet; thence westward 4,400 feet to an unnamed, unpaved road; thence northward along the westerly boundary of the unnamed,

unpaved road 150 feet; thence westward and northwestward along the eastern boundary of the U.S. Navy/Grumman Aerospace Corporation property (as of 1982) up to the intersection of North Country Road and Sound Avenue (Route 25A); thence westward along the southerly boundary of Route 25A to the point or place of beginning.

- B.** Beginning at a point where the westerly boundary of Old Town Road intersects the southerly boundary of Lower Sheep Pasture Road; thence westward along the southerly boundary of Lower Sheep Pasture Road to Upper Sheep Pasture Road; thence westerly along the southerly boundary of Upper Sheep Pasture Road to King Arthurs Court; thence southward along the easterly boundary of King Arthurs Court to Cinderella Lane; thence westward along the southerly boundary of Cinderella Lane to Robin Hood Lane; thence southward along the easterly boundary of Robin Hood Lane to Storyland Lane; thence westward along the southerly boundary of Storyland Lane to Pond Path Drive; thence southward along the easterly boundary of Pond Path Drive to 34th Street; thence westward along the southerly boundary of 34th Street to Sycamore Circle; thence southward and westward along the easterly boundary of Sycamore Circle to Sycamore Drive; thence westward along the southerly boundary of Sycamore Drive to Nicholls Road (County Route 97); thence southward along the easterly boundary of Nicholls Road to Nesconset-Port Jefferson Highway (Route 347); thence southwestward along the southerly boundary of Route 347 to Lakeside Avenue; thence southward along the easterly boundary of Lakeside Avenue to Twisting Drive; thence southward along the easterly boundary of Twisting Drive to Tulip Grove Drive; thence southward along the easterly boundary of Tulip Grove Drive to Pond Path Drive; thence northward along the westerly boundary of Pond Path Drive to Wood Road; thence southward along the easterly boundary of Wood Drive to Spruce Street; thence eastward along the northerly boundary of Spruce Street to Hammond Lane; thence southward along the easterly boundary of Hammond Lane to Florence Street; thence eastward along the northerly boundary of Florence Street to Washington Avenue; thence southward along the easterly boundary of Washington Avenue to Forest Road; thence northward and eastward along the westerly and northerly boundaries of Forest Road to Mark Tree Road; thence northward along the westerly boundary of Mark Tree Road to Bette Anne Drive; thence eastward along the northern boundary of Bette Anne Drive to Balin Avenue; thence northward along the westerly boundary of Balin Avenue to Chester Street; thence eastward along the southerly boundary of Chester Street to Wireless Road; thence southward along the easterly boundary of Wireless Road to Strathmore Village Drive; thence eastward along the northerly boundary of Strathmore Village Drive to Milbury Lane; thence northeastward along the northerly boundary of Milbury Lane to Patricia Lane; thence northeastward along the northerly boundary of Patricia Lane to Doe Lane; thence eastward along the northerly boundary of Doe Lane to Fawn Lane West; thence northeastward along the westerly boundary of Fawn Lane West to Arrowhead Lane, thence northward along the westerly boundary of Arrowhead Lane to Nesconset-Port Jefferson Highway; thence eastward along the northerly boundary of Nesconset-Port Jefferson Highway to Old Town Road; thence northwestward along the westerly boundary of Old Town Road to the point or place of beginning.
- C.** Beginning at a point where Mecox Road intersects Majors Path; thence north along the east side of Majors Path until it meets Mary's Lane; thence northeast along the east side of Majors Path to its intersection with the southern boundary of the North Sea Landfill (Town of

Southampton property); thence east, then north, following the perimeter of the landfill and directly north along a line to its intersection with Great Hill Road; thence west along the north side of Great Hill Road to its intersection with Majors Path; thence north along the east side of Majors Path to its intersection with Noyack Road; thence northeast along the southeast side of Noyack Road to its intersection with Old Sag Harbor Road; thence east along the south side of Old Sag Harbor Road to its intersection with Water Mill Towd Road; thence northwest along the northeast side of Water Mill Towd Road to its intersection with Noyack Road; thence northeast along the southeast side of Noyack Road to its intersection with Rose Grove Road; thence east along the south side of Rose Grove Road to its intersection with Weidner Lane; thence north along a line extending from the point of intersection of Weidner Land and Rose Grove Road to the southeastern most point of Peconic Hills Drive; thence north along the east side of Peconic Hills Drive to its intersection with Woodland Drive; thence northeast along the southeast side of Woodland Drive to a ninety-degree northwest turn in said road; thence northwest along the northeast side of Woodland Drive and directly along a line extending to Noyack Road at a point where Lake Drive North intersects Noyack Road; thence northeast along the south side of Noyack Road to its intersection with Hartwell Lane; thence southeast along the southwest side of Hartwell Lane to its intersection with Chester Drive; thence northeast along the southeast side of Chester Drive to its intersection with Wilson Road; thence northwest along the northeast side of Wilson to its intersection with Noyack Road; thence northeast along the southeast side of Noyack Road until it merges with Deerfield Road; thence north along the eastern side of Noyack-Deerfield Road to its intersection with Noyack Road; thence east along the southern side of Noyack Road to its intersection with the western boundary of the Noyack Golf and Country Club; thence following the perimeters of the club, to its intersection with Noyack Road; thence east along the southern side of Noyack Road to a point adjacent to Poplar Street, which lies north of Noyack Road; thence southeast along a line extending from said point on Noyack Road through the terminal points of Crown Lane, Laurel Trail and Island View Drive, respectively; thence east along a line extending from the terminal point of Island View Drive to Stony Hill Road at a point where Hillside Avenue intersects Stony Hill Road from the east; thence southeast along the southwestern side of Stony Hill Road to its intersection with Brick Kiln Road; thence northeast along the southeastern side of Brick Kiln Road to its intersection with Carroll Street, thence southeast along the southwestern side of Carroll Street to its intersection with Sag Harbor-Bridgehampton Turnpike; thence north along the east side of the Sag Harbor-Bridgehampton Turnpike to the Village of Sag Harbor boundary of Sag Harbor; thence southeast along the southern side of the village boundary until it meets the western side of Round Pond; thence north around the perimeter of Round Pond and east along the southern side of the village boundary to its intersection with Sagg Road (Madison Street); thence south along the western side of Sagg Road to its intersection with Mt. Misery Drive; thence east along the southern side of Mt. Misery Drive to its intersection with Denise Street; thence southeast along the southwestern side of Denise Street to its intersection with Town Line Road (the Southampton-East Hampton Town boundary); thence northwest along the northeastern side of Town Line Road to a point 1,000 feet south of the intersection of Town Line Road with Middle Line Highway (the Sag Harbor Village boundary); thence northeast along a line extending from said point on Town Line Road to the Sag Harbor-East Hampton Turnpike at a point adjacent to the southern boundary of the Sag Harbor Golf Course; thence following the southern perimeter of the golf course and continuing along the southern perimeter of Northwest Harbor County Park to its intersection with Northwest Landing (Swamp) Road; thence north along the eastern side of

Northwest Landing Road, which follows the eastern boundary of the Northwest Harbor County Park, to a point where the park crosses over to the northern side of Northwest Landing Road; thence north along the boundary of the park until it meets the Northwest Harbor shoreline; thence north along the harbor shoreline until it meets Alewife Brook Road; thence southeast along the southern side of Alewife Brook Road to its intersection with Cedar Point Road; thence north along the eastern side of Cedar Point Road until it meets Bearing East Road; thence east along the southern side of Bearing East Road to its intersection with North Pass Road; to its intersection with Landfall Road to its intersection with Hedgebanks Drive; thence directly north to the Gardiners Bay shoreline; thence south along the bay shoreline to a point directly north of a ninety-degree turn in Milna Drive to the south; thence south from said point to Milna Drive and then south along the western side of Milna Drive to its intersection with Old House Landing Road; thence southwest along the north side of Old House Landing Road to its intersection with Alewife Brook Road; thence southeast along the southwest side of Alewife Brook Road to its intersection with Hands Creek Road; thence south along the western side of Hands Creek Road to its intersection with Springy Banks Road; thence northwest along the northeastern side of Springy Banks Road to its intersection with Ely Brook to Hands Creek Road; thence south along the western side of Ely Brook to Hands Creek Road to where it intersects Hands Creek Road; thence south along the west side of Hands Creek Road to its intersection with Middle Highway; thence east, then southeast along the southern side of Middle Highway to its intersection with Rivers Road; thence east along the southern side of Rivers Road to its intersection with Springy Banks Road; thence southeast along the southwestern side of Springy Banks Road to its intersection with Hides Road; thence east along the southern side of Hides Road to its intersection with Three Mile Harbor Road; thence north along the east side of Three Mile Harbor Road to its intersection with Copeces Lane; thence east along the southern side of Copeces Lane to its intersection with Acabonack Road; thence northeast along the southeastern side of Acabonack Road to its intersection with Neck Path; thence southeast along the southwestern side of Neck Path to its intersection with Amagansett Springs Road, thence south along the western side of Amagansett Springs Road to its intersection with Barnes Hole Road; thence northeast along the southeast side of Barnes Hole Road until it meets the Napeague Bay shoreline (at Barnes Landing); thence southeast following the bay shoreline until it meets Fresh Pond Road; thence southwest along the northwestern side of Fresh Pond Road to its intersection with Cross Highway; thence southeast along the southwestern side of Cross Highway to its intersection with Abrahams Landing Road; thence southwest along the northwestern side of Abrahams Landing Road to its intersection with Stone Road; thence northwest along the northeastern side of Stone Road to its intersection with Town Lane and Amagansett Springs Road; thence southwest along its northeastern side of Town Lane to its intersection with Stony Hill Road; thence northwest along the northeastern side of Stony Hill Road to its intersection with Acabonack Road; thence south along the western side of Acabonack Road to its intersection with Abrahams Path; thence southeast along the southwestern side of Abrahams Path to its intersection with Town Lane; thence west along the northern side of Town Lane to its intersection with Spring Close Highway (Jenny's Path); thence north along the eastern side of Jenny's Path to its intersection with Acabonack Road; thence south approximately 100 feet along the northwestern side of Acabonack Road to its intersection with Queens Lane; thence north along the eastern side of Queens Lane to a point where it intersects Spring Fireplace Road; thence directly west along a line extending from said point to a point on Three Mile Harbor Road approximately 1,400 feet south of the intersection of Springy Banks Road with Three

Mile Harbor Road; thence south along the western side of Three Mile Harbor Road to its intersection with Oak View Highway; thence west along the northern side of Oak View Highway to its intersection with Hands Creek Road; thence south along the western side of Hands Creek Road to its intersection with Cedar Street; thence northwest along the northeastern side of Cedar Street to its intersection with Stephen Hands Path; thence southwest along the northwestern side of Stephen Hands Path to its intersection with the Sag Harbor-East Hampton Turnpike; thence southeast along the southwestern side of the Sag Harbor-East Hampton Turnpike to its intersection with Cove Hollow Road; thence south along the western side of Cove Hollow Road until it meets the village boundary of East Hampton (approximately 375 feet north of Montauk Highway); thence westerly along the village boundary until it intersects Daniel's Hole Road; thence northwest along the northeastern side of Daniel's Hole Road to its intersection with the Long Island Railroad (L.I.R.R.); thence westerly along the northern side of the L.I.R.R. to its intersection with Wainscott Harbor Road; thence northwest along the northeastern side of Wainscott Harbor Road to a point approximately 600 feet north of the L.I.R.R.; thence southwestward along a line extending from said point on Wainscott Harbor Road to Sagg Road at a point where it is intersected by Narrow Lane; thence north along the eastern side of Sagg (Sagaponack Main Street) to its intersection with Haines Path; thence southwestward along the northwestern side of Haines Path to its intersection with Old Farm Road; thence northwest along a line extending from the Old Farm Road terminus to a point where Huntington Crossway intersects the Bridgehampton-Sag Harbor Turnpike; thence northeastward along the western side of the Bridgehampton-Sag Harbor Turnpike to Scuttle Hole Road, thence westward along the southerly boundary of Scuttle Hole Road (or Huntington Path) to Head of Pond-Scuttle Hole Road; thence southwestward along the northeast side of Head of Pond-Scuttle Hole Road to Deerfield Road; thence northward along the easterly side of Deerfield Road to an extension of Edge of Woods Road; thence westward along the northerly side of the extension of Edge of Woods Road to Water Mill-Towd Road; thence southward along the westerly side of Water Mill-Towd Road to Edge of Woods Road; thence westward along the northerly side of Edge of Woods Road to Private Road; thence southward along the westerly side of Private Road to Mecox Road; thence westward along the northerly side of Mecox Road to the intersection of Mecox and Majors Path to point or place of beginning.

- D. Beginning at a point where Montauk Point State Boulevard meets the eastern boundary of the Hither Hills State Park; thence north along the east side of the park boundary until it meets the Napeague Bay (Block Island Sound) shoreline; thence east following the confluence of the bay's shoreline to a point where the L.I.R.R. intersects Navy Road; thence southward along the westerly side of Navy Road to Fort Lane; thence southwestward along the westward side of Fort Lane (terminus) following a line to the intersection of Lincoln Road and Montauk Point State Parkway; thence westward along the northerly side of Montauk Point (Route 27) State Parkway to the eastern boundary of the Hither Hills State Park.

§ C35-13. Adoption of standards for review of applications for development within Pine Barrens Zone.

The Suffolk County Planning Commission shall by resolution adopt, at its annual organizational meeting, standards for review of municipal zoning and subdivision actions proposed within the Pine Barrens Zone.

§ C35-14. Transfer of Personnel.

Employees in the Suffolk County Department of Planning and Suffolk County Department of Environment and Energy who are employed in positions and duties to be performed by the Suffolk County Department of Economic Development and Planning shall be transferred to the Department of Economic Development and Planning subject to the provisions of the NEW YORK CIVIL SERVICE LAW and the Rules of the County Department of Human Resources, Personnel, and Civil Service.

§ C-15. Records

All records, property, and equipment associated with personnel transferred shall be transferred and delivered to the Department of Economic Development and Planning.

II.) A new Article XXXV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby enacted to read as follows:

**Article XXXV
Department of Economic Development and Planning
County Planning and Environment/Real Property Acquisition and Management**

§ A35-1. Division of Planning and Environment established; Director to be Division head.

There shall be in the Department of Economic Development and Planning a Division of Planning and Environment, the head of which shall be the Planning Director. The Planning Director shall be appointed by the Commissioner of the Department of Economic Development and Planning. The Planning Director shall consult with the Planning Commission.

§ A35-2. Powers and duties.

A. The Division of Planning and Environment shall have the following powers, duties and responsibilities:

- (1) To prepare a Comprehensive Plan for Suffolk County, as provided in §§ A14-7 through A14-11 of the Suffolk County Administrative Code.
- (2) To make recommendations relating to planning functions of municipalities, as provided in § A14-12 of the Suffolk County Administrative Code.
- (3) At the request of municipalities within the County, to render planning services for the municipalities, as provided in § 14-13 of the Suffolk County Administrative Code.
- (4) To consider certain proposed municipal zoning actions, applications for variances and special permits and subdivision plats as provided in § A14-14, et seq., of the Suffolk County Administrative Code.
- (5) To continue the updating of the Suffolk County Official Map.

- (6) To advise local, state and federal government on development projects, plans and activities having environmental impact.
- (7) To implement the directives of the Council on Environmental Quality.
- (8) To formulate and coordinate all long-range facilities planning among County departments.
- (9) To make recommendations to the Commissioner of the Department of Economic Development and Planning, the County Legislature and the County Executive as to what County-owned properties should be dedicated to the County nature preserve, historic trust, conservation of agricultural lands, or bird sanctuary, and what properties not owned by the County should be acquired for environmental, health or open space purposes.
- (10) To oversee and manage the Suffolk County Brownfields Program; open space acquisitions; farmland rights acquisitions and conservation easements.
- (11) To administer the County's Farmland Program under Chapter 8 of the Suffolk County Code.
- (12) To supervise and manage the Suffolk County Shellfish Aquaculture Leasing Program.
- (13) To perform such other responsibilities and duties as may be assigned by law or by the County Executive or the Commissioner of the Department of Economic Development and Planning.

§ A35-3. Division of Real Property Acquisition and Management established; Director of Real Estate to be Division head.

There shall be in the Department of Economic Development and Planning a Division of Real Property Acquisition and Management, the head of which shall be the Director of Real Estate. He or she shall be appointed by the Commissioner of the Department of Economic Development and Planning.

- (1) At least one staff member of the Division of Real Property Acquisition and Management shall be a New York State Certified General Appraiser in good standing.
 - (a) No officers or employees of the Division of Real Property Acquisition and Management shall engage in any outside business activity in the field of real estate and no officers or employees of the Division of Real Property Acquisition and Management shall be a party officer. For the purposes of this section, "party officer" shall mean one who holds any party position or any party office, whether by election, appointment or otherwise, including committeemen, and "party" shall mean any political organization which at the last preceding election for governor polled at least 50,000 votes for its candidate for governor. These requirements shall apply to all management and civil service positions consistent with the New York Civil Service Law and any applicable rules.
 - (b) The staff of the Division of Real Property Acquisition and Management is hereby prohibited from engaging in any outside business activity in the real estate field,

which requirement shall apply to management exempt as well as positions secured by competitive Civil Service examination, consistent with the application of Civil Service rules.

- (2)** In addition to discharging such other functions as may be assigned, the Director of Real Estate shall maintain current records of all real property in which the County has any interest and manage all such property other than that assigned to the Trustees of the College or Parks, Recreation, and Conservation; property acquired for sewers as provided in Section 272 of the New York County Law; or property acquired for the County Department of Public Works. Real property acquired through tax sale shall be under the jurisdiction of the Division of Real Property Acquisition and Management and shall have the responsibility for the repair or demolition of unsafe structures, insuring the safety and security of the property, and determining whether there should be disposal of any property not currently used for County purposes. Where a determination to dispose of property has been made, the Director of Real Estate shall forward such report to the County Executive and the County Legislature with his or her comments. The Division of Real Property Acquisition and Management shall also:
- (a)** Let all contracts for outside surveys and appraisals, except for those concerned with highways, bridges, or erosion control works, and the rental, repair, demolition, or disposal of real property on behalf of the County.
 - (b)** Negotiate all leases, lease renewals, licenses, license renewals, and user agreements for any interest in real property, within appropriations provided therefor at the request of the County departments, offices, boards, commissions, Legislators, and the Administrative Judge of the Supreme Court. Such leases, licenses, and agreements shall be executed by the Director of Real Estate or his or her designee, on behalf of the County. No lease, lease renewal, license, license renewal, or user agreement for any interest in real estate, other than for executive, legislative, or judicial office space, may be executed, unless such lease, lease renewal, license, license renewal, or user agreement is authorized by the County Legislature. For the purpose of this paragraph, "executive office space" shall include only that office space which is necessary for the budgeted functions of the Office of the County Executive. The Division of Real Property Acquisition and Management shall prepare a rent survey and fair market analysis for each proposed lease or lease renewal of space for County use.
 - (c)** Prepare title abstracts and prepare in-house appraisals or in-house review appraisals for lands to be acquired by the County or of lands actually acquired by the County.
 - (d)** Perform such other duties as may be assigned by the County Executive, the County Legislature, or the Commissioner of the Department of Economic Development and Planning.
- (3)** In the performance of its functions, duly designated employees of the Division shall also have the power and duty to enter upon any real property for the purpose of inspection, making surveys, examinations, investigations, preparing maps and for such other purposes as may be necessary in the performance of its duties under the Suffolk County Charter and Code or the New York Eminent Domain Procedure Law.

- (4)** In the event consideration is given to an application affecting an interest in real property which the County of Suffolk has been authorized to commence a process for the acquisition thereof, which application is for a special permit, variance, municipal zoning, or subdivision plat, the contract of sale for such acquisition shall contain a provision that no such acquisition shall be consummated nor payment made for such acquisition unless the application for the special permit, variance, municipal zoning, or subdivision plat which is the subject of the application has been approved.
- (5)** There shall be within the Division of Real Property Acquisition and Management a pool of at least 10 qualified title insurance companies, which companies shall be designated by the Director of Real Estate of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may be reasonably necessary to evaluate the title insurance companies, including but not limited to certifications and licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified title insurance companies by the County Legislature shall occur no less frequently than every two years.
- (a)** At a minimum, any title insurance company must be qualified as a New York licensed title insurance company and must maintain such license in good standing for so long as it is involved in County real estate transactions. Proof of such license and certifications shall be submitted to the Director of Real Estate of the Division of Real Property Acquisition and Management on or before December 31 of each year. Further, any title insurance company in the pool must disclose to the Division of Real Property Acquisition and Management the organization of the company (i.e., sole proprietorship, partnership, corporation, limited-liability corporation, et al), the identity of licensed agents who have the capacity to bind the company, and any other information relevant to the company or underwriter operations. No company utilizing the services of an agent or underwriter with a record of a felony conviction within the preceding 10 years shall be eligible to be enrolled in this pool.
- (b)** The Director of Real Estate of the Division of Real Property Acquisition and Management shall select on a rotating basis from the pool of title insurance companies to conduct County real estate transactions.
- (6)** There shall be within the Division of Real Property Acquisition and Management, or any successor thereto, a pool of at least 30 qualified real property or other appraisers and professional engineers, but not more than 50, whose members shall be designated by the Director of Real Estate of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may reasonably be necessary to evaluate the appraisers or appraisal firms, including but not limited to curriculum vitae, certifications and other applicable licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified appraisers or appraisal firms shall occur no less frequently than every two years. The Director of Real Estate of the Division of Real Property Acquisition and Management shall select from the pool as many outside appraisers as are necessary to conduct County appraisals. At a minimum, any real property appraisers must be qualified as New-York-certified general appraisers and must maintain such certification in good

standing for so long as they conduct County appraisals. Appraisers, other than real estate appraisers, must maintain such professional licenses or other certifications or qualifications which, in the opinion of the Director of Real Estate of the Division of Real Property Acquisition and Management, are necessary to properly conduct County appraisals. Proof of such certification and licenses shall be submitted to the Director of Real Estate of the Division of Real Property Acquisition and Management on or before December 31 of each year. The Director of Real Estate of the Division of Real Property Acquisition and Management shall promptly forward copies of all such proof to the County Executive and the Clerk of the County Legislature. The selection of appraisers to perform services for the County in connection with the acquisition or disposition of any interest in real estate, from the legislatively approved biennial list, shall be done in a manner that includes administratively established professional criteria.

III.) A new Article XL of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby enacted to read as follows:

ARTICLE XL. County Real Property.

§ A40-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMMISSIONER

The head of the Department.

DEPARTMENT

The Suffolk County Department of Economic Development and Planning.

PERSON

Any natural person, individual, corporation, unincorporated association, limited-liability corporation, firm, public corporation, partnership, joint venture, trust, joint-stock association or other entity or business organization of any kind.

§ A40-2. Lease of property.

- A.** Notwithstanding the provisions of § 352 of the New York General Municipal Law, the County may lease, for a term not exceeding 40 years, real property acquired for airport purposes and not necessary for the efficient and proper operation of the airport, and for such other purposes as the Legislature may determine, provided that such other purposes do not interfere with the proper and efficient operation of the remainder of the airport. Notwithstanding the foregoing limitation, property located within the Airport Planned Development District may be leased for an initial term not exceeding 40 years, with the option to extend the lease for a term not to exceed an additional 40 years.
- B.** Notwithstanding the provisions of § 215, Subdivision 4, of the New York County Law, after a determination by the Suffolk County Legislature that County-owned property is not required

for public use, such property may be leased through the Suffolk County Division of Real Property Acquisition and Management in the Department for a period not exceeding 25 years, upon such terms and conditions as may be prescribed by the County Legislature by resolution, in the same manner and with the same rights and privileges as if owned by an individual, to a public corporation; to a not-for-profit corporation; or to an association, corporation, or other legal entity which has been granted a charter for educational purposes from the New York State Department of Education.

§ A40-3. Procedure for redemption of property under Suffolk County Tax Act.

The following rules and regulations for the sale of property acquired by Suffolk County pursuant to § 46 of the Suffolk County Tax Act shall apply:

- A.** Application for release of property acquired pursuant to the Suffolk County Tax Act. The County's interest in property acquired pursuant to the Suffolk County Tax Act may be released, as herein provided, on the application of any party who had an interest in the property at the time of application, up to six months from the date of the recording of the County's deed, as defined in Subsection B herein. A party with an interest in the property shall include every person to whom any estate or interest in the real property is conveyed in good faith for a valuable consideration, including but not limited to a contract vendee and any purchaser of real property pursuant to a judicial sale in a mortgage foreclosure action. A party with an interest in the property, as defined herein, shall be the recipient of the quitclaim deed which is executed and delivered pursuant to Subsection H herein. A party in interest shall not be deemed to include the County of Suffolk.
- B.** Time for making application. Any application under this section must be made within six months after the date of the recording of the County's deed.
- C.** Form of application. All applications shall be made in writing to the Commissioner on a form prepared by him or her. The application shall contain the name and address of the applicant, the date on which the County's deed was recorded and the recording data, a full description of the instrument upon which the applicant's interest derives, including the date of execution, the date and place of the recording, or entry of said instrument and the parties thereto, and a statement specifying the nature of the applicant's interest in the property, and shall be verified. If the applicant's interest arises by reason of the death of a prior owner or by operation of law, the application shall also state the applicant's relationship to the decedent and shall include whatever additional information may be necessary to establish the applicant's right to make the application.
- D.** Supporting documents. Each application shall be accompanied by a certificate or certified search of any lawyer's title insurance or abstract company authorized to do business under the laws of the State of New York. Such search or certification shall recite the recording data as to all instruments affecting the premises for the period of 10 years preceding the date of recording of the County's deed. If the applicant's interest derives other than from an instrument recorded in the County Clerk's office, a certified copy of the instrument from which such interest derives shall accompany the application. In a proper case, the Commissioner

may require the applicant to submit an affidavit containing relevant information as to the applicant's interest in the property and the source or derivation thereof.

- E. Fee. The sum of not less than \$200 and not more than \$500, as determined by the Commissioner, as a fee to cover the County's expenses shall be paid at the time of submission of the application. Such fee shall be nonrefundable except pursuant to Subsection I of this section.
- F. Consideration for release. The County's interest may be released only after payment, as to each parcel to be released, of the following sums of money:
 - (1) The amount of the County investment in the property as determined by the County Treasurer. Said amount shall include the principal amount due on all unpaid taxes, assessments, water charges and sewer rents arising from County warrants, together with interest and penalties to the date of the tax sale, taxes assessed after the date of the tax sale, including the amount of the taxes that would have been assessed during the period following the sale when the County is required to pay only school taxes, together with the statutory interest computed to the date of the tax deed and thereafter at the rate of 6% to the date of payment, plus any amounts payable to the Suffolk County Department of Social Services which are attributable to any former owner. With regard to the satisfaction of the indebtedness to the Department of Social Services, the Commissioner, with the written consent of the Commissioner of the Department of Social Services, may accept from the social-services recipient only a repayment agreement or new bond and mortgage in lieu of payment of any or all indebtedness.
 - (2) Five percent of the amount computed pursuant to the preceding Subsection F(1).
 - (3) Any deficiency which may result to the County after all payments made by it for the repair, maintenance, and operations of the property shall have been charged or debited in the appropriate accounts of the County and all rents, license fees, and other moneys collected by the County as a result of its operation of the property shall have been credited in such accounts. Any contract for repair, maintenance, management, or operation made by the County on which it shall be liable, although payment thereon shall not have been made, shall be deemed a charge or debit to such accounts as though payment had been made. The amounts paid and collected by the County as shown in its accounts and the necessity for making the several payments and contracts to be charged as herein provided shall be conclusive upon the applicant. Where a deficiency under this section shall be created or increased by the failure of the County to collect rents, license fees, or other moneys to which the County may have been entitled, the right to collect or bring action for the same shall be assigned and transferred to the applicant by an instrument in writing.
 - (4) Any and all costs and disbursements which shall have been awarded to the County or to which it may have become entitled by operation of law or which it may have paid or become liable for payment in connection with any litigation between it and the applicant or any person having an estate or interest in the real property to be released resulting directly or indirectly from the foreclosure by action in rem of the delinquent taxes affecting said property.

(5) The cost of giving the notices as hereinafter provided for.

- G. Consideration of application. Subject to the provisions of Subsection I, the Commissioner, or his or her designee, shall promptly consider the application and make a finding and determination as to the applicant's entitlement to a deed of the County's interest in the property. In making such determination, the Commissioner, or his or her designee, shall consider all appropriate, relevant, and equitable matters. If the Commissioner, or his or her designee, ascertains that others than the applicant have an interest in the property, he or she may enlarge his or her inquiry as necessary, request further supplementary application, and, as in the case of infants or incompetents, determine that the grantee in the County's instrument of conveyance should be all those in whom title should vest and to what, if anything, such title should be subject.
- H. Instrument of release. If the Commissioner, or his or her designee, shall find and determine that the premises should be released and conveyed to the applicant, or to the applicant and others, upon the payment of the proper consideration, he or she shall convey the County's interest by the execution and delivery of a quitclaim deed. The Commissioner's delivery of such deed shall be given only pursuant to the direction of the County Legislature evidenced by the enactment of a resolution authorizing the conveyance.
- I. Superior governmental interest. If, before the County's instrument of release is given, it is found that the governing village, town or County within which said real property is located has a governmental need for the premises and has enacted a resolution specifically stating the nature of that governmental need, the Commissioner, or his or her designee, shall stay any further proceedings on the application other than pursuant to this section. In such a case, if the County Legislature then enacts into law a resolution determining that the property is needed for a specifically identified governmental purpose within six months after the filing of the application, the application shall be denied and the application fee returned to the applicant. If no such resolution is passed within said period, the Commissioner, or his or her designee, may reconsider the application within three months after the expiration of the above six-month period.
- J. Notice to be given. Annually, in the official papers of the County and each of the towns therein, by a display advertisement of not less than 1/4 page, the Commissioner shall give notice of the opportunity afforded by this section to redeem property sold for taxes, in substantially the following form:

NOTICE
OF OPPORTUNITY TO REDEEM PROPERTY FROM SUFFOLK
COUNTY TAX SALE

A list of parcels of land acquired by Suffolk County as the result of tax sales has been completed by the Department.

The former owners thereof may apply to reacquire the property.

The list may be seen and applications to reacquire may be filed at the

Department of Finance and Taxation, Suffolk County Center, Riverhead,
New York 11901.

Applications should be made promptly.

Commissioner
Phone:

K. The foregoing regulations may be amended only by local law.

§ A40-4. Disposition of property acquired through Suffolk County Tax Act.

- A. The Suffolk County Tax Act, the local law providing for a further redemption period, and the Suffolk County Administrative Code afford a reasonable opportunity to pay the real property taxes with interest and penalties in cases where they were not paid in the year for which they were levied. When, then, all opportunity for statutory redemption expires without action on the part of the taxpayer and the County takes title to the property, the selling process shall commence immediately.
- B. The Department is hereby designated as the agency to implement this section.
- C. The Commissioner shall be the custodian and depository of all instruments thereafter recorded in the County Clerk's office conveying any interest in real property to the County or any agency or district thereof authorized to acquire and hold such an interest in behalf of such agency or district.
- D. Upon the County acquiring an interest in real property by tax deed, the Commissioner shall advise the County Executive, the Commissioner of Public Works, the Commissioner of Parks, Recreation and Conservation, the Clerk of the County Legislature, and such others as by management order of the County Executive or resolution of the County Legislature shall be designated, thereof. Those so advised shall, within four weeks, report in writing to the Commissioner whether they wish consideration to be given to holding such interest for a County purpose, together with the reasons for such proposed retention.
- E. The County Executive, the Presiding Officer of the County Legislature, and the Commissioner, or his or her designee, shall constitute an appeals committee to screen requests for the retention of property interests acquired by tax deed. Such committee shall meet from time to time to consider all such requests, and its determination as to departmental requests shall be final unless overturned by a duly enacted resolution of the County Legislature.
- F. Using such County personnel as are available from time to time, the Commissioner, or his or her designee, shall cause to be made an appraisal of each parcel of land acquired by tax deed.
- G. Public auction. All parcels approved for disposition, except those that may be sold as provided in Subsection H or as provided under §A36-2A of the Suffolk County Administrative

Code, shall be offered for sale to the highest bidder at public auction pursuant to regulations established for such auctions by the Commissioner. All parcels approved for disposition, which have structures affixed thereto capable of physical occupancy by individuals, shall only be offered for sale to the highest bidder at a public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring the owner of the parcel, or his or her natural children or natural parents, to occupy said premises, said restriction to run with the land for a period of 10 years subsequent to the transfer of title from the County of Suffolk. The owner of the parcel shall provide to the County written notice of any subsequent transfer of the parcel within said ten-year period. The Commissioner shall reserve to the County a right of reverter should this restriction be violated. In those instances in which a former property owner has affirmatively waived, in writing, his, her or its right of redemption of property under Subsections A and B of this section, then the Commissioner, or his or her designee, shall take such measures as shall be necessary and appropriate to expedite the offering for sale of such parcels to the highest bidder at public action in accordance with the provisions of this article at the earliest possible date.

- (1) The Division of Real Property Acquisition and Management shall take such measures as shall be necessary and appropriate to ensure that the transfer of title for sale of such parcels shall take place within two years after the signing of the contract of sale for such parcels.
 - (2) If the transfer of title for sale of such parcels shall not take place within two years after the signing of the contract of sale, then the Director of Real Estate of the Division of Real Property Acquisition and Management shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Recreation Committee of the County Legislature, or any successor committees thereto, in order to continue the transfer process.
 - (3) The Director of Real Estate of the Division of Real Property Acquisition and Management shall lower the upset price for the public auction of such County-owned real estate parcels approved for such disposition as many times as shall be necessary and appropriate to effectuate the sale of such parcel at the third public auction if such parcel has been unsuccessfully listed at public auction two prior times.
 - (4) The Division of Real Property Acquisition and Management shall provide to each member of the Suffolk County Legislature a list of all parcels to be auctioned at least 45 days prior to the auction date and shall notify legislators of any parcels added to the auction list prior to the auction date. The auction list must be complete 15 days prior to the auction date, and no additional parcels may be added to the auction list after that time.
- H. The Commissioner, or his or her designee, in the case of a parcel which does not meet the minimum zoning code requirements of the municipal zoning district in which the parcel is located, in order to promote the development of residential dwellings for first-time homebuyers and/or occupants, shall offer to convey such parcel to the highest bidder at a special auction who: (i) agrees, in writing, within 60 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, a

building permit, to allow the construction of a single-family residential dwelling on such parcel that substantially conforms in size and appearance to the residential dwellings located within the immediately surrounding residential community; (ii) agrees, in writing, within 180 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, any and all variances and/or other relief from such minimum zoning requirements; and (iii) agrees, in writing, to accept title to such parcel subject to the covenants contained in this Subsection H. The requirement to offer and convey such parcel to such highest bidder at a special auction under this subsection shall apply only to parcels located substantially within a residential zoning district that have a lot area of not less than 5,000 square feet and street frontage of not less than 50 feet and that substantially conform in size to the developed and/or undeveloped parcels located within the immediately surrounding residential community. The provisions of this subsection shall not apply to parcels situated within the Town of Brookhaven.

- (1)** Upon the granting of any required variance or other relief from the minimum zoning requirements of the municipal zoning district in which the parcel is located, and the issuance of a building permit to construct such single-family residential dwelling on such parcel, fee title shall be promptly conveyed to such highest bidder by deed containing the following covenants, which covenants shall run with the land:
 - (a)** "The use of the parcel herein described by the grantee is hereby restricted solely to the development of a single-family residential dwelling unit for first-time homeowners or buyers; with all right, title, and interest reverting back to the County of Suffolk, at the sole option of the County of Suffolk, in the event the grantee, at any time, uses or attempts to use the parcel herein described for any other use or purpose, including, without limitation, no use or purpose. This reverter clause shall also apply to any transferee from the grantee who is not a first-time homeowner or -buyer."
 - (b)** "All right, title, and interest to the parcel herein described shall revert back to the County of Suffolk should any one or more of the following events occur:
 - [1]** If the grantee, or any transferee from the grantee who is not a first-time homeowner or -buyer, fails to substantially complete the construction of a single-family residential dwelling upon the parcel described herein within three years from the date of transfer to the grantee, unless one or more extensions of time are granted, in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Notwithstanding the foregoing, such extensions shall not exceed, in the aggregate, a period of four years from the date of transfer to the grantee, unless approved by a duly enacted resolution of the County of Suffolk;
 - [2]** If the income of the first-time homeowner or -buyer, at the time of occupancy of the single-family dwelling constructed on the parcel described herein, should exceed 80% of the HUD-established median income for the Nassau-Suffolk Primary Metropolitan Statistical Area adjusted by family size;

- [3]** If the sale price of the single-family dwelling constructed on the parcel described herein exceeds 60% of the median sales price for Suffolk County single-family dwellings, based upon the State of New York Mortgage Agency Guidelines;
- [4]** If the first-time homeowner or -buyer of the single-family dwelling constructed on the parcel described herein fails to occupy such single-family dwelling as his and/or her primary residence for a period of 10 consecutive years from the time of occupancy of such single-family dwelling; provided, however, that the right, title and interest to the parcel herein described shall not revert to the County of Suffolk if:
- [a]** The first-time homeowner or -buyer sells to a first-time homeowner or -buyer meeting the income qualifications set forth in Subsection H(1)(b)[2], or as amended; and
 - [b]** Any gain realized from such sale up to and including the fifth anniversary of ownership, and declining ratably thereafter to 50% of any realized gain during the sixth year of ownership up to and including the 10th anniversary of ownership, shall be paid to the County of Suffolk; and
 - [c]** The income qualifications and the formula for recapture of realized gain set forth in this subsection shall apply to each and every subsequent sale;
- [5]** If all or any portion of the single-family residential dwelling is rented or leased to any other person, whether or not by written agreement;
- [6]** If the grantee fails to certify to the Suffolk County Director of Affordable Housing (or his or her designee), prior to closing of the title by a first-time homebuyer, or occupancy by a first-time homeowner, as the case may be:
- [a]** The dates of completion and occupancy of the single-family dwelling constructed on the parcel described herein; and
 - [b]** The total income, from all sources, of all occupants of the single-family dwelling constructed on the parcel described herein; and
 - [c]** In the case of a first-time homebuyer, the sales price of the single-family dwelling constructed on the parcel described herein; and
 - [d]** The single-family dwelling constructed on the parcel described herein meets all applicable building and zoning codes, rules and regulations;
- [7]** If the grantee fails to provide the Suffolk County Director of Affordable Housing (or his or her designee) with a detailed, annual written report no later than December 31 of each year commencing in the year immediately subsequent to the date of this deed, which report shall include any and all information as may be required by the Director of Affordable Housing, including, but not limited to, the status of the development

and/or sale of the parcel described herein, and an accounting of all sums directly or indirectly attributable to the use of the parcel described herein."

- (2) In the event such highest bidder, after using best efforts to apply for and diligently pursue any variance or other relief from such minimum zoning requirements and a building permit, to allow the construction of a single-family residential dwelling on such parcel that substantially conforms in size and appearance to the residential dwellings located within the immediately surrounding residential community, does not obtain such variance and building permit within the time prescribed herein, the auction sale shall be deemed cancelled and the County shall return to the bidder any sum paid under the terms and conditions of the special auction.
 - (3) In the event a parcel offered for sale pursuant to the preceding provisions of this subsection is not sold the first time it is offered at a special auction, and the parcel is appraised for less than \$50,000, the Commissioner, or his or her designee, shall offer the parcel to appropriate adjoining property owners at not less than the appraised value before offering it for sale by general auction.
 - (4) In the event a parcel does not meet applicable minimum zoning code requirements in order to be developed, is appraised for less than \$30,000, and fails to satisfy the criteria for special auction under the provisions of this subsection, the Commissioner, or his or her designee, shall offer the parcel to appropriate adjoining property owners at not less than the appraised value before offering it for sale by general auction.
- I. The Commissioner, or his or her designee, is authorized to execute and deliver, by a bargain and sale deed without covenants, or by quitclaim deed, for the transfer of any properties which are the subject matter of this section. All deed transfers shall be subject to the express approval of the County Legislature, and all contracts negotiated by the County shall provide that the proposed conveyance is subject to legislative approval and subject to such restrictive covenants as may be provided for in Subsections G and H of this section.
 - J. The Commissioner shall advertise in the official newspapers, and may advertise in such other media as he or she may elect, the date, time, and place of the public auction for the sale of the properties. Lists of properties to be offered for sale may be made available by mail to persons requesting such lists.
 - K. From time to time, upon the negotiation of contracts or sales at auction, the Commissioner, or his or her designee, shall deliver to the County Legislature, in resolution for approval, a list of properties proposed to be sold, together with the negotiated or bid price.
 - L. In the event that an auction parcel is improved by an owner-occupied residence which has been owner-occupied for a period of at least five years prior to the date of the recording of the County's deed, then the prior owner may make application in writing to the Division of Real Property Acquisition and Management for a distribution from the proceeds of the auction sale. The amount that the applicant is eligible to receive is a sum equal to the remaining proceeds after deducting payment for all sums set forth in §A40-3 hereinabove and an amount equal to the sum of all valid liens, judgments, or encumbrances which existed

on the date that the County took title to the subject parcel. For the purposes of this subsection, "proceeds" shall be defined as either the amount of the sale at auction or the amount of an appraisal made as of the date which the County took title, whichever amount is less.

- M.** The Commissioner may propose amendments to the rules and regulations that govern the procedures and forms for the implementation of this section by filing them with the Clerk of the County Legislature and mailing copies thereof to the County Executive and members of the Legislature. Such amendments shall become effective 60 days after such filing and notification unless within such period a resolution of disapproval proposed by any Legislator is enacted into law by the County Legislature.
- N.** The Division of Real Property Acquisition and Management shall take such measures as shall be necessary and appropriate to ensure that the acquisition of all parcels or interests in real estate authorized under any County land acquisition program shall take place within two years after the effective date of the County resolution authorizing the acquisition of such parcels or any interest therein. If the transfer of title to such parcels or interests in real estate shall not take place within two years after the effective date of the County resolution authorizing such acquisition, then the Director of Real Estate of the Division of Real Property Acquisition and Management shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Cultural Affairs Committee of the County Legislature, or any successor committees thereto, in order to continue the acquisition process.

§ A40-5. Conduct of hearings and making of findings pursuant to New York Eminent Domain Procedure Law.

- A.** The Legislature finds and determines it to be in the public interest that public hearings, as required by the New York State Eminent Domain Procedure Law, can best be conducted by the Department, pursuant to Article 2 of said law, and that the Department, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may establish and amend rules and regulations consistent with the provisions of said law, pursuant to Article 7, § 707, of said law.
- B.** After the Legislature approves acquisition of an interest in real property for municipal purposes, the resolution of approval shall delegate unto the Commissioner, and in his or her absence the Director of Real Estate of the Division of Real Property Acquisition and Management, the full authority of the Legislature to conduct public hearings and make determinations and findings as to all matters set forth in Article 2 of the New York Eminent Domain Procedure Law.
- C.** Public hearings shall be conducted and the notices thereof shall be published and issued pursuant to §§ 201, 202, 203, and 204 of the New York Eminent Domain Procedure Law.
- D.** The Commissioner, or in his or her absence the Director of Real Estate of the Suffolk County Division of Real Property Acquisition and Management, shall be deemed a hearing officer

with the authority to make determinations and findings pursuant to § 204 of the New York Eminent Domain Procedure Law.

- E. The written determination and findings shall be filed with the Clerk of the County Legislature within 90 days after the conclusion of the public hearing.
- F. The Commissioner, or in his or her absence the Director of Real Estate of the Division of Real Property Acquisition and Management, shall publish a brief synopsis of such filed determinations and findings in at least two successive issues of the official newspapers and in two successive issues of a newspaper of general circulation in such locality, and the publication shall state that copies of the determinations and findings will be forwarded, upon written request, without cost.
- G. The hearing officer may recommend and permit further field studies subsequent to the hearing, pursuant to § 205 of the New York Eminent Domain Procedure Law. The hearing officer may authorize and permit amendments or alterations to accommodate such field conditions if deemed necessary, but the Legislature reserves unto itself the right to approve any changes in the original acquisition maps whereby additional property is required or whereby the acquisition of properties approved in the original maps are deleted.
- H. The Commissioner, and in his or her absence the Director of Real Estate of the Division of Real Property Acquisition and Management, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may, from time to time, make or amend rules and regulations consistent with the provisions of this section in those instances where such provisions are not expressly provided in the New York Eminent Domain Procedure Law; and such rules and regulations or amendments thereto shall be filed with the Clerk of the Legislature and shall be deemed approved by the Legislature and become effective 45 days after filing, unless overturned by a duly enacted resolution of the County of Suffolk.

§ A40-6. Required provision in all instruments of conveyance when acquiring development rights in agricultural lands.

Pursuant to Chapter 8 of the Suffolk County Code regarding acquisition of development rights in agricultural lands, the County Executive and the Commissioner shall make provision in all instruments of conveyance and documents in connection therewith relating to the acquisition of development rights that the owner of the remainder fee shall not, after the conveyance of the development rights in any lands to the County, subdivide the remainder fee without the consent of the County Legislature, which hereby certifies and resolves that such consent shall not be unreasonably withheld. Nothing contained herein shall be deemed to prevent the devolution of title by operation of law or by last will and testament.

§ A40-7. Leasing of surplus County property.

Upon the determination by the County Legislature that County-owned real property is not required for public use, such property may be leased for a term not exceeding 10 years upon such terms and conditions as may be prescribed by the County Legislature by resolution in the

same manner and with the same rights and privileges as if owned by an individual, anything in § 215 of the New York County Law to the contrary notwithstanding.

§ A40-8. Procedure for leasing real property for County use.

A. Required information. The County Legislature shall not take any action on any resolution regarding the leasing of real property by the County of Suffolk, nor shall any agency contracting with the County of Suffolk under any grant undertake the leasing of real property, until the County Legislature has been supplied with and shall have before it the following information:

- (1) All such information which has been provided to the Commissioner's office in relation to such a lease; and
- (2) A public hearing report dealing with the proposed lease.

B. Public hearing.

- (1) A public hearing shall be held in the legislative district in which the property is situated by the Ways and Means Committee of the County Legislature, or any successor committee thereto, and the Legislator from the district in which the property is situated.
- (2) The public hearing shall be held within 20 days after the date the resolution is laid on the table.
- (3) A written report on the proceedings of such public hearing shall be distributed to each member of the County Legislature within seven days after such hearing.
- (4) At the next regularly scheduled meeting following the public hearing, the County Legislature shall consider and vote on the resolution proposing the lease.

C. Public notice. The notice shall be published one time in the official County papers and, unless one of such papers is published in the town in which the property is situated, in the official paper of such town. The notice shall be published at least seven days preceding the public hearing.

D. Exceptions.

- (1) The provisions of this section shall not apply to the leasing of office space for members of the judiciary or members of the County Legislature, nor for the County Executive.
- (2) This section shall not apply to leases at Suffolk County Airport, Westhampton Beach, New York, or to an extension, modification, or renewal of any of said leases; and to the extent that § 352, Subdivision 5, of the New York General Municipal Law may be deemed to be inconsistent herewith or to otherwise require a hearing with respect to any such leases, such section is hereby superseded in accordance with § 22 of the New York Municipal Home Rule Law.

(3) The public hearing and public notice provisions of this section shall not apply in the case of a public emergency declared in writing by the County Executive and arising out of unforeseen occurrences.

(4) This section shall not apply to leases entered into by the County's law enforcement departments and agencies necessary for use in connection with the conduct of undercover/covert operations, nor shall such leases be subject to review by the County's Space Management Steering Committee.

(a) Prior to executing a lease necessary for use in connection with the conduct of undercover/covert operations, the leasing department or agency shall provide the County Attorney with a copy of said lease.

(b) In no event shall the term of a lease entered into pursuant to this exception exceed one year.

IV.) Section 1001-4 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

* * *

§ 1001-4. Review of Applications by Department of Economic Development and Planning.

The Suffolk County Department of Economic Development and Planning is hereby authorized, empowered, and directed to review any application filed under this article and to issue a written evaluation to the County Executive and to each member of the County Legislature regarding a proposed project's overall soundness and appropriateness for eligibility under the criteria of this article, including an advisory recommendation as to the proposed application and as to the consideration of such application by the County of Suffolk.

* * *

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Transition and Applicability Provisions.

A.) This law shall apply to all actions occurring on or after the effective date of this law.

- B.) Any reference to the Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Department of Economic Development and Planning and any reference to the Commissioner of the Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Commissioner of the Department of Economic Development and Planning.
- C.) Any reference to the Division of Real Estate in the County Department of Planning, also referred to as the County Department of Planning, Division of Real Estate, in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any other state or federal law, rule, or regulation, shall be construed to mean reference to the County Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, and any reference to the Director of the Division of Real Estate in the County Department of Planning or the County Department of Planning, Division of Real Estate, in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Director of Real Estate of the Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, anything in any other laws or regulations to the contrary notwithstanding.
- D.) Any reference to the Department of Planning in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Department of Economic Development and Planning and any reference to the Commissioner or Director of the Department of Planning in any other resolution, local law, charter law, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any state or federal law, rule, or regulation, shall be construed to mean the Commissioner of the Department of Economic Development and Planning, anything in any other laws or regulations to the contrary notwithstanding.
- E.) Any reference to the Division of Real Property Acquisition and Management in the County Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the County Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, and any reference to the Director of the Division of Real Property Acquisition and Management in the County Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Director of Real Estate of the Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, anything in any other laws or regulations to the contrary notwithstanding.

- F.) In the event the term "Department" is defined as the Department of Planning in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, such definition shall be construed to mean the Suffolk County Department of Economic Development and Planning.
- G.) All County departments shall cooperate fully with the Commissioner of the County Department of Economic Development and Planning, or his or her designee, in all phases of implementing the provisions of this law.

Section 6. 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), (21), and/or (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. 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 7. Effective Date.

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

DATED: _____, 2012

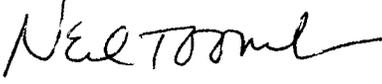
APPROVED BY:

County Executive of the County of Suffolk

Date:

1173

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution _____ Local Law <u> X </u> Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A CHARTER LAW TO STRENGTHEN AND IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING		
3. Purpose of Proposed Legislation		
To create the Department of Economic Development and Planning and to transfer the functions of the Department of Planning into this newly created department.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes___ No <u> X </u>		
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		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
This resolution adopts a Local Law having no cost impact to the County.		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
Immediate upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Neil Toomb Intergovernmental Relations Coordinator		February 3, 2012

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1173

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a local law entitled "A CHARTER LAW TO STRENGTHEN AND IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING" has been introduced in the Suffolk County Legislature.

This law would abolish the Department of Planning and the Department of Environment and Energy and consolidate their functions with a new Department of Economic Development and Planning.

NOTICE IS FURTHER GIVEN that the County Legislature will hold a public hearing in the Rose Y. Caracappa Auditorium of the Suffolk County Legislature, in the William H. Rogers Building, Hauppauge, New York, on the 7th day of February, 2012, at 2:30 P.M.

It is requested that speakers prepare a written statement to submit for the record.

Tim Laube
Clerk of the County Legislature

1173

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



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DATE: FEBRUARY 7, 2012
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A CHARTER LAW TO STRENGTHEN AND IMPROVE THE COUNTY'S ECONOMIC EFFORTS BY CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 2/6/2012 **PUBLIC HEARING:** 2/7/2012
DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed charter law would abolish the Department of Planning and the Department of Environment and Energy and consolidate most of their functions and responsibilities within a new Department of Economic Development and Planning.

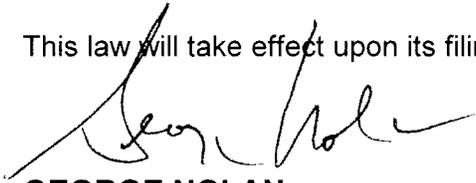
This new department would be headed by a Commissioner and have jurisdiction of all matters pertaining to economic development, planning, environment, agriculture and housing within the County of Suffolk. Additionally, this department would supervise Gabreski Airport, the Affordable Housing Program, the Community Development Agency, the Brownfields Program and the Farmland Program.

There will be a Division of Planning within the department which will be headed by a director, appointed by the Commissioner.

The Office of Energy and the Division of Water Quality are being transferred from the Department of Environment and Energy to the new department of Economic Development and Planning. The Offices of Cancer Awareness, Farmland Acquisition and Management and Recycling and Waste Management are eliminated.

The Division of Real Property Acquisition and Management will be transferred to the Department of Economic Development and Planning. The responsibilities of this Division and the restrictions on the outside business activities and its employees will remain the same but these provisions will henceforth be found at Article 35 of the SUFFOLK COUNTY ADMINISTRATIVE CODE. Various Code provisions relating to County owned real estate also remain the same but will now be found at a new Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE.

This law will take effect upon its filing in the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George Nolan", written in a cursive style.

GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-improve-economic-efforts-consolidate-dept-functions

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1174
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A
CHARTER LAW CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A
NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND
PLANNING**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE, THE SUFFOLK COUNTY LEGISLATURE IS NOT
SCHEDULED TO MEET AGAIN UNTIL MARCH 13TH, 2012 AND THE ECONOMIC
RECOVERY OF SUFFOLK COUNTY IS AN ISSUE TOO VITAL NOT TO ACT
UPON. WITH ENCOURAGING NATIONAL NEWS ON THE STATE OF THE
ECONOMY, NOW IS THE TIME FOR DECISIVE ACTION TO ENSURE SUFFOLK
COUNTY IS PROPERLY POSITIONED TO RECOVER FROM THE RECESSION.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

804 d L-511

DEPT. OF ECONOMIC DEVELOPMENT AND PLANNING

1174

Intro. Res. No. - 2012

Laid on the Table² /7 /2012

Introduced by the Presiding Officer on Request of the County Executive

RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A CHARTER LAW CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2012, a proposed local law entitled, "**A CHARTER LAW CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING**," 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. -2012, SUFFOLK COUNTY, NEW YORK

A CHARTER LAW CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

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

Section 1. Legislative Intent.

This Legislature hereby finds that a strong economic base is the foundation upon which the future of Suffolk County is built and in order to provide for a prosperous and thriving economy, the County must foster and nurture the growth of every aspect of the economic development of this County.

This Legislature also finds that because economic development and planning is of paramount importance for the growth of Long Island, and those functions are so closely associated with land use, land development, and the environment, that all five functions should be consolidated into one department.

This Legislature further finds that it is in the best interest of this County to create the Department of Economic Development and Planning and transfer all of the functions of the Department of Planning to this newly created department due to the structural budget challenges the County faces as a result of decreased sales tax revenue and increased expenses.

This Legislature determines that the creation of this new department will not only centralize the responsibility for economic development, planning, land use, land development, and the environment into one department, but will enable the County to better meet the needs of its diverse, complex, and ever-changing economy and communities in which its residents live.

This Legislature also finds and determines that all County elected officials have a fiduciary responsibility to ensure that taxpayer dollars are prudently and economically spent.

This Legislature also has a fiduciary responsibility to ensure that public moneys are used in the best interest of County taxpayers, and by consolidating these five functions, these responsibilities are being met.

Therefore, the purpose of this law is to create the Department of Economic Development and Planning and to transfer the functions of the Department of Planning into this newly created department.

Section 2. Repealed.

Sections 14-1 through 14-12 of the SUFFOLK COUNTY CHARTER, as amended by Resolution No. 1225-2011, Section 14-29 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, as added by Resolution No. 1225-2011, and Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, as added by Resolution No. 1225-2011, are hereby repealed in their entirety.

Section 3. Creation of Department, Transfer of Functions.

I.) A new Article XXXV of the SUFFOLK COUNTY CHARTER, creating a Suffolk County Department of Economic Development and Planning, is hereby enacted to read as follows:

**ARTICLE XXXV
DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING**

§ C35-1. Department established; Commissioner of Economic Development and Planning.

There shall be a Department of Economic Development and Planning, the head of which shall be the Commissioner of Economic Development and Planning. He or she shall be appointed by the County Executive, subject to approval of the County Legislature, and shall serve at the pleasure of the County Executive. The Commissioner may, within the appropriation provided, appoint and remove a Chief Deputy Commissioner and a Deputy Commissioner, who shall act generally for and on behalf of the Commissioner in all matters, and all other officers and employees as may be likewise provided.

§ C35-2. Powers and duties.

Except as otherwise provided in the Charter or by local law, the Department of Economic Development and Planning shall have the following powers, duties and responsibilities:

- A. To concern itself with any and all matters pertaining to the economic development, planning, and environment of the County, its agriculture, farming, fisheries, sustainability, housing, healthcare industry, and an innovative Suffolk.
- B. To encourage, promote and assist in the establishment, location, preservation and expansion within the County of enterprises which are beneficial to the general welfare of the people of the County.

- C.** To advise, assist and participate and cooperate with other agencies of the County, other governments, any regional or bicounty agencies, boards or commissions and private enterprise groups and committees, whether within or outside the County, on any and all matters pertaining to the economic development and planning of the County.
- D.** To solicit prospective employers through regional, national and international recruitment and marketing efforts.
- E.** To survey available commercial sites and accompany prospective employers in visiting and selecting suitable locations within the County.
- F.** To research and analyze available economic data, especially reports produced by local agencies and institutions, and to devise specific development plans and strategies based on such data.
- G.** To assist local enterprises in complying with state, local and federal environmental requirements.
- H.** To provide specialized assistance and services to women-owned, minority and small businesses.
- I.** To obtain, utilize and offer suitable sources of state, federal and private funds which can be used to further County economic development programs and benefit the business community.
- J.** To undertake a full-time program of tourism and convention promotion.
- K.** To give special services to natural resource industries such as farming and fishing.
- L.** To offer advice and to serve as an ombudsman and advocate for Suffolk County businesses.
- M.** To provide market and product information to businesses within the County on international trade opportunities.
- N.** To advise small businesses regarding the availability of procurement contracts at local, state and federal levels and to assist them to qualify for such contracts.
- O.** To educate businesses in methods of energy conservation to lower their utility costs and to assist them to qualify for energy savings available through state and federal resources.
- P.** To participate in feasibility studies on selected economic matters which could be beneficial to the general welfare of the people.
- Q.** To participate in proceedings before any federal or state agency involving or in any way affecting economic development within the County.

- R. To determine and establish basic overall policy with regard to economic development in the fields of small business, procurement, motion pictures/television and export/import economics.
- S. To establish any committees and task forces the Commissioner deems necessary in the performance of his/her duties.
- T. To make recommendations to the County Executive on any and all matters pertaining to the economic development and planning of the County.
- U. To conduct such studies and render such reports as are needed in the performance of its functions.
- V. To inform businesses that would qualify for the award of contracts for consulting services under § A4-13 of the Suffolk County Administrative Code or the award of contracts for any purchase of supplies, materials, equipment or for the construction of public works under § A4-14 of the Suffolk County Administrative Code to the maximum extent feasible and to the best of its ability through the use of forums, seminars, local advertisements, public notices, brochures, pamphlets, promotional materials, media advertisements or any other measures designed to make such businesses aware of the availability of contracts that may be awarded by the County of Suffolk, whether such contracts are awarded by competitive bid, by the request for proposal (RFP) process, or by the request for quotes (RFQ) process.
- W. To supervise and conduct the management of the Francis S. Gabreski Airport at Westhampton Beach and to accept and review requests for the lease of space at Francis S. Gabreski Airport, and to make recommendations on such requests for the lease of space at Francis S. Gabreski Airport to the County Executive and County Legislature.
- X. To supervise and conduct the management of the Affordable Housing Program established under Article XXXVI of the Suffolk County Administrative Code.
- Y. To supervise and conduct the management of Suffolk County's Community Development Agency.
- Z. To issue and promulgate such rules and regulations as it may deem necessary and appropriate to implement the provisions of Subsection W above.
- AA. To advise and assist any department, board, division, or agency of the government of the County of Suffolk, including the County Legislature and Office of the County Executive, on matters pertaining to the environment or energy, except those matters currently handled by the Council on Environmental Quality and the Office of Ecology of the Suffolk County Department of Health Services.
- BB. To oversee, supervise and manage the Division of Planning and the Division of Real Property Acquisition and Management established under Article XXXV of the Suffolk County Administrative Code.

- CC.** To oversee energy conservation programs for County offices, buildings and/or facilities.
- DD.** To prepare a Comprehensive Plan for Suffolk County, as provided in §§ A14-7 through A14-11 of the Suffolk County Administrative Code.
- EE.** To make recommendations relating to planning functions of municipalities, as provided in § A14-12 of the Suffolk County Administrative Code.
- FF.** At the request of municipalities within the County, to render planning services for the municipalities, as provided in § 14-13 of the Suffolk County Administrative Code.
- GG.** To consider certain proposed municipal zoning actions, applications for variances and special permits and subdivision plats as provided in § A14-14, et seq., of the Suffolk County Administrative Code.
- HH.** To continue the updating of the Suffolk County Official Map.
- II** To advise local, state and federal government on development projects, plans and activities having environmental impact.
- JJ.** To implement the directives of the Council on Environmental Quality.
- KK.** To formulate and coordinate all long-range facilities planning among County departments.
- LL.** To make recommendations to the County Legislature and the County Executive as to what County-owned properties should be dedicated to the County nature preserve, historic trust, conservation of agricultural lands, or bird sanctuary, and what properties not owned by the County should be acquired for environmental, health or open space purposes.
- MM.** To oversee and manage the Suffolk County Brownfields Program; open space acquisitions; farmland rights acquisitions and conservation easements.
- NN.** To administer the County's Farmland Program under Chapter 8 of the Suffolk County Code.
- OO.** To supervise and manage the Suffolk County Shellfish Aquaculture Leasing Program.
- PP.** To implement and administer Chapter 59 of the Suffolk County Code.
- QQ.** To perform such other responsibilities and duties as may be assigned by law or by the County Executive or the County Legislature.

§ C35-3. Membership of Planning Commission.

- A.** The Planning Commission shall consist of 15 members, as follows: one member from each of the 10 towns in Suffolk County, one member from an incorporated village of under 5,000 population, one member from an incorporated village of over 5,000 population and three

members from the County at large, subject to the qualifications set forth in § C35-5 of this article.

- B. The Planning Commission may invite any officials of government to participate in its deliberations or otherwise assist it in discharging its functions under this article.

§ C35-4. Appointment of members of Planning Commission.

The members of the Planning Commission shall be appointed by the County Executive with the approval of the County Legislature.

§ C35-5. Qualifications for membership on Planning Commission.

- A. A Planning Commissioner shall be a resident of Suffolk County at the time of his or her appointment and while holding office as a member of the Planning Commission.
- B. In selecting the 12 members who are not chosen from the County at large, the following criteria shall apply:
 - (1) At least one member shall be a representative from a nationally renowned and/or publicly acknowledged environmental organization and/or from a nationally renowned and/or publicly recognized civic association;
 - (2) At least one member shall be an individual with a background or expertise in municipal planning and/or an individual with a law degree and experience in land use litigation, the law of land use regulation, or environmental law;
 - (3) At least one member shall be a representative from the real estate industry and/or from the business community;
 - (4) At least one member shall be a representative from a labor organization;
 - (5) At least one member shall be an individual with a background in the field of transportation;
 - (6) At least one member shall be an individual with a background or expertise in workforce housing; and
 - (7) At least one member shall be an individual recommended by the Association of Town Supervisors.
- C. No person shall be appointed or reappointed to the Planning Commission who is a party officer. For the purposes of this section, "party officer" shall mean an individual who holds any party position or any party office, whether by election, appointment, or otherwise, including committeemen, and "party" shall mean any political organization which, at the last preceding election for Governor, polled at least 50,000 votes for its candidate for Governor.

- D. To continue in office, a member of the Planning Commission shall continue to satisfy the requirements of this section with respect to eligibility for appointment to the office.
- E. No person shall be reappointed to the Planning Commission unless and until such person shall have attended at least 75% of the regular and/or special meetings held by said Commission. Absences from such meetings caused by death in the immediate family of the members (i.e., spouse, children, parents, brothers, sisters, in-laws and/or grandparents), caused by a verifiable illness or caused by a verifiable accident shall not be counted for the purpose of this calculation of attendance.
- F. No person shall be appointed or reappointed to the Planning Commission unless and until such person shall first appear at least once before the pertinent legislative committee of the County Legislature having primary jurisdiction over such resolution naming such person for approval to such appointment or reappointment and before such other legislative committees of the County Legislature as shall request an appearance by such person.
- G. No person shall be appointed to the Planning Commission who is an elected official of the State of New York or of any political subdivision thereof; who is an appointee to a position of employment with the State of New York or any political subdivision thereof, including the County of Suffolk, which position does not require a competitive civil service examination for appointment thereto; or who is appointed to a town or a village board, commission, or agency which is charged with the responsibility of making planning and/or land use decisions regarding real property.
- H. No person shall serve as a Planning Commissioner for more than 12 consecutive years.

§ C35-6. Term of office for members of Planning Commission.

- A. The term of office of each Commission member shall be four years, except that the term of office of the members first appointed from the County at large shall commence January 1, 1971, and terminate on December 31, 1971, and except that, of the remaining 12 members first appointed for terms of office commencing January 1, 1971, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years and three shall be appointed for terms of five years.
- B. This staggering of terms shall continue and remain in full force and effect and apply to all appointments made on or after the effective date of this law.
- C. In connection with any proposed project under consideration by the Commission, an appointee shall take into account the potential of any such project to have a disproportionately high and adverse health and/or environmental impact on a minority or economically distressed community.

§ C35-7. Compensation of members of Planning Commission.

Members of the Planning Commission shall not be compensated for their services but shall be reimbursed for their necessary and proper expenses incurred in the performance of their functions.

§ C35-8. Studies and reports.

The Planning Commission, within the appropriations therefor, shall conduct such studies and render such reports as are needed in the performance of its functions under this article.

§ C35-9. Office of Energy.

There shall be an Office of Energy within the Department of Economic Development and Planning which shall be responsible for the Suffolk County Electrical Agency's application for low-cost power to FERC and the implementation thereof; the implementation and administration of Chapter 59 of the Suffolk County Code; energy conservation and resource programs for County offices, buildings, and/or facilities; and the Energy Advisory Committee and the functions of such committee.

§ C35-10. Division of Water Quality/Environmental Unit.

There shall be a Division of Water Quality/Environmental Unit within the Department of Economic Development and Planning which shall be responsible for the supervision, administration, and implementation of the water quality protection and restoration program under § C12-2B of the Suffolk County Charter; the remediation and redevelopment of all brownfield sites; and the coordination of activities performed by the County Department of Public Works and the County Department of Parks, Recreation and Conservation under the Suffolk County Drinking Water Protection Program, Fund 477.

§ C35-11. Division of Planning and Division of Real Property Acquisition and Management.

There shall be a Division of Planning and a Division of Real Property Acquisition and Management within the Department of Economic Development and Planning which shall have the powers and duties as established under Article XXXV of the Suffolk County Administrative Code and shall be responsible for the administration of all matters that come under their jurisdiction.

§ A35-12. Transfer of Personnel.

Employees in the Suffolk County Department of Planning who are employed in positions and duties to be performed by the Suffolk County Department of Economic Development and Planning shall be transferred to the Department of Economic Development and Planning subject to the provisions of the NEW YORK CIVIL SERVICE LAW and the Rules of the County Department of Human Resources, Personnel, and Civil Service.

§ A35-13. Records.

All records, property, and equipment associated with personnel transferred shall be transferred and delivered to the Department of Economic Development and Planning.

II.) A new Article XXXV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby enacted to read as follows:

Article XXXV
Department of Economic Development and Planning
County Planning/Real Property Acquisition and Management

§ A35-1. Division of Planning established; Director to be Division head.

There shall be in the Department of Economic Development and Planning a Division of Planning, the head of which shall be the Planning Director. The Planning Director shall be appointed by the Commissioner of the Department of Economic Development and Planning. The Planning Director shall consult with the Planning Commission.

§ A35-2. Powers and duties.

A. The Division of Planning shall have the following powers, duties and responsibilities:

- (1) To prepare a Comprehensive Plan for Suffolk County, as provided in §§ A14-7 through A14-11 of the Suffolk County Administrative Code.
- (2) To make recommendations relating to planning functions of municipalities, as provided in § A14-12 of the Suffolk County Administrative Code.
- (3) At the request of municipalities within the County, to render planning services for the municipalities, as provided in § 14-13 of the Suffolk County Administrative Code.
- (4) To consider certain proposed municipal zoning actions, applications for variances and special permits and subdivision plats as provided in § A14-14, et seq., of the Suffolk County Administrative Code.
- (5) To continue the updating of the Suffolk County Official Map.
- (6) To advise local, state and federal government on development projects, plans and activities having environmental impact.
- (7) To implement the directives of the Council on Environmental Quality.
- (8) To formulate and coordinate all long-range facilities planning among County departments.

- (9) To make recommendations to the Commissioner of the Department of Economic Development, the County Legislature and the County Executive as to what County-owned properties should be dedicated to the County nature preserve, historic trust, conservation of agricultural lands, or bird sanctuary, and what properties not owned by the County should be acquired for environmental, health or open space purposes.
- (10) To oversee and manage the Suffolk County Brownfields Program; open space acquisitions; farmland rights acquisitions and conservation easements.
- (11) To administer the County's Farmland Program under Chapter 8 of the Suffolk County Code.
- (12) To supervise and manage the Suffolk County Shellfish Aquaculture Leasing Program.
- (13) To perform such other responsibilities and duties as may be assigned by law or by the County Executive or the Commissioner of the Department of Economic Development and Planning.

§ A35-3. Division of Real Property Acquisition and Management established; Director of Real Estate to be Division head.

There shall be in the Department of Economic Development and Planning a Division of Real Property Acquisition and Management, the head of which shall be the Director of Real Estate. He or she shall be appointed by the Commissioner of the Department of Economic Development and Planning.

- (1) At least one staff member of the Division of Real Property Acquisition and Management shall be a New York State Certified General Appraiser in good standing.
 - (a) No officers or employees of the Division of Real Property Acquisition and Management shall engage in any outside business activity in the field of real estate and no officers or employees of the Division of Real Property Acquisition and Management shall be a party officer. For the purposes of this section, "party officer" shall mean one who holds any party position or any party office, whether by election, appointment or otherwise, including committeemen, and "party" shall mean any political organization which at the last preceding election for governor polled at least 50,000 votes for its candidate for governor. These requirements shall apply to all management and civil service positions consistent with the New York Civil Service Law and any applicable rules.
 - (b) The staff of the Division of Real Property Acquisition and Management is hereby prohibited from engaging in any outside business activity in the real estate field, which requirement shall apply to management exempt as well as positions secured by competitive Civil Service examination, consistent with the application of Civil Service rules.
- (2) In addition to discharging such other functions as may be assigned, the Director of Real Estate shall maintain current records of all real property in which the County has any interest and manage all such property other than that assigned to the Trustees of the College or Parks, Recreation, and Conservation; property acquired for sewers as

provided in Section 272 of the New York County Law; or property acquired for the County Department of Public Works. Real property acquired through tax sale shall be under the jurisdiction of the Division of Real Property Acquisition and Management and shall have the responsibility for the repair or demolition of unsafe structures, insuring the safety and security of the property, and determining whether there should be disposal of any property not currently used for County purposes. Where a determination to dispose of property has been made, the Director of Real Estate shall forward such report to the County Executive and the County Legislature with his or her comments. The Division of Real Property Acquisition and Management shall also:

- (a) Let all contracts for outside surveys and appraisals, except for those concerned with highways, bridges, or erosion control works, and the rental, repair, demolition, or disposal of real property on behalf of the County.
 - (b) Negotiate all leases, lease renewals, licenses, license renewals, and user agreements for any interest in real property, within appropriations provided therefor at the request of the County departments, offices, boards, commissions, Legislators, and the Administrative Judge of the Supreme Court. Such leases, licenses, and agreements shall be executed by the Director of Real Estate or his or her designee, on behalf of the County. No lease, lease renewal, license, license renewal, or user agreement for any interest in real estate, other than for executive, legislative, or judicial office space, may be executed, unless such lease, lease renewal, license, license renewal, or user agreement is authorized by the County Legislature. For the purpose of this paragraph, "executive office space" shall include only that office space which is necessary for the budgeted functions of the Office of the County Executive. The Division of Real Property Acquisition and Management shall prepare a rent survey and fair market analysis for each proposed lease or lease renewal of space for County use.
 - (c) Prepare title abstracts and prepare in-house appraisals or in-house review appraisals for lands to be acquired by the County or of lands actually acquired by the County.
 - (d) Perform such other duties as may be assigned by the County Executive, the County Legislature, or the Commissioner of the Department of Economic Development and Planning.
- (3) In the performance of its functions, duly designated employees of the Division shall also have the power and duty to enter upon any real property for the purpose of inspection, making surveys, examinations, investigations, preparing maps and for such other purposes as may be necessary in the performance of its duties under the Suffolk County Charter and Code or the New York Eminent Domain Procedure Law.
- (4) In the event consideration is given to an application affecting an interest in real property which the County of Suffolk has been authorized to commence a process for the acquisition thereof, which application is for a special permit, variance, municipal zoning, or subdivision plat, the contract of sale for such acquisition shall contain a provision that no such acquisition shall be consummated nor payment made for such acquisition unless the application for the special permit, variance, municipal zoning, or subdivision plat which is the subject of the application has been approved.

- (5)** There shall be within the Division of Real Property Acquisition and Management a pool of at least 10 qualified title insurance companies, which companies shall be designated by the Director of Real Estate of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may be reasonably necessary to evaluate the title insurance companies, including but not limited to certifications and licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified title insurance companies by the County Legislature shall occur no less frequently than every two years.
- (a)** At a minimum, any title insurance company must be qualified as a New York licensed title insurance company and must maintain such license in good standing for so long as it is involved in County real estate transactions. Proof of such license and certifications shall be submitted to the Director of Real Estate of the Division of Real Property Acquisition and Management on or before December 31 of each year. Further, any title insurance company in the pool must disclose to the Division of Real Property Acquisition and Management the organization of the company (i.e., sole proprietorship, partnership, corporation, limited-liability corporation, et al), the identity of licensed agents who have the capacity to bind the company, and any other information relevant to the company or underwriter operations. No company utilizing the services of an agent or underwriter with a record of a felony conviction within the preceding 10 years shall be eligible to be enrolled in this pool.
- (b)** The Director of Real Estate of the Division of Real Property Acquisition and Management shall select on a rotating basis from the pool of title insurance companies to conduct County real estate transactions.
- (6)** There shall be within the Division of Real Property Acquisition and Management, or any successor thereto, a pool of at least 30 qualified real property or other appraisers and professional engineers, but not more than 50, whose members shall be designated by the Director of Real Estate of the Division of Real Property Acquisition and Management with the approval of the County Legislature by duly enacted resolution. Such information as may reasonably be necessary to evaluate the appraisers or appraisal firms, including but not limited to curriculum vitae, certifications and other applicable licenses, shall be included with the resolution submitted for approval. Designation and approval of the pool of qualified appraisers or appraisal firms shall occur no less frequently than every two years. The Director of Real Estate of the Division of Real Property Acquisition and Management shall select from the pool as many outside appraisers as are necessary to conduct County appraisals. At a minimum, any real property appraisers must be qualified as New-York-certified general appraisers and must maintain such certification in good standing for so long as they conduct County appraisals. Appraisers, other than real estate appraisers, must maintain such professional licenses or other certifications or qualifications which, in the opinion of the Director of Real Estate of the Division of Real Property Acquisition and Management, are necessary to properly conduct County appraisals. Proof of such certification and licenses shall be submitted to the Director of Real Estate of the Division of Real Property Acquisition and Management on or before December 31 of each year. The Director of Real Estate of the Division of Real Property

Acquisition and Management shall promptly forward copies of all such proof to the County Executive and the Clerk of the County Legislature. The selection of appraisers to perform services for the County in connection with the acquisition or disposition of any interest in real estate, from the legislatively approved biennial list, shall be done in a manner that includes administratively established professional criteria.

III.) A new Article XL of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby enacted to read as follows:

ARTICLE XL. County Real Property.

§ A40-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

COMMISSIONER

The head of the Department.

DEPARTMENT

The Suffolk County Department of Economic Development and Planning.

PERSON

Any natural person, individual, corporation, unincorporated association, limited-liability corporation, firm, public corporation, partnership, joint venture, trust, joint-stock association or other entity or business organization of any kind.

§ A40-2. Lease of property.

- A.** Notwithstanding the provisions of § 352 of the New York General Municipal Law, the County may lease, for a term not exceeding 40 years, real property acquired for airport purposes and not necessary for the efficient and proper operation of the airport, and for such other purposes as the Legislature may determine, provided that such other purposes do not interfere with the proper and efficient operation of the remainder of the airport. Notwithstanding the foregoing limitation, property located within the Airport Planned Development District may be leased for an initial term not exceeding 40 years, with the option to extend the lease for a term not to exceed an additional 40 years.
- B.** Notwithstanding the provisions of § 215, Subdivision 4, of the New York County Law, after a determination by the Suffolk County Legislature that County-owned property is not required for public use, such property may be leased through the Suffolk County Division of Real Property Acquisition and Management in the Department for a period not exceeding 25 years, upon such terms and conditions as may be prescribed by the County Legislature by resolution, in the same manner and with the same rights and privileges as if owned by an individual, to a public corporation; to a not-for-profit corporation; or to an association,

corporation, or other legal entity which has been granted a charter for educational purposes from the New York State Department of Education.

§ A40-3. Procedure for redemption of property under Suffolk County Tax Act.

The following rules and regulations for the sale of property acquired by Suffolk County pursuant to § 46 of the Suffolk County Tax Act shall apply:

- A. Application for release of property acquired pursuant to the Suffolk County Tax Act. The County's interest in property acquired pursuant to the Suffolk County Tax Act may be released, as herein provided, on the application of any party who had an interest in the property at the time of application, up to six months from the date of the recording of the County's deed, as defined in Subsection B herein. A party with an interest in the property shall include every person to whom any estate or interest in the real property is conveyed in good faith for a valuable consideration, including but not limited to a contract vendee and any purchaser of real property pursuant to a judicial sale in a mortgage foreclosure action. A party with an interest in the property, as defined herein, shall be the recipient of the quitclaim deed which is executed and delivered pursuant to Subsection H herein. A party in interest shall not be deemed to include the County of Suffolk.
- B. Time for making application. Any application under this section must be made within six months after the date of the recording of the County's deed.
- C. Form of application. All applications shall be made in writing to the Commissioner on a form prepared by him or her. The application shall contain the name and address of the applicant, the date on which the County's deed was recorded and the recording data, a full description of the instrument upon which the applicant's interest derives, including the date of execution, the date and place of the recording, or entry of said instrument and the parties thereto, and a statement specifying the nature of the applicant's interest in the property, and shall be verified. If the applicant's interest arises by reason of the death of a prior owner or by operation of law, the application shall also state the applicant's relationship to the decedent and shall include whatever additional information may be necessary to establish the applicant's right to make the application.
- D. Supporting documents. Each application shall be accompanied by a certificate or certified search of any lawyer's title insurance or abstract company authorized to do business under the laws of the State of New York. Such search or certification shall recite the recording data as to all instruments affecting the premises for the period of 10 years preceding the date of recording of the County's deed. If the applicant's interest derives other than from an instrument recorded in the County Clerk's office, a certified copy of the instrument from which such interest derives shall accompany the application. In a proper case, the Commissioner may require the applicant to submit an affidavit containing relevant information as to the applicant's interest in the property and the source or derivation thereof.
- E. Fee. The sum of not less than \$200 and not more than \$500, as determined by the Commissioner, as a fee to cover the County's expenses shall be paid at the time of

submission of the application. Such fee shall be nonrefundable except pursuant to Subsection I of this section.

- F. Consideration for release. The County's interest may be released only after payment, as to each parcel to be released, of the following sums of money:
- (1) The amount of the County investment in the property as determined by the County Treasurer. Said amount shall include the principal amount due on all unpaid taxes, assessments, water charges and sewer rents arising from County warrants, together with interest and penalties to the date of the tax sale, taxes assessed after the date of the tax sale, including the amount of the taxes that would have been assessed during the period following the sale when the County is required to pay only school taxes, together with the statutory interest computed to the date of the tax deed and thereafter at the rate of 6% to the date of payment, plus any amounts payable to the Suffolk County Department of Social Services which are attributable to any former owner. With regard to the satisfaction of the indebtedness to the Department of Social Services, the Commissioner, with the written consent of the Commissioner of the Department of Social Services, may accept from the social-services recipient only a repayment agreement or new bond and mortgage in lieu of payment of any or all indebtedness.
 - (2) Five percent of the amount computed pursuant to the preceding Subsection F(1).
 - (3) Any deficiency which may result to the County after all payments made by it for the repair, maintenance, and operations of the property shall have been charged or debited in the appropriate accounts of the County and all rents, license fees, and other moneys collected by the County as a result of its operation of the property shall have been credited in such accounts. Any contract for repair, maintenance, management, or operation made by the County on which it shall be liable, although payment thereon shall not have been made, shall be deemed a charge or debit to such accounts as though payment had been made. The amounts paid and collected by the County as shown in its accounts and the necessity for making the several payments and contracts to be charged as herein provided shall be conclusive upon the applicant. Where a deficiency under this section shall be created or increased by the failure of the County to collect rents, license fees, or other moneys to which the County may have been entitled, the right to collect or bring action for the same shall be assigned and transferred to the applicant by an instrument in writing.
 - (4) Any and all costs and disbursements which shall have been awarded to the County or to which it may have become entitled by operation of law or which it may have paid or become liable for payment in connection with any litigation between it and the applicant or any person having an estate or interest in the real property to be released resulting directly or indirectly from the foreclosure by action in rem of the delinquent taxes affecting said property.
 - (5) The cost of giving the notices as hereinafter provided for.
- G. Consideration of application. Subject to the provisions of Subsection I, the Commissioner, or his or her designee, shall promptly consider the application and make a finding and

determination as to the applicant's entitlement to a deed of the County's interest in the property. In making such determination, the Commissioner, or his or her designee, shall consider all appropriate, relevant, and equitable matters. If the Commissioner, or his or her designee, ascertains that others than the applicant have an interest in the property, he or she may enlarge his or her inquiry as necessary, request further supplementary application, and, as in the case of infants or incompetents, determine that the grantee in the County's instrument of conveyance should be all those in whom title should vest and to what, if anything, such title should be subject.

- H. Instrument of release. If the Commissioner, or his or her designee, shall find and determine that the premises should be released and conveyed to the applicant, or to the applicant and others, upon the payment of the proper consideration, he or she shall convey the County's interest by the execution and delivery of a quitclaim deed. The Commissioner's delivery of such deed shall be given only pursuant to the direction of the County Legislature evidenced by the enactment of a resolution authorizing the conveyance.
- I. Superior governmental interest. If, before the County's instrument of release is given, it is found that the governing village, town or County within which said real property is located has a governmental need for the premises and has enacted a resolution specifically stating the nature of that governmental need, the Commissioner, or his or her designee, shall stay any further proceedings on the application other than pursuant to this section. In such a case, if the County Legislature then enacts into law a resolution determining that the property is needed for a specifically identified governmental purpose within six months after the filing of the application, the application shall be denied and the application fee returned to the applicant. If no such resolution is passed within said period, the Commissioner, or his or her designee, may reconsider the application within three months after the expiration of the above six-month period.
- J. Notice to be given. Annually, in the official papers of the County and each of the towns therein, by a display advertisement of not less than 1/4 page, the Commissioner shall give notice of the opportunity afforded by this section to redeem property sold for taxes, in substantially the following form:

NOTICE
OF OPPORTUNITY TO REDEEM PROPERTY FROM SUFFOLK
COUNTY TAX SALE

A list of parcels of land acquired by Suffolk County as the result of tax sales has been completed by the Department.

The former owners thereof may apply to reacquire the property.

The list may be seen and applications to reacquire may be filed at the Department of Finance and Taxation, Suffolk County Center, Riverhead, New York 11901.

Applications should be made promptly.

Commissioner
Phone:

K. The foregoing regulations may be amended only by local law.

§ A40-4. Disposition of property acquired through Suffolk County Tax Act.

- A. The Suffolk County Tax Act, the local law providing for a further redemption period, and the Suffolk County Administrative Code afford a reasonable opportunity to pay the real property taxes with interest and penalties in cases where they were not paid in the year for which they were levied. When, then, all opportunity for statutory redemption expires without action on the part of the taxpayer and the County takes title to the property, the selling process shall commence immediately.
- B. The Department is hereby designated as the agency to implement this section.
- C. The Commissioner shall be the custodian and depository of all instruments thereafter recorded in the County Clerk's office conveying any interest in real property to the County or any agency or district thereof authorized to acquire and hold such an interest in behalf of such agency or district.
- D. Upon the County acquiring an interest in real property by tax deed, the Commissioner shall advise the County Executive, the Commissioner of Public Works, the Commissioner of Parks, Recreation and Conservation, the Clerk of the County Legislature, and such others as by management order of the County Executive or resolution of the County Legislature shall be designated, thereof. Those so advised shall, within four weeks, report in writing to the Commissioner whether they wish consideration to be given to holding such interest for a County purpose, together with the reasons for such proposed retention.
- E. The County Executive, the Presiding Officer of the County Legislature, and the Commissioner, or his or her designee, shall constitute an appeals committee to screen requests for the retention of property interests acquired by tax deed. Such committee shall meet from time to time to consider all such requests, and its determination as to departmental requests shall be final unless overturned by a duly enacted resolution of the County Legislature.
- F. Using such County personnel as are available from time to time, the Commissioner, or his or her designee, shall cause to be made an appraisal of each parcel of land acquired by tax deed.
- G. Public auction. All parcels approved for disposition, except those that may be sold as provided in Subsection H or as provided under §A36-2A of the Suffolk County Administrative Code, shall be offered for sale to the highest bidder at public auction pursuant to regulations established for such auctions by the Commissioner. All parcels approved for disposition, which have structures affixed thereto capable of physical occupancy by individuals, shall only be offered for sale to the highest bidder at a public auction who is willing to agree, in writing, to a restrictive covenant in such deed as may convey title to such individual requiring the

owner of the parcel, or his or her natural children or natural parents, to occupy said premises, said restriction to run with the land for a period of 10 years subsequent to the transfer of title from the County of Suffolk. The owner of the parcel shall provide to the County written notice of any subsequent transfer of the parcel within said ten-year period. The Commissioner shall reserve to the County a right of reverter should this restriction be violated. In those instances in which a former property owner has affirmatively waived, in writing, his, her or its right of redemption of property under Subsections A and B of this section, then the Commissioner, or his or her designee, shall take such measures as shall be necessary and appropriate to expedite the offering for sale of such parcels to the highest bidder at public action in accordance with the provisions of this article at the earliest possible date.

- (1) The Division of Real Property Acquisition and Management shall take such measures as shall be necessary and appropriate to ensure that the transfer of title for sale of such parcels shall take place within two years after the signing of the contract of sale for such parcels.
 - (2) If the transfer of title for sale of such parcels shall not take place within two years after the signing of the contract of sale, then the Director of Real Estate of the Division of Real Property Acquisition and Management shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Recreation Committee of the County Legislature, or any successor committees thereto, in order to continue the transfer process.
 - (3) The Director of Real Estate of the Division of Real Property Acquisition and Management shall lower the upset price for the public auction of such County-owned real estate parcels approved for such disposition as many times as shall be necessary and appropriate to effectuate the sale of such parcel at the third public auction if such parcel has been unsuccessfully listed at public auction two prior times.
 - (4) The Division of Real Property Acquisition and Management shall provide to each member of the Suffolk County Legislature a list of all parcels to be auctioned at least 45 days prior to the auction date and shall notify legislators of any parcels added to the auction list prior to the auction date. The auction list must be complete 15 days prior to the auction date, and no additional parcels may be added to the auction list after that time.
- H. The Commissioner, or his or her designee, in the case of a parcel which does not meet the minimum zoning code requirements of the municipal zoning district in which the parcel is located, in order to promote the development of residential dwellings for first-time homebuyers and/or occupants, shall offer to convey such parcel to the highest bidder at a special auction who: (i) agrees, in writing, within 60 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, a building permit, to allow the construction of a single-family residential dwelling on such parcel that substantially conforms in size and appearance to the residential dwellings located within the immediately surrounding residential community; (ii) agrees, in writing, within 180 days of the date of such auction, to apply for and diligently pursue, using best efforts and at such bidder's sole cost and expense, any and all variances and/or other relief from such minimum

zoning requirements; and (iii) agrees, in writing, to accept title to such parcel subject to the covenants contained in this Subsection H. The requirement to offer and convey such parcel to such highest bidder at a special auction under this subsection shall apply only to parcels located substantially within a residential zoning district that have a lot area of not less than 5,000 square feet and street frontage of not less than 50 feet and that substantially conform in size to the developed and/or undeveloped parcels located within the immediately surrounding residential community. The provisions of this subsection shall not apply to parcels situated within the Town of Brookhaven.

- (1)** Upon the granting of any required variance or other relief from the minimum zoning requirements of the municipal zoning district in which the parcel is located, and the issuance of a building permit to construct such single-family residential dwelling on such parcel, fee title shall be promptly conveyed to such highest bidder by deed containing the following covenants, which covenants shall run with the land:
 - (a)** "The use of the parcel herein described by the grantee is hereby restricted solely to the development of a single-family residential dwelling unit for first-time homeowners or buyers; with all right, title, and interest reverting back to the County of Suffolk, at the sole option of the County of Suffolk, in the event the grantee, at any time, uses or attempts to use the parcel herein described for any other use or purpose, including, without limitation, no use or purpose. This reverter clause shall also apply to any transferee from the grantee who is not a first-time homeowner or -buyer."
 - (b)** "All right, title, and interest to the parcel herein described shall revert back to the County of Suffolk should any one or more of the following events occur:
 - [1]** If the grantee, or any transferee from the grantee who is not a first-time homeowner or -buyer, fails to substantially complete the construction of a single-family residential dwelling upon the parcel described herein within three years from the date of transfer to the grantee, unless one or more extensions of time are granted, in writing, for good cause shown, by the Suffolk County Director of Affordable Housing or any successor thereto. Notwithstanding the foregoing, such extensions shall not exceed, in the aggregate, a period of four years from the date of transfer to the grantee, unless approved by a duly enacted resolution of the County of Suffolk;
 - [2]** If the income of the first-time homeowner or -buyer, at the time of occupancy of the single-family dwelling constructed on the parcel described herein, should exceed 80% of the HUD-established median income for the Nassau-Suffolk Primary Metropolitan Statistical Area adjusted by family size;
 - [3]** If the sale price of the single-family dwelling constructed on the parcel described herein exceeds 60% of the median sales price for Suffolk County single-family dwellings, based upon the State of New York Mortgage Agency Guidelines;
 - [4]** If the first-time homeowner or -buyer of the single-family dwelling constructed on the parcel described herein fails to occupy such single-family dwelling as his and/or her primary residence for a period of 10 consecutive years from the time of occupancy of

such single-family dwelling; provided, however, that the right, title and interest to the parcel herein described shall not revert to the County of Suffolk if:

- [a]** The first-time homeowner or -buyer sells to a first-time homeowner or -buyer meeting the income qualifications set forth in Subsection H(1)(b)[2], or as amended; and
 - [b]** Any gain realized from such sale up to and including the fifth anniversary of ownership, and declining ratably thereafter to 50% of any realized gain during the sixth year of ownership up to and including the 10th anniversary of ownership, shall be paid to the County of Suffolk; and
 - [c]** The income qualifications and the formula for recapture of realized gain set forth in this subsection shall apply to each and every subsequent sale;
- [5]** If all or any portion of the single-family residential dwelling is rented or leased to any other person, whether or not by written agreement;
- [6]** If the grantee fails to certify to the Suffolk County Director of Affordable Housing (or his or her designee), prior to closing of the title by a first-time homebuyer, or occupancy by a first-time homeowner, as the case may be:
- [a]** The dates of completion and occupancy of the single-family dwelling constructed on the parcel described herein; and
 - [b]** The total income, from all sources, of all occupants of the single-family dwelling constructed on the parcel described herein; and
 - [c]** In the case of a first-time homebuyer, the sales price of the single-family dwelling constructed on the parcel described herein; and
 - [d]** The single-family dwelling constructed on the parcel described herein meets all applicable building and zoning codes, rules and regulations;
- [7]** If the grantee fails to provide the Suffolk County Director of Affordable Housing (or his or her designee) with a detailed, annual written report no later than December 31 of each year commencing in the year immediately subsequent to the date of this deed, which report shall include any and all information as may be required by the Director of Affordable Housing, including, but not limited to, the status of the development and/or sale of the parcel described herein, and an accounting of all sums directly or indirectly attributable to the use of the parcel described herein."
- (2)** In the event such highest bidder, after using best efforts to apply for and diligently pursue any variance or other relief from such minimum zoning requirements and a building permit, to allow the construction of a single-family residential dwelling on such parcel that substantially conforms in size and appearance to the residential dwellings located within the immediately surrounding residential community, does not obtain such variance and

building permit within the time prescribed herein, the auction sale shall be deemed cancelled and the County shall return to the bidder any sum paid under the terms and conditions of the special auction.

- (3) In the event a parcel offered for sale pursuant to the preceding provisions of this subsection is not sold the first time it is offered at a special auction, and the parcel is appraised for less than \$50,000, the Commissioner, or his or her designee, shall offer the parcel to appropriate adjoining property owners at not less than the appraised value before offering it for sale by general auction.
- (4) In the event a parcel does not meet applicable minimum zoning code requirements in order to be developed, is appraised for less than \$30,000, and fails to satisfy the criteria for special auction under the provisions of this subsection, the Commissioner, or his or her designee, shall offer the parcel to appropriate adjoining property owners at not less than the appraised value before offering it for sale by general auction.
- I. The Commissioner, or his or her designee, is authorized to execute and deliver, by a bargain and sale deed without covenants, or by quitclaim deed, for the transfer of any properties which are the subject matter of this section. All deed transfers shall be subject to the express approval of the County Legislature, and all contracts negotiated by the County shall provide that the proposed conveyance is subject to legislative approval and subject to such restrictive covenants as may be provided for in Subsections G and H of this section.
- J. The Commissioner shall advertise in the official newspapers, and may advertise in such other media as he or she may elect, the date, time, and place of the public auction for the sale of the properties. Lists of properties to be offered for sale may be made available by mail to persons requesting such lists.
- K. From time to time, upon the negotiation of contracts or sales at auction, the Commissioner, or his or her designee, shall deliver to the County Legislature, in resolution for approval, a list of properties proposed to be sold, together with the negotiated or bid price.
- L. In the event that an auction parcel is improved by an owner-occupied residence which has been owner-occupied for a period of at least five years prior to the date of the recording of the County's deed, then the prior owner may make application in writing to the Division of Real Property Acquisition and Management for a distribution from the proceeds of the auction sale. The amount that the applicant is eligible to receive is a sum equal to the remaining proceeds after deducting payment for all sums set forth in §A40-3 hereinabove and an amount equal to the sum of all valid liens, judgments, or encumbrances which existed on the date that the County took title to the subject parcel. For the purposes of this subsection, "proceeds" shall be defined as either the amount of the sale at auction or the amount of an appraisal made as of the date which the County took title, whichever amount is less.
- M. The Commissioner may propose amendments to the rules and regulations that govern the procedures and forms for the implementation of this section by filing them with the Clerk of the County Legislature and mailing copies thereof to the County Executive and members of

the Legislature. Such amendments shall become effective 60 days after such filing and notification unless within such period a resolution of disapproval proposed by any Legislator is enacted into law by the County Legislature.

- N. The Division of Real Property Acquisition and Management shall take such measures as shall be necessary and appropriate to ensure that the acquisition of all parcels or interests in real estate authorized under any County land acquisition program shall take place within two years after the effective date of the County resolution authorizing the acquisition of such parcels or any interest therein. If the transfer of title to such parcels or interests in real estate shall not take place within two years after the effective date of the County resolution authorizing such acquisition, then the Director of Real Estate of the Division of Real Property Acquisition and Management shall provide a written report to the County Legislature and appear before the Ways and Means Committee and the Parks and Cultural Affairs Committee of the County Legislature, or any successor committees thereto, in order to continue the acquisition process.

§ A40-5. Conduct of hearings and making of findings pursuant to New York Eminent Domain Procedure Law.

- A. The Legislature finds and determines it to be in the public interest that public hearings, as required by the New York State Eminent Domain Procedure Law, can best be conducted by the Department, pursuant to Article 2 of said law, and that the Department, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may establish and amend rules and regulations consistent with the provisions of said law, pursuant to Article 7, § 707, of said law.
- B. After the Legislature approves acquisition of an interest in real property for municipal purposes, the resolution of approval shall delegate unto the Commissioner, and in his or her absence the Director of Real Estate of the Division of Real Property Acquisition and Management, the full authority of the Legislature to conduct public hearings and make determinations and findings as to all matters set forth in Article 2 of the New York Eminent Domain Procedure Law.
- C. Public hearings shall be conducted and the notices thereof shall be published and issued pursuant to §§ 201, 202, 203, and 204 of the New York Eminent Domain Procedure Law.
- D. The Commissioner, or in his or her absence the Director of Real Estate of the Division of Real Property Acquisition and Management, shall be deemed a hearing officer with the authority to make determinations and findings pursuant to § 204 of the New York Eminent Domain Procedure Law.
- E. The written determination and findings shall be filed with the Clerk of the County Legislature within 90 days after the conclusion of the public hearing.
- F. The Commissioner, or in his or her absence the Director of Real Estate of the Division of Real Property Acquisition and Management, shall publish a brief synopsis of such filed determinations and findings in at least two successive issues of the official newspapers and

in two successive issues of a newspaper of general circulation in such locality, and the publication shall state that copies of the determinations and findings will be forwarded, upon written request, without cost.

- G. The hearing officer may recommend and permit further field studies subsequent to the hearing, pursuant to § 205 of the New York Eminent Domain Procedure Law. The hearing officer may authorize and permit amendments or alterations to accommodate such field conditions if deemed necessary, but the Legislature reserves unto itself the right to approve any changes in the original acquisition maps whereby additional property is required or whereby the acquisition of properties approved in the original maps are deleted.
- H. The Commissioner, and in his or her absence the Director of Real Estate of the Division of Real Property Acquisition and Management, in order to effectuate the object, intent, and provisions of the New York Eminent Domain Procedure Law, may, from time to time, make or amend rules and regulations consistent with the provisions of this section in those instances where such provisions are not expressly provided in the New York Eminent Domain Procedure Law; and such rules and regulations or amendments thereto shall be filed with the Clerk of the Legislature and shall be deemed approved by the Legislature and become effective 45 days after filing, unless overturned by a duly enacted resolution of the County of Suffolk.

§ A40-6. Required provision in all instruments of conveyance when acquiring development rights in agricultural lands.

Pursuant to Chapter 8 of the Suffolk County Code regarding acquisition of development rights in agricultural lands, the County Executive and the Commissioner shall make provision in all instruments of conveyance and documents in connection therewith relating to the acquisition of development rights that the owner of the remainder fee shall not, after the conveyance of the development rights in any lands to the County, subdivide the remainder fee without the consent of the County Legislature, which hereby certifies and resolves that such consent shall not be unreasonably withheld. Nothing contained herein shall be deemed to prevent the devolution of title by operation of law or by last will and testament.

§ A40-7. Leasing of surplus County property.

Upon the determination by the County Legislature that County-owned real property is not required for public use, such property may be leased for a term not exceeding 10 years upon such terms and conditions as may be prescribed by the County Legislature by resolution in the same manner and with the same rights and privileges as if owned by an individual, anything in § 215 of the New York County Law to the contrary notwithstanding.

§ A40-8. Procedure for leasing real property for County use.

- A. Required information. The County Legislature shall not take any action on any resolution regarding the leasing of real property by the County of Suffolk, nor shall any agency contracting with the County of Suffolk under any grant undertake the leasing of real property, until the County Legislature has been supplied with and shall have before it the following information:

- (1) All such information which has been provided to the Commissioner's office in relation to such a lease; and
- (2) A public hearing report dealing with the proposed lease.

B. Public hearing.

- (1) A public hearing shall be held in the legislative district in which the property is situated by the Ways and Means Committee of the County Legislature, or any successor committee thereto, and the Legislator from the district in which the property is situated.
- (2) The public hearing shall be held within 20 days after the date the resolution is laid on the table.
- (3) A written report on the proceedings of such public hearing shall be distributed to each member of the County Legislature within seven days after such hearing.
- (4) At the next regularly scheduled meeting following the public hearing, the County Legislature shall consider and vote on the resolution proposing the lease.

C. Public notice. The notice shall be published one time in the official County papers and, unless one of such papers is published in the town in which the property is situated, in the official paper of such town. The notice shall be published at least seven days preceding the public hearing.

D. Exceptions.

- (1) The provisions of this section shall not apply to the leasing of office space for members of the judiciary or members of the County Legislature, nor for the County Executive.
- (2) This section shall not apply to leases at Suffolk County Airport, Westhampton Beach, New York, or to an extension, modification, or renewal of any of said leases; and to the extent that § 352, Subdivision 5, of the New York General Municipal Law may be deemed to be inconsistent herewith or to otherwise require a hearing with respect to any such leases, such section is hereby superseded in accordance with § 22 of the New York Municipal Home Rule Law.
- (3) The public hearing and public notice provisions of this section shall not apply in the case of a public emergency declared in writing by the County Executive and arising out of unforeseen occurrences.
- (4) This section shall not apply to leases entered into by the County's law enforcement departments and agencies necessary for use in connection with the conduct of undercover/covert operations, nor shall such leases be subject to review by the County's Space Management Steering Committee.

(a) Prior to executing a lease necessary for use in connection with the conduct of undercover/covert operations, the leasing department or agency shall provide the County Attorney with a copy of said lease.

(b) In no event shall the term of a lease entered into pursuant to this exception exceed one year.

IV.) Section 1001-4 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

* * *

§ 1001-4. Review of Applications by Department of Economic Development and Planning.

The Suffolk County Department of Economic Development and Planning is hereby authorized, empowered, and directed to review any application filed under this article and to issue a written evaluation to the County Executive and to each member of the County Legislature regarding a proposed project's overall soundness and appropriateness for eligibility under the criteria of this article, including an advisory recommendation as to the proposed application and as to the consideration of such application by the County of Suffolk.

* * *

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Transition and Applicability Provisions.

- A.) This law shall apply to all actions occurring on or after the effective date of this law.
- B.) Any reference to the Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Department of Economic Development and Planning and any reference to the Commissioner of the Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Commissioner of the Department of Economic Development and Planning.

- C.) Any reference to the Division of Real Estate in the County Department of Planning, also referred to as the County Department of Planning, Division of Real Estate, in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any other state or federal law, rule, or regulation, shall be construed to mean reference to the County Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, and any reference to the Director of the Division of Real Estate in the County Department of Planning or the County Department of Planning, Division of Real Estate, in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Director of Real Estate of the Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, anything in any other laws or regulations to the contrary notwithstanding.
- D.) Any reference to the Department of Planning in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Department of Economic Development and Planning and any reference to the Commissioner or Director of the Department of Planning in any other resolution, local law, charter law, chapter of the SUFFOLK COUNTY CODE, rule, or regulation of the County of Suffolk or in any state or federal law, rule, or regulation, shall be construed to mean the Commissioner of the Department of Economic Development and Planning, anything in any other laws or regulations to the contrary notwithstanding.
- E.) Any reference to the Division of Real Property Acquisition and Management in the County Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the County Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, and any reference to the Director of the Division of Real Property Acquisition and Management in the County Department of Environment and Energy in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, shall be construed to mean reference to the Director of Real Estate of the Division of Real Property Acquisition and Management in the Department of Economic Development and Planning, anything in any other laws or regulations to the contrary notwithstanding.
- F.) In the event the term "Department" is defined as the Department of Planning in any other resolution, local law, charter law, ordinance, chapter of the SUFFOLK COUNTY CODE, rule or regulation of the County of Suffolk or in any other state or federal law, rule or regulation, such definition shall be construed to mean the Suffolk County Department of Economic Development and Planning.
- G.) All County departments shall cooperate fully with the Commissioner of the County Department of Economic Development and Planning, or his or her designee, in all phases of implementing the provisions of this law.

Section 6. 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), (21), and/or (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. 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 7. Effective Date.

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

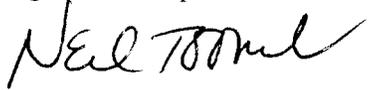
DATED: _____, 2012

APPROVED BY:

County Executive of the County of Suffolk

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution _____ Local Law <u> X </u> Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A CHARTER LAW CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING		
3. Purpose of Proposed Legislation		
To create the Department of Economic Development and Planning and to transfer the functions of the Department of Planning into this newly created department.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes __ No <u> X </u>		
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		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
This resolution adopts a Local Law having no cost impact to the County.		
8. Proposed Source of Funding		
N/A		
9. Timing of Impact		
Immediate upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Neil Toomb Intergovernmental Relations Coordinator		February 3, 2012

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

1174

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: FEBRUARY 7, 2012
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A CHARTER LAW CONSOLIDATING DEPARTMENTAL FUNCTIONS WITHIN A NEWLY CREATED DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 2/6/2012 **PUBLIC HEARING:** 2/7/2012

DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

Preliminarily, this proposed charter law would repeal the provisions of Resolution No. 1225-2011 that abolished the Department of Economic Development and Workforce Housing and the Department of Environment and Energy, and consolidated their functions and responsibilities within the Department of Planning.

Further, this proposed charter law would abolish the Department of Planning and the Department of Environment and Energy and consolidate most of their functions and responsibilities within a new Department of Economic Development and Planning.

There will be a Division of Planning within the department which will be headed by a director, appointed by the Commissioner.

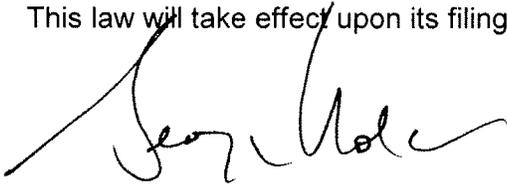
This new department would be headed by a Commissioner and have jurisdiction over all matters pertaining to economic development, planning, environment, agriculture and housing within the County of Suffolk. Additionally, this department would supervise Gabreski Airport, the Affordable Housing Program, the Community Development Agency, the Brownfields Program and the Farmland Program.

The Office of Energy and the Division of Water Quality are being transferred from the Department of Environment and Energy to the new department of Economic Development and Planning. The Offices of Cancer Awareness, Farmland Acquisition and Management and Recycling and Waste Management are eliminated.

The Division of Real Property Acquisition and Management will be transferred to the Department of Economic Development and Planning. The responsibilities of this Division and the restrictions on the outside business activities of its employees will remain the same but these provisions will henceforth be found at Article 35 of the SUFFOLK COUNTY

ADMINISTRATIVE CODE. Various code provisions relating to County owned real estate also remain the same but will now be found at Article 40 of the SUFFOLK COUNTY ADMINISTRATIVE CODE.

This law will take effect upon its filing in the Office of the Secretary of State.

A handwritten signature in black ink, appearing to read "George Nolan", written in a cursive style.

GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-consolidate-departmental -functions-economic-devel-plananing

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1179

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, AMENDING THE 2012 OPERATING BUDGET
AND RESTORING CERTAIN POSITIONS IN THE DEPARTMENT OF PUBLIC
WORKS**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE THE SUFFOLK COUNTY LEGISLATURE IS NOT SCHEDULED
TO MEET AGAIN UNTIL MARCH 13TH, 2012 AND WITHOUT ACTION, THE
POSITIONS LISTED IN THIS RESOLUTION WOULD BE ABOLISHED PRIOR TO
THAT MEETING IN ACCORDANCE WITH THE ADOPTED 2012 OPERATING
BUDGET.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

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FEB 7 2012

1179
Intro. Res. No. -2012
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 2/7/2012

**RESOLUTION NO. -2012, AMENDING THE 2012
OPERATING BUDGET AND RESTORING CERTAIN
POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the 2012 Adopted Operating Budget abolished certain filled positions in the Department of Public Works; and

WHEREAS, the Department of Public Works has identified certain less essential functions in which certain positions may be abolished to best accomplish the objective of improving the efficiency of County services; now, therefore be it

1st RESOLVED, that there are sufficient appropriation reductions within the Department of Public Works to offset the salary and benefit expenses associated with the alternate plan proposed by the Department of Public Works; and be it further

2nd RESOLVED, that the following positions be restored in the specified appropriations within the Department of Public Works:

<u>Fd-Approp-Unit</u>	<u>Spec. No.</u>	<u>Position Title</u>	<u>Grade</u>	<u># of Positions</u>
001-1164-2000	7511	ASSISTANT DIRECTOR OF BUILDINGS & OPERATIONS & MAINTENANCE	31	+1
001-1494-1000	3706	NEIGHBORHOOD AIDE	13	+1
259-8195-1000	3706	NEIGHBORHOOD AIDE	13	+1

and be it further

3rd RESOLVED, that the following positions be abolished in the specified appropriations within the Department of Public Works:

<u>Fd-Approp-Unit</u>	<u>Spec. No.</u>	<u>Position Title</u>	<u>Grade</u>	<u># of Positions</u>
001-1490-0203	1002	Senior Engineering Aide	14	-1
001-1493-1500	1051	Clerk of the Works	23	-1
001-1493-1500	1111	ARCHITECTURAL DRAFTER II	18	-1
001-1660-0200	0110	DUPLICATING MACHINE OP I	09	-1

and be it further

4th RESOLVED, that the provisions within this resolution shall take effect within the first pay period immediately succeeding its adoption; and be it further

5th 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.

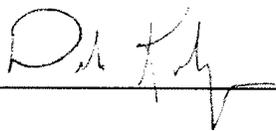
DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
RESOLUTION NO. -2012, AMENDING THE 2012 OPERATING BUDGET AND RESTORING CERTAIN POSITIONS IN THE DEPARTMENT OF PUBLIC WORKS		
3. Purpose of Proposed Legislation		
This resolution will restore three positions in the Department of Public Works and abolish four alternate positions in the Department of Public Works.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u> County </u>	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		
There are sufficient appropriation reductions with the abolishment of the four positions to offset the salary and benefit expenses associated with the three restored positions.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
DPW Operating Budget		
9. Timing of Impact		
Upon Adoption		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Debra Kolyer Principal Financial Analyst		January 4, 2012

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1180
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, AMENDING THE 2012 OPERATING BUDGET IN
CONNECTION WITH ONE (1) POSITION IN THE DEPARTMENT OF
PLANNING/COMMUNITY DEVELOPMENT DIVISION**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE THE SUFFOLK COUNTY LEGISLATURE IS NOT SCHEDULED
TO MEET AGAIN UNTIL MARCH 13TH, 2012, THE POSITION IS FEDERALLY
FUNDED AND SHOULD THEREFORE BE RESTORED TO THE 2012 OPERATING
BUDGET.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

LS 0 V 1 - 03 002

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Intro. Res. No. 1180-12
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 2/7/12

**RESOLUTION NO. -2012, AMENDING THE 2012
OPERATING BUDGET IN CONNECTION WITH ONE (1)
POSITION IN THE DEPARTMENT OF PLANNING/COMMUNITY
DEVELOPMENT DIVISION**

WHEREAS, the adoption of the 2012 Suffolk County Operating Budget included one (1) abolished Economic Development & Workforce Housing/Community Development Division Neighborhood Aide position and

WHEREAS, it is the desire of this Legislature to reinstate the aforementioned one (1) abolished Economic Development & Workforce Housing/Community Development Division position; and

WHEREAS, Resolution No. 640-2011 accepted and appropriated a HOME Investment Partnership Program FY 2011 grant in the amount of \$2,114,685 from the U.S. Department of Housing and Urban Development (HUD) to the Suffolk County Community Development Office; now, therefore be it

1st RESOLVED, that the following position be restored in the specified appropriation within the Department of Planning/Community Development Division:

Fund	Org.	Unit	Spec.	Title	GR.	# of Positions
11	8693	0300	3706	NEIGHBORHOOD AIDE	13	+1

and be it further

2nd RESOLVED, that there is sufficient funding for the associated permanent salary and benefits for this position included in Res. No.640-2011; and be it further

3rd RESOLVED, that the provisions within this resolution shall take effect within the first pay period immediately succeeding its adoption; and be it further

4th 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.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH ONE (1) POSITION IN THE DEPARTMENT OF PLANNING/COMMUNITY DEVELOPMENT DIVISION		
3. Purpose of Proposed Legislation SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <input checked="" type="checkbox"/>		
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 Sufficient Revenues to cover salary and benefits included in the Home Investment Partnership Program FY 2011 Grant which was accepted and appropriated by Resolution 640-2011.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
8. Proposed Source of Funding Community Development Home Investment Partnership Grant accepted and appropriated by Resolution 640-2011		
9. Timing of Impact Upon adoption of Resolution		
10. Typed Name & Title of Preparer James P. Burt Assistant Budget Director	11. Signature of Preparer 	12. Date February 1, 2012

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1181

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, ACCEPTING AND APPROPRIATING A GRANT
IN THE AMOUNT OF \$6,000 FROM THE NEW YORK STATE DIVISION OF
CRIMINAL JUSTICE SERVICES FOR THE MOTOR VEHICLE THEFT AND
INSURANCE FRAUD PREVENTION PROGRAM (MVT/IFP)**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE IT IS THE DESIRE OF THE DISTRICT ATTORNEY TO HAVE
IMMEDIATE ACCESS TO THE FUNDS AVAILABLE THROUGH THIS GRANT.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

88-011-1-31, 111

DEPARTMENT

Introductory Resolution No. 1181-12

Laid on Table 2/7/12

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2012, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$6,000 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM (MVT/IFP)

WHEREAS, the New York State Division of Criminal Justice Services has made an additional \$6,000 in State funding available to the Suffolk County District Attorney's Office to continue efforts to reduce the crimes of motor vehicle theft and insurance fraud; and

WHEREAS, the operational period of the program will be from January 1, 2012, through December 31, 2012; and

WHEREAS, \$300,000 in salaries has been included in the 2012 Suffolk County Operating Budget; and

WHEREAS, \$6,000 of said grant funds have not been included in the 2012 Suffolk County Operating Budget, and now therefore be it,

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds as follows:

REVENUES:	<u>Amount</u>
001-DIS-3330 – State Aid: Motor Vehicle Theft/Insurance Fraud Prevention	\$6,000

EXPENSES:

**District Attorney's Office (DIS)
MVT/IFP
001-DIS-1168**

<u>2000-Equipment</u>	<u>\$ 6,000</u>
2090-Radio & Communications	6,000

and be it further

3rd RESOLVED, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the New York State Division of Criminal Justice Services.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF \$6,000 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR THE MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION PROGRAM (MVT/IFP)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XX</u> No		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	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 provides \$6,000.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
This grant must be expended between January 1, 2012 and December 31, 2012.		
8. Proposed Source of Funding		
New York State Division of Criminal Justice		
9. Timing of Impact		
Effective upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Tricia Saunders, Senior Research Analyst		1-25-2011

COUNTY OF SUFFOLK
OFFICE OF DISTRICT ATTORNEY



THOMAS J. SPOTA
DISTRICT ATTORNEY

MEMORANDUM

TO: Jon Schneider, Deputy County Executive
Suffolk County Executive's Office

FROM: Craig Pavlik, Deputy Bureau Chief
Suffolk County District Attorney's Office

DATE: January 13, 2012

SUBJECT: Resolution Packets & SCIN Forms with Certificate of Necessity request for
Motor Vehicle Theft/Insurance Fraud Prevention Program

Attached please find two copies of the following for the New York State Division of Criminal Justice Services Motor Vehicle Theft/ Insurance Fraud Prevention program:

1. Draft Resolution.
2. SCIN Forms.
3. Request for Introduction of Legislation.
4. Financial Impact Statement.
5. Copy of the Contract between the New York State Division of Criminal Justice Services and the Suffolk County District Attorney's Office.

Copies of this packet are also being forwarded to the Federal and State Aid Claims Unit for review. Electronic copies of the resolution and SCIN forms will be transmitted to CE RESO REVIEW.

We are requesting this resolution be submitted to the Suffolk County Legislature **with a Certificate of Necessity**.

If you have any questions concerning this resolution package, please contact Craig Pavlik, Deputy Bureau Chief at 853-4153 or Katey Moran, Grants Analyst, at 853-3879.

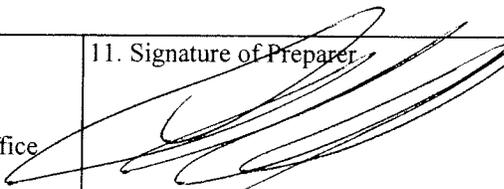
Thank you as always for your assistance with this project.

Att.
cc: Evelyn Creen, Federal & State Aid Claims Examiner
Regina Calcaterra, Chief Deputy County Executive

ADMINISTRATION OFFICE

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JAN 13 2011
OFFICE OF THE
SUFFOLK COUNTY EXECUTIVE
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STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation Motor Vehicle Theft/Insurance Fraud Prevention Program		
3. Purpose of Proposed Legislation Accept funding from the New York State Division of Criminal Justice Services		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> x </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County x	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 Increase in grant related revenue from New York State.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. The funding period for this program is 1/1/2012 through 12/31/2012.		
8. Proposed Source of Funding New York State Division of Criminal Justice Services		
9. Timing of Impact Immediate		
10. Typed Name & Title of Preparer Craig D. Pavlik Deputy Bureau Chief Suffolk County District Attorney's Office	11. Signature of Preparer 	12. Date



STATE OF NEW YORK
DIVISION OF CRIMINAL JUSTICE SERVICES
4 Tower Place
Albany, New York 12203-3764
<http://criminaljustice.state.ny.us>

ANDREW M. CUOMO
GOVERNOR

SEAN M. BYRNE
ACTING COMMISSIONER

November 18, 2011

Ms. Katey A. Moran
Grants Analyst
Suffolk County District Attorney's Office
Building 77, North County Complex
Veterans Memorial Highway
Hauppauge, NY 1187-4311

**Re: MV 2011/12 Award for Motor Vehicle Theft and
Insurance Fraud Prevention Program**

Dear Ms. Moran:

I am pleased to advise you that the Suffolk County District Attorney's Office has been awarded \$306,000 in SFY 2011/12 grant funds with agreement by the New York State Motor Vehicle Theft and Insurance Fraud Prevention Board (the Board). This funding is available through the Motor Vehicle Theft and Insurance Fraud (MVTIF) Prevention Demonstration Program to support the program proposal described in your recent grant application.

Over \$4.4 million in grant funding was requested as compared to the \$3.8 million available for awards in this cycle. As a result of this overwhelming response, the Board was able to recommend funding at reduced levels. We will work with you to help structure your proposed program consistent with the award amount.

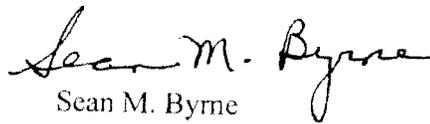
The Statewide Plan of Operation for motor vehicle theft and insurance fraud, as legislated by Article 36-A of the Executive Law, requires a coordinated approach to detect, prevent, deter and reduce motor vehicle theft and insurance fraud. The Division of Criminal Justice Services (DCJS) requires that all MVTIF grantees develop a strategy that includes a threat assessment describing the scope of the motor vehicle theft and insurance fraud problem and the coordinated efforts that would be utilized to effectively combat these crimes. An evaluation of these efforts will be incorporated into the project work plan for the 2011/2012 grant period.

All grant recipients are required to enter investigative targets in the Secure Automated Fast Event Tracking Network (SAFETNet) as a special condition of the award. During the contract period, grantees will be expected to produce substantiated information, both statistical and programmatic, on the effectiveness of the initiatives implemented by the grant program. This information is essential to demonstrate the success of your program and may influence the continued support of your program initiatives in future funding cycles.

The primary contact for your project will receive a contract preparation package from the DCJS Office of Program Development and Funding Criminal Justice Program Representative (CJPR) assigned to this project. The CJPR will assist your office in the development of the MVTIF grant contract. If you have any questions related to the Motor Vehicle Theft and Insurance Fraud Prevention Program, please call the MVTIF Program staff at (518) 457-8404.

On behalf of the Board and DCJS, congratulations on your award. We look forward to continuing to work with you to reduce motor vehicle theft and insurance fraud in New York State.

Very truly yours,

A handwritten signature in black ink that reads "Sean M. Byrne". The signature is written in a cursive style with a large, stylized "S" and "B".

Sean M. Byrne
Acting Commissioner

SMB:mmm:pr

cc: Ed Dumas, Chief Deputy County Executive for Policy & Communications
Suffolk County

<p><u>STATE AGENCY</u> Division of Criminal Justice Services 4 Tower Place Albany, NY 12203</p>	<p><u>NYS COMPTROLLER'S NUMBER:</u> C464158 (Contract Number) <u>ORIGINATING AGENCY CODE:</u> 01490 - Division of Criminal Justice Services</p>
<p><u>GRANTEE/CONTRACTOR:</u> (Name & Address) Suffolk County H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788-5402</p>	<p><u>TYPE OF PROGRAMS:</u> Motor Vehicle Theft and Insurance Fraud Prevention <u>DCJS NUMBERS:</u> MV11464158 <u>CFDA NUMBERS:</u></p>
<p><u>FEDERAL TAX IDENTIFICATION NO:</u> 116000464 <u>MUNICIPALITY NO:</u> (if applicable) 470100000000</p>	<p><u>INITIAL CONTRACT PERIOD:</u> FROM 01/01/2012 TO 12/31/2012 <u>FUNDING AMOUNT FROM INITIAL PERIOD:</u> \$306,000.00</p>
<p><u>STATUS:</u> Contractor is not a sectarian entry. Contractor is not a not-for-profit organization.</p>	<p><u>MULTI-YEAR TERM:</u> (if applicable): 0 1-year renewal options.</p>
<p><u>CHARITIES REGISTRATION NUMBER:</u> <input type="text"/> (Enter number or Exempt) if "Exempt" is entered above, reason for exemption. <u>N/A</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Contractor has ___ has not ___ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.</p> </div>	<p><u>APPENDIX ATTACHED AND PART OF THIS AGREEMENT</u> <input checked="" type="checkbox"/> APPENDIX A Standard Clauses required by the Attorney General for all State contracts <input checked="" type="checkbox"/> APPENDIX A1 Agency-specific Clauses <input checked="" type="checkbox"/> APPENDIX B Budget <input checked="" type="checkbox"/> APPENDIX C Payment and Reporting Schedule <input checked="" type="checkbox"/> APPENDIX D Program Workplan <input type="checkbox"/> APPENDIX F Guidelines for the Control and Use of Confidential Funds <input type="checkbox"/> APPENDIX G Procedural Guidelines for the Control of Surveillance Equipment <input checked="" type="checkbox"/> Other (Identify)</p>
<p>IN WITNESS THERE OF, the parties hereto have electronically executed or approved this AGREEMENT on the dates of their signatures.</p>	
<p>NYS Division of Criminal Justice Services BY: _____ Date: _____ Office of Program Development and Funding <u>State Agency Certification:</u> "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract". GRANTEE: BY: Mr. Ed Dumas, Chief Deputy County Executive for Policy and Communications Date: _____</p>	
<p>ATTORNEY GENERAL'S SIGNATURE _____ Title: _____ Date: _____</p>	<p>APPROVED, Thomas P. DiNapoli, State Comptroller _____ Title: _____ Date: _____</p>

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

AGREEMENT

STATE OF NEW YORK

AGREEMENT

This AGREEMENT is hereby made by and between the State of New York agency (STATE) and the public or private agency (CONTRACTOR) identified on the face page hereof.

WITNESSETH:

WHEREAS, the STATE has the authority to regulate and provide funding for the establishment and operation of program services and desires to contract with skilled parties possessing the necessary resources to provide such services; and

WHEREAS, the CONTRACTOR is ready, willing and able to provide such program services and possesses or can make available all necessary qualified personnel, licenses, facilities and expertise to perform or have performed the services required pursuant to the terms of this AGREEMENT;

NOW THEREFORE, in consideration of the promises, responsibilities and covenants herein, the STATE and the CONTRACTOR agree as follows:

I. Conditions of Agreement

A. This AGREEMENT may consist of successive periods (PERIOD), as specified within the AGREEMENT or within a subsequent Modification Agreement(s) (Appendix X) Amendment. Each additional or superseding PERIOD shall be on the forms specified by the particular State agency, and shall be incorporated into this AGREEMENT.

B. Funding for the first PERIOD shall not exceed the funding amount specified on the face page hereof. Funding for each subsequent PERIOD, if any, shall not exceed the amount specified in the appropriate appendix amendment for that PERIOD.

C. This AGREEMENT incorporates the face page attached as presented in the Grants Management System (GMS) AWARD online printable report, and all of the marked appendices identified on the face page hereof.

D. For each succeeding PERIOD of this AGREEMENT, the parties shall prepare new appendices, to the extent that any require modification, and a Modification Agreement. Any terms of this AGREEMENT not modified shall remain in effect for each PERIOD of the AGREEMENT.

To modify the AGREEMENT within an existing PERIOD, the parties shall revise or complete the appropriate appendix form(s). Any change in the amount of consideration to be paid, change in scope, or change in term is subject to the approval of the Office of the State Comptroller. Any other modifications shall be processed in accordance with agency guidelines as stated in Appendix A-1.

E. The CONTRACTOR shall perform all services to the satisfaction of the STATE. The CONTRACTOR shall provide services and meet the program objectives summarized in the Program Workplan (Appendix D) in accordance with: provisions of the AGREEMENT; relevant laws, rules and regulations, administrative and fiscal guidelines; and where applicable, operating certificates for facilities or licenses for an activity or program.

F. If the CONTRACTOR enters into subcontracts for the performance of work pursuant to this AGREEMENT, the CONTRACTOR shall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the STATE under this AGREEMENT. No contractual relationship shall be deemed to exist between the subcontractor and the STATE.

G. Appendix A (Standard Clauses as required by the Attorney General for all State contracts) takes precedence over all other parts of the AGREEMENT.

II. Payment and Reporting

A. The CONTRACTOR, to be eligible for payment, shall submit to the STATE's designated payment office (identified in Appendix C) any appropriate documentation as required by the Payment and Reporting Schedule (Appendix C) and by agency fiscal guidelines, in a manner acceptable to the STATE.

B. The STATE shall make payments and any reconciliations in accordance with the Payment and Reporting Schedule (Appendix C). The STATE shall pay the CONTRACTOR, in consideration of contract services for a given PERIOD, a sum not to exceed the amount noted on the face page hereof or in the respective Appendix designating the payment amount for that given PERIOD. This sum shall not duplicate reimbursement from other sources for CONTRACTOR costs and services provided pursuant to this AGREEMENT.

C. The CONTRACTOR shall meet the audit requirements specified by the STATE.

III. Terminations

A. This AGREEMENT may be terminated at any time upon mutual written consent of the STATE and the CONTRACTOR.

B. The STATE may terminate the AGREEMENT immediately, upon written notice of termination to the CONTRACTOR, if the CONTRACTOR fails to comply with the terms and conditions of this AGREEMENT and/or with any laws, rules, regulations, policies or procedures affecting this AGREEMENT.

C. The STATE may also terminate this AGREEMENT for any reason in accordance with provisions set forth in Appendix A-1.

D. Written notice of termination, where required, shall be sent by personal messenger service or by certified mail, return receipt requested. The termination shall be effective in accordance with the terms of the notice.

E. Upon receipt of notice of termination, the CONTRACTOR agrees to cancel, prior to the effective date of any prospective termination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice without approval by the STATE.

F. The STATE shall be responsible for payment on claims pursuant to services provided and costs incurred pursuant to terms of the AGREEMENT. In no event shall the STATE be liable for expenses and obligations arising from the program(s) in this AGREEMENT after the termination date.

IV. Indemnification

A. The CONTRACTOR shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons (including death) or property arising out of or related to the services to be rendered by the CONTRACTOR or its subcontractors pursuant to this AGREEMENT. The CONTRACTOR shall indemnify and hold harmless the STATE and its officers and employees from claims, suits, actions, damages and costs of every nature arising out of the provision of services pursuant to this AGREEMENT.

B. The CONTRACTOR is an independent contractor and may neither hold itself out nor claim to be an officer, employee or subdivision of the STATE nor make any claim, demand or application to or for any right based upon any different status.

V. Property

Any equipment, furniture, supplies or other property purchased pursuant to this AGREEMENT is deemed to be the property of the STATE except as may otherwise be governed by Federal or State laws, rules or regulations, or as stated in Appendix A-1.

VI Safeguards for Services and Confidentiality

A. Services performed pursuant to this AGREEMENT are secular in nature and shall be performed in a manner that does not discriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular religious beliefs.

B. Funds provided pursuant to this AGREEMENT shall not be used for any partisan political activity, or for activities that may influence legislation or the election or defeat of any candidate for public office.

C. Information relating to individuals who may receive services pursuant to this AGREEMENT shall be maintained and used only for the purposes intended under the contract and in conformity with applicable provisions of the laws and regulations, or specified in Appendix A-1.

Certified by - on

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, 'the contract' or 'this contract') agree to be bound by the following clauses which are hereby made a part of the contract (the word 'Contractor' herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.
2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.
3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6 a).
4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.
5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State

citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. **WAGE AND HOURS PROVISIONS.** If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. **NON-COLLUSIVE BIDDING CERTIFICATION.** In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. **INTERNATIONAL BOYCOTT PROHIBITION.** In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. **SET-OFF RIGHTS.** The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. **RECORDS.** The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, 'the Records'). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the 'Statute') provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. **IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.**

(a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.

(b) PRIVACY NOTIFICATION. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of 'a', 'b', and 'c' above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the 'Work') except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting

agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. **CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. **GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. **LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. **NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. **SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ('CPLR'), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. **PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. **MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. **OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St -- 7th Floor
Albany, New York 12245

Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803 <http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

- (a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- (b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- (c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and
- (d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. **RECIPROCITY AND SANCTIONS PROVISIONS.** Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. **COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT.** Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. **COMPLIANCE WITH CONSULTANT DISCLOSURE LAW.** If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. **PROCUREMENT LOBBYING.** To the extent this agreement is a 'procurement contract' as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS. To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.

June 2011

Certified by - on

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

APPENDIX A1

AGENCY-SPECIFIC CLAUSES

1. For grant solicitations or direct grant awards announced before April 10, 2006, if this Agreement exceeds \$15,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for \$15,000 or less, it shall not take effect until it is executed by both parties.

For grant solicitations or direct grant awards announced on or after April 10, 2006, if this Agreement exceeds \$50,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for \$50,000 or less, it shall not take effect until it is executed by both parties.

2. This Agreement sets forth the entire understanding of the parties and may not be altered or amended except in writing and signed by the parties hereto.

3. The failure of a party to enforce a contractual obligation shall not eliminate the other party's obligation to perform such contractual obligation.

4. In the event that any provision of this Agreement is determined to be null and void, all remaining provisions shall continue to be in full force and effect.

5. The Grantee must notify DCJS in writing of any change in the number, title, job duties or rate of remuneration of project staff which changes the Personal Service Project Budget line by 10 percent or under. Any change in the number, title, job duties or rate of remuneration of project staff which changes the Project Budget line more than 10 percent must be approved in writing by DCJS prior to implementation. The Grantee agrees to provide DCJS with resumes and supporting documentation upon request.

6. The Grantee shall submit detailed itemization forms for personal service and fringe benefit expenditures, in a format determined by DCJS, with any voucher and Fiscal Cost Reports requesting payment for expenditures.

7. The Grantee must maintain specific documentation as support for project related personal service expenditures, depending upon whether this grant contract project is supported by State or Federal funds:

A. For State funded grants:

For all Grantee's staff whose salaries are paid in whole or in part from grant funds provided under this Agreement, the Grantee shall maintain a time recording system which shows the time devoted to the grant project. The system shall consist of time sheets, computerized workload distribution reports, or equivalent systems. The time devoted to grant activities must be determinable and verifiable by DCJS. If time sheets are used, each must be signed by the individual and certified by the individual's supervisor in a higher level position at the end of each time reporting period.

B. For Federally funded grants:

Depending upon the nature or extent of personal service provided under this Agreement, the Grantee shall maintain semi-annual (or more frequent) personal service certifications and/or an after-the-fact personnel activity reporting system (or equivalent) which complies with the requirements of the Federal Office of Management and Budget (OMB) Circulars A-21, A-87 or A-122, as applicable:

1. OMB Circular A-21 [Item J, General provisions for selected items of cost] identifies documentation required for educational institutions as support for grant project personnel costs.
2. OMB Circular A-87 [Attachment B, Selected Items of Cost] identifies the documentation required for local government agencies as support for grant project personnel costs.
3. OMB Circular A-122 [Attachment B, Selected Items of Cost] identifies the documentation required for non-

profit organizations as support for grant project personnel costs.

The most current version of these Federal OMB Circulars may be viewed on-line at:
www.whitehouse.gov/omb/circulars.

The Grantee is to ensure full compliance with specific personal service documentation requirements of these OMB Circulars as applicable directly to the Grant recipient and to any sub-recipient (or collaborative agency/organization). Failure to do so may result in disallowance of costs upon audit.

8. Budget amendments are governed as follows:

A. Any proposed modification to the contract which results in a change of greater than 10 percent to any budget category must be submitted for prior approval by DCJS and the NYS Office of the State Comptroller. An Appendix X setting forth the proposed amendment must be electronically signed via the Grants Management System by the Grantee for approval by DCJS and the NYS Office of the State Comptroller before the next voucher and/or fiscal cost report will be approved.

B. For proposed modifications to the contract which result in a change of 10 percent or less to any budget category, the following shall apply:

1. The Grantee is not permitted to reallocate funds between Personal Service and Non-Personal Service budget categories without the prior approval of DCJS. A grant amendment setting forth the proposed reallocation must be approved by DCJS via the Grants Management System before the next voucher and/or fiscal cost report will be approved.

2. Prior approval by DCJS is not required for Non-Personal Service budget changes which are less than 10 percent. A letter signed by the Chief Executive Officer or Fiscal Officer authorizing these changes must be submitted to DCJS with the next voucher or fiscal cost report submission.

9. Space rental provided by this Agreement must be supported by a written lease, maintained on file and made available by the Grantee upon request.

10. The Grantee's request for travel, meals or lodging reimbursement shall be in accordance with Appendix B, Budget, and, unless prior written authorization has been received from DCJS, shall not exceed rates authorized by the NYS Office of the State Comptroller.

11. The Grantee's employment of a consultant must be supported by a written agreement executed by the Grantee and the consultant. A consultant is defined as an individual or organization hired by the Grantee for the stated purpose of accomplishing a specific task relative to the funded project. A copy of the agreement must be submitted to DCJS with the appropriate voucher for payment. All consultant services must be obtained in a manner that provides for fair and open competition. The Grantee shall retain copies of all solicitations seeking a consultant, written agreements and documentation justifying the cost and selection of the consultant. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth in the Agreement and the Grantee must guarantee the work of the consultant as if it were its own.

A. The rate for a consultant should not exceed \$450 for an eight-hour day (not including travel and subsistence costs). A rate exceeding \$450 per eight-hour day requires prior written approval from DCJS and may be approved on a case-by-case basis where adequate justification is provided and expenses are reasonable and allowable.

B. In addition to the above requirements, a Grantee that is a local government or a not-for-profit must adhere to the following guidelines at a minimum when obtaining consultant services:

1. Consultant services that cost up to \$999 under this grant agreement can be obtained at the Grantee's discretion.

2. Consultant services that cost between \$1,000 and \$4,999 under this grant agreement must be supported by at least three telephone quotes and a record created of such quotes.

3. Consultant services that cost between \$5,000 and \$9,999 under this grant agreement must be supported by at least three written quotes on a vendor's stationery and a record created of competitive procurement process utilized.

4. A Grantee obtaining consultant services that cost in excess of \$10,000 must use a competitive bidding

process. Guidance may be obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of the opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids opened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the bids are opened; and maintenance of a record of competitive procurement process.

C. A Grantee who proposes to obtain consultant services from a particular vendor without competitive bidding, must obtain the prior written approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for selection and basis upon which the price was determined to be reasonable. Further, such consultant services must be in accordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, and the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

D. Notwithstanding the provisions of this paragraph, the Parties agree that DCJS' prior written approval is not required for the employment of a consultant when such employment is secured in relationship to a criminal matter as an expert witness, consultant or investigator. The Parties agree that the employment shall be supported by a written agreement and that all requests for reimbursement shall be supported by documentation identifying the criminal matter involved, services provided, time commitment and schedule. Such agreement and documentation shall be submitted to DCJS with the appropriate voucher for payment.

12. All procurements, other than consultant services, shall be conducted in the following manner. Written justification and documentation for all procurements must be maintained on file and made available upon request. Detailed itemization forms for non-personal service expenditures, in a format determined by DCJS, shall accompany each voucher and Fiscal Cost Report requesting payment. All procurements must be made in a fair and open manner and in accordance with the pre-determined methodology established for evaluating bids (e.g., lowest responsive bidder or best value).

A. A Grantee that is a state entity must make all procurements in accordance with State Finance Law Article 11, and any other applicable regulations.

B. A Grantee that is a local government must make procurements in accordance with General Municipal Law Article 5-A and any other applicable regulations.

C. In addition, a Grantee that is a not-for-profit must also make all procurements as noted below:

1. If the Grantee is eligible to purchase an item or service from a government contract or is able to purchase such item or service elsewhere at a lower than or equal price, then such purchase may be made immediately.
2. A Grantee may purchase any single piece of equipment, single service or multiples of each that cost up to \$999 at its discretion.
3. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between \$1,000 and \$4,999, a Grantee must secure at least three telephone quotes and create a record for audit of such quotes.
4. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between \$5,000 and \$9,999, the Grantee must secure at least three written quotes on a vendor's stationery and maintain a record of the competitive procurement process for audit purposes.
5. A Grantee spending in aggregate of \$10,000 and above must use a competitive bidding process. Guidance may be obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of the opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids opened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the bids are opened; and maintenance of a record of competitive procurement process.
6. A Grantee who proposes to purchase from a particular vendor without competitive bidding must obtain the prior written approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for selection and the basis upon which the price was determined to be reasonable. Further, such procurement must be in accordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, and the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

13. Applicable equipment purchased with funds provided by this Agreement as listed in Appendix B, Budget, shall be assigned a unique inventory number. The Grantee shall list all applicable equipment purchased with such funds in the GMS Property Module and print and submit such reports to DCJS/ODPF program

representatives with the final program progress report or sooner. Alternatively, the Grantee may use the Equipment Inventory reports prescribed by DCJS to list equipment purchases and submit them to DCJS via postal service. Items of equipment costing less than \$500 do not need to be reported on the Equipment Inventory Reports although the Grantee is encouraged to maintain an internal inventory for audit purposes. Upon completion of all contractual requirements by the Grantee, DCJS will consider a request for continued use and possession of the equipment purchased with grant funds provided the equipment continues to be used in conducting a criminal justice program.

14. Grant funds may be expended only for purposes and activities set forth in this Agreement. Accordingly, the most important single requirement of accounting for this grant is the complete and accurate documentation of grant expenditures. If the Grantee receives funding from two or more sources, all necessary steps must be taken to ensure that grant-related transactions are not commingled. This includes, but is not limited to, the establishment of unique budget codes, a separate cost center, or a separate chart of accounts. Expenditures must be cross-referenced to supporting source documents (purchase orders, contracts, real estate leases, invoices, vouchers, timesheets, mileage logs, etc.). Grantee agrees it shall maintain adequate internal controls and adhere to Generally Accepted Accounting Principles for Government or Generally Accepted Accounting Principles for Not-for-Profit Organizations.

This Agreement may be subject to a fiscal audit by DCJS to ascertain financial compliance with Federal and/or State laws, regulations, and guidelines applicable to this Agreement. Such audits may include review of the Grantee's accounting, financial, and reporting practices to determine compliance with the Agreement and reporting requirements; maintenance of accurate and reliable original accounting records in accordance with governmental accounting standards as well as generally accepted accounting principles; and specific compliance with allowable cost and expenditure documentation standards prescribed by applicable Federal, State, and DCJS guidelines.

15. Where advance payments are approved by DCJS, the Grantee agrees to expend the advance payments in accordance with the purposes set forth in Appendix D and consistent with Appendix B.

16. DCJS reserves the right to suspend program funds if the Grantee is found to be in noncompliance with the provisions of this Agreement or other grant agreements between the Grantee and DCJS or, if the Grantee or principals of the Grantee are under investigation by a New York State or local law enforcement agency for noncompliance with State or Federal laws or regulatory provisions or, if in DCJS' judgment, the services provided by the Grantee under the Agreement are unsatisfactory or untimely. DCJS shall provide the Grantee with written notice of noncompliance. Upon the Grantee's failure to correct or comply with the written notice by DCJS, DCJS reserves the right to terminate this Agreement, recoup funds and recover any assets purchased with the proceeds of this Agreement. DCJS reserves the right to use approved grant related expenditures to offset disallowed expenditures from any grant funded through its offices upon issuance of a final audit report and appropriate notification to the Grantee, or upon reasonable assurance that the Grantee is not in compliance with Agreement terms.

17. The Grantee agrees, as a material condition of the Agreement, to comply with all applicable provisions of the Hatch Act (5 U.S.C. "1501 et seq.) as amended.

18. Program income earned by the Grantee during the funding period as a direct result of the grant award must be reported in writing to DCJS, in addition to any other statutory reporting requirements. This includes income received from seized and forfeited assets and cash, as well as: sale of grant purchased property; royalties; fees for services; and registration/tuition fees. Interest earned on grant funds is not program income unless specified in Appendix D. The Grantee agrees to report the receipt and expenditures of grant program income to DCJS. All income, including interest, generated by the use of these grant funds will be used to enhance the grant project.

19. If applicable, the Grantee agrees to obtain not-for-profit status, a federal identification number, and a charitable registration number (or a declaration of exemption) and to furnish DCJS with this information as soon as it is available.

20. Unless otherwise specified, in accordance with the State Finance Law, the availability of all State funds for liabilities already incurred thereunder shall cease on September 15th of the year following the fiscal year in which the funds were appropriated, unless such funds are reappropriated by the New York State Legislature. To ensure payment, vouchers must be received by DCJS by August 1st of the year following the fiscal year in which

the funds were appropriated.

21. The Grantee will submit program progress reports and one final report to DCJS via the GMS system and additional information or amended data as required.

A. Program progress reports will be due within 45 days of the last day of each calendar quarter or on an alternate schedule as prescribed in Appendix D. The first program progress report will be due within 45 days of the last day of the calendar quarter from the start date of the program.

Program progress reports thereafter will continue to be made until such time as the funds subject to this Agreement are no longer available, have been accounted for, and/or throughout the Agreement period or project duration.

Calendar quarters, for the purposes of making program progress reports, shall be as follows:

Calendar Quarter; Report Due

January 1 - March 31; May 15

April 1 - June 30; August 15

July 1 - September 30; November 15

October 1 - December 31; February 15

B. The final report, or where applicable interim progress reports, will summarize the project's achievements as well as describe activities for that quarter.

22. If for any reason the State of New York or the federal government terminates its appropriation through DCJS or fails to pay the full amount of the allocation for the operation of this program, this Agreement may be terminated or reduced at the discretion of DCJS, provided that no such reduction or termination shall apply to allowable costs already incurred by the Grantee where funds are available to DCJS for payment of such costs. Upon termination or reduction of the Agreement, all remaining funds paid to the Grantee that are not subject to allowable costs already incurred by the Grantee shall be returned to DCJS. In any event, no liability shall be incurred by DCJS or by the State of New York beyond monies available for the purposes of this Agreement. The Grantee acknowledges that any funds due to DCJS because of disallowed expenditures after audit shall be its responsibility.

23. If Appendix B, Program Budget, makes provisions for overtime payment, the Grantee agrees to submit vouchers for such payment of overtime charges within 45 days after the last day of the quarter for the reporting period. The Grantee further agrees to limit overtime earnings to no more than 25 percent (25%) of the employee's annual personnel cost (salary plus fringe benefits) during the term of this Agreement. No reimbursements for overtime charges in excess of this 25 percent (25%) limit will be made unless prior written approval has been obtained from DCJS.

24. None of the goals, objectives or tasks set forth in Appendix D shall be subawarded to another organization without specific prior written approval by DCJS. Where the intention to make subawards is clearly indicated in the application, DCJS' approval is deemed given, if these activities are funded as proposed.

If this Agreement makes provisions for the Grantee to subgrant funds to other recipients, the Grantee agrees that all subgrantees shall be held accountable by the Grantee for all terms and conditions set forth in this Agreement. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth in the Agreement and the Grantee must guarantee the work of any subgrantee as if it were its own.

The Grantee agrees that all subgrantee arrangements shall be formalized in writing between the parties involved. The writing must, at a minimum, include the following information:

- Activities to be performed;
- schedule;
- Project policies;
- Other policies and procedures to be followed;
- Dollar limitation of the Agreement;
- Appendix A, Appendix A-1, Appendix C, Certified Assurances for Federally Supported Projects, Certification Regarding Lobbying, Debarment and Suspension and any special conditions set forth in the Agreement; and

-Applicable Federal and/or State cost principles to be used in determining allowable costs.

The Grantee will not be reimbursed for subgranted funds unless all expenditures by a subgrantee are listed on certification forms. Backup documentation for such expenditures must be made available upon request. All expenditures must be programmatically consistent with the goals and objectives of this Agreement and with the financial plan set forth in Appendix B.

25. Federal Funds

A. In accordance with Federal requirements, a Grantee which receives during its fiscal year \$500,000 or more of Federal funds (including pass-through and direct) from all sources, including this Agreement, must agree to have an independent audit of such Federal funds conducted in accordance with the Federal Office of Management and Budget (OMB) Circular A-133. OMB Circular A-133 further requires that the final report for such audit be completed within nine months of the end of the Grantee's fiscal year. The Grantee further agrees to provide one copy of such audit report(s) to DCJS within nine months of the end of its fiscal year(s).

B. In accordance with Federal requirements, a Grantee receiving Federal pass-through funds must also agree to comply with the terms and conditions of any and all applicable Federal OMB Circulars. For the convenience of the Grantee, the following OMB circulars are noted as the most common applicable to federal funds passed through DCJS:

- OMB Circular A 21, Cost Principles for Educational Institutions;
- OMB Circular A 87, Cost Principles for State, Local and Indian Tribal Governments;
- OMB Circular A 102, Grants and Cooperative Agreements With State and Local Governments;
- OMB Circular A 110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non Profit Organizations; and
- OMB Circular A 122, Cost Principles for Non Profit Organizations.

The Parties agree that, dependent upon the status of the Grantee, additional circulars may also be applicable. The most current version of all Federal OMB Circulars may be viewed on-line at:
www.whitehouse.gov/omb/circulars.

The Grantee is to ensure full compliance with all cost documentation requirements of OMB Circulars as applicable directly to the Grant recipient and to any sub-recipient (or collaborative agency/organization). Failure to do so may result in disallowance of costs upon audit.

26. Any creative or literary work developed or commissioned by the Grantee with grant support provided by DCJS shall become the property of DCJS, entitling DCJS to assert a copyright therein, unless the parties have expressly agreed otherwise in a written instrument signed by them.

A. If DCJS shares its right to copyright such work with the Grantee, DCJS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use: (a) the copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and (b) any rights of copyright to which a Grantee, Subgrantee, or a Contractor purchases ownership with grant support.

B. If the grant support provided by DCJS is federally sponsored, the federal awarding agency also reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use: (a) the copyright in any work developed under a grant, subgrant or contract under a grant or subgrant; and (b) any rights of copyright to which a Grantee, Subgrantee, or a Contractor purchases ownership with such grant support.

C. The Grantee shall submit one copy of all reports and publications resulting from this Agreement to DCJS. Any publications must contain the following statement, in visible print, of any document generated pursuant to a grant administered by DCJS:

This project was supported by a grant administered by the New York State Division of Criminal Justice Services. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the Division of Criminal Justice Services.

27. Original records must be retained for six years following the submission of the final claim against this Agreement. In the event of a fiscal audit, the project manager or a designated responsible party must be prepared to produce source documents that substantiate claimed expenditures. DCJS requires that all

documentation materials be organized, readily accessible, and cross-referenced to the Fiscal Cost Reports previously submitted. If fiscal records, such as purchase orders, vouchers, payroll registers, payroll tax records, etc., are to be kept in a fiscal office which is separate and apart from the program office, the project manager must have access to these original records. Such fiscal records must readily identify the associated project. In addition, a separate set of records must be retained for each project year.

28. Grant-related expenditures shall be reported on Fiscal Cost Reports and detailed itemization forms provided by DCJS. These reports must be prepared periodically as defined in Appendix C of this Agreement. All reported expenditures must reconcile to the program accounting records. Prior period adjustments shall be reported in the same accounting period that the correction was made.

VER:05/05/10

Certified by - on

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

APPENDIX B - Budget Summary by Participant

Suffolk County

Suffolk County District Attorney - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Assistant District Attorney (f/t)	1	\$61,209.00	\$61,209.00	\$61,209.00	\$0.00
2	Clerk Typist (f/t)	1	\$35,828.00	\$35,828.00	\$35,828.00	\$0.00
3	Paralegal Assistant (f/t)	1	\$48,745.00	\$48,745.00	\$48,745.00	\$0.00
4	Detective Investigator (p/t)	1	\$84,446.00	\$84,446.00	\$84,446.00	\$0.00
5	One Assistant District Attorney (f/t)	1	\$69,772.00	\$69,772.00	\$69,772.00	\$0.00
Total				\$300,000.00	\$300,000.00	\$0.00

#	Equipment	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Audio/Video Recorder w/ SD Card Memory	1	\$6,000.00	\$6,000.00	\$6,000.00	\$0.00
Total				\$6,000.00	\$6,000.00	\$0.00

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	\$306,000.00	\$306,000.00	\$0.00

Total Contract Costs	Total Cost	Grant Funds	Matching Funds
	\$306,000.00	\$306,000.00	\$0.00

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

APPENDIX C

PAYMENT AND REPORTING SCHEDULE

NOTE: Additional payment provisions associated with the schedule(s) below are detailed in Appendix A-1.

For All Grantees:

1. The Grantee agrees that this is a reimbursement-based contract; an advance may be provided through Appendix D (Special Conditions). All requests for reimbursement must reflect actual costs that have been disbursed or items received by the Grantee. A purchase order issued without receipt of the items or service is not eligible for reimbursement.
2. Grantees must submit all required fiscal reports, supporting documentation and program progress reports. Failure to meet these requirements will result in the rejection of associated vouchers. Failure to submit the final program report, or interim progress report designated as the final report, may result in a disallowance of 25 percent (25%) of the grant amount. The Grantee must also refund all unexpended advances (see item three below.) Final vouchers, reimbursement payment and reports must be submitted within 45 days of the end of the grant contract period. Failure to voucher within this period may result in the loss of grant funds.
3. If at the end of this grant contract there remains any unexpended balance of the monies advanced under this contract in the possession of the Grantee, the Grantee shall submit a certified check or money order for the unexpended balance payable to the order of the State of New York and return it to the DCJS Office of Finance with its final fiscal cost report within 45 days of termination of this grant contract.
4. Vouchers shall be submitted in a format acceptable to DCJS and the Office of the State Comptroller (see <http://www.criminaljustice.state.ny.us/ofpa/forms.htm>). Vouchers submitted for payment shall be deemed to be a certification that the payments requested are for project expenditures made in accordance with the items as contained in the Project Budget (Appendix B) and during the contract period. When submitting a voucher, such voucher shall also be deemed to certify that: a) the payments requested do not duplicate reimbursement from other sources of funding; and b) the funds provided herein do not replace funds that, in the absence of this grant, would have been made available by the Grantee for this program. Requirement b) does not apply to Legislative sponsored State grants.
5. For purposes of prompt payment provisions, the Designated Payment Office for the processing of all vouchers is the DCJS Office of Financial Services. Payment of grant vouchers shall be made in accordance with the provisions of Article XI-A of the State Finance Law (<http://caselaw.lp.findlaw.com/nycodes/c113/a19.html>). Payment shall be preceded by an inspection period of 15 business days which shall be excluded from calculations of the payment due date for purposes of determining eligibility for interest payments. The Grantee must notify the Office of Finance in writing of a change of address in order to benefit from the prompt payment provision of the State Finance Law. When progress reports are overdue, vouchers will not be eligible for prompt payment.
6. Timely and properly completed New York State vouchers, with supporting documentation when required, shall be submitted to:

NYS Division of Criminal Justice Services
Office of Finance
4 Tower Place
Albany, NY 12203-3764

7. Payment Schedule

PAYMENT and PAYMENT DUE DATE

1: Pending appropriation, 30 days after commencement date of contract with proper documentation or upon receipt of proper documentation, whichever is later.

2-4: Quarterly

A not-for-profit Grantee operating on a multi-year contract may voucher for an optional fifth quarter advance against the succeeding year's appropriation, pursuant to NYS Finance Law, Section 179-u.

All submitted vouchers will reflect the Grantee's actual expenditures and will be accompanied by supporting detailed itemizations of personal service and non-personal service expenditures and other documentation as required, and by a fiscal cost report for the reporting period. DCJS reserves the right not to release subsequent grant awards pending Grantee compliance with this Agreement. In the event that any expenditure for which the Grantee has been reimbursed by grant funds is subsequently disallowed, DCJS in its sole discretion, may reduce the voucher payment by the amount disallowed. If necessary, the Grantee may be required to submit a final budget reallocation. Fiscal cost reports must be submitted showing grant expenditures and/or obligations for each quarter of the grant within 45 days after the last day of the quarter for the reporting period.

Advance payments shall be permitted as specified in Appendix A-1, and in the amount specified in Appendix D (Special Conditions).

Payment requests need to include the following documents as required:

- Detailed Itemization of Personal Service Expenditures
- Detailed Itemization of Non-Personal Service Expenditures
- Detailed Itemization of Consultant Expenditures
- Expert witness agreement and supporting documentation
- Voucher and Fiscal Cost Report signed
- Written documentation of all required DCJS prior approvals as follows:
 - DCJS approval of non-competitive consultant.
 - DCJS approval of non-competitive vendor for services.
 - DCJS approval of consultant services reimbursement greater than \$450 per eight hour day.
 - DCJS approval of change to Personal Services by more than 10 percent.
 - DCJS approval to exceed NYS Office of the State Comptroller travel, meals and lodging rates.
 - DCJS approval to subaward to another organization.
 - DCJS approval for overtime payments exceeding 25 percent of an employee's annual personnel cost.
 - DCJS and NYS Office of the State Comptroller approval to modify Personal Services and Non Personal Services budget categories by more than 10 percent.
 - DCJS approval to reallocate funds between Personal Services and Non Personal Services.

8. CONTRACT PAYMENTS: Contractor shall provide complete and accurate billing invoices to the agency in order to receive payment. Billing invoices submitted to the agency must contain all information and supporting documentation required by the Contract, the Agency and the State Comptroller. Payment for invoices submitted by the Contractor shall only be rendered electronically unless payment by paper check is expressly authorized by the Commissioner, in the Commissioner's sole discretion, due to extenuating circumstances. Such electronic payment shall be made in accordance with ordinary State procedures and practices. The Contractor shall comply with the State Comptroller's procedures to authorize electronic payments. Authorization forms are available at the State Comptroller's website at www.osc.state.ny.us/epay/index.htm, by email at epunit@osc.state.ny.us, or by telephone at 518-474-4032. Contractor acknowledges that it will not receive payment on any invoices submitted under this Contract if it does not comply with the State Comptroller's electronic payment procedures, except where the Commissioner has expressly authorized payment by paper check as set forth above.

VER012510

Certified by - on

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

APPENDIX D - Work Plan**Goal**

To reduce the incidence of motor vehicle theft and motor vehicle insurance fraud within Suffolk County through enhanced investigations and vertical prosecutions.

Objective #1

To ascertain the grantee's strategy for enhanced investigations and vertical prosecution of motor vehicle theft, motor vehicle insurance fraud and related crimes through crime analysis.

Task #1 for Objective #1

The grantee will present an MVT&IF strategy reflective of current crime patterns identified by a thorough threat assessment.

Performance Measure

- 1 Include in the first Quarterly Progress Report (QPR) to DCJS the motor vehicle theft and motor vehicle insurance fraud strategy.

Objective #2

To decrease the incidence of motor vehicle theft and related crimes through enhanced investigations and vertical prosecutions.

Task #1 for Objective #2

The grantee will designate personnel who will perform enhanced investigations and/or vertically prosecute motor vehicle theft and related crimes and report on this activity in the quarterly progress reports to DCJS.

Performance Measure

- 1 Personnel assigned (note: include rank, name, and duties).
- 2 Number of investigations initiated.
- 3 Number of investigations filed with SAFETNet.
- 4 Number of "hits" resulting from SAFETNet submissions.
- 5 Number of warrants issued.
- 6 Number of indictments
- 7 Number of misdemeanor arrests prosecuted by DA's Office.
- 8 Number of felony arrests prosecuted by DA's Office.
- 9 Number of confidential informants developed.
- 10 Number of misdemeanor convictions.
- 11 Number of felony convictions.
- 12 Number of motor vehicle theft cases taken to trial. (note: indicate original arrest date & description of case)
- 13 Number of motor vehicle theft cases plea bargained. (note: indicate original charge & accepted plea)
- 14 Type(s) of sentencing (city, county, state, probation, etc.).

Task #2 for Objective #2

The grantee will provide a brief narrative regarding current motor vehicle theft activity of enhanced investigations and vertical prosecutions as reflected by the performance measures included in the Quarterly Progress Report.

Performance Measure

- 1 Include in each Quarterly Progress Report to DCJS a narrative summarizing the motor vehicle theft activity reflected in the Performance Measures. (Note: narrative should provide a descriptive "mental picture" of the activity conducted with grant funds)

Objective #3

To decrease the incidence of motor vehicle insurance fraud and related crimes through enhanced investigations and vertical prosecutions.

Task #1 for Objective #3

The grantee will designate personnel who will perform enhanced investigations and/or vertically prosecute motor vehicle insurance fraud and related crimes and report on this activity in the quarterly progress reports to DCJS.

Performance Measure

- 1 Personnel assigned (note: include rank, name, and duties).
- 2 Number of investigations initiated.
- 3 Number of investigations filed with SAFETNet.
- 4 Number of "hits" resulting from SAFETNet submissions.
- 5 Number of warrants issued.
- 6 Number of indictments.
- 7 Number of misdemeanor arrests prosecuted by DA's Office.
- 8 Number of felony arrests prosecuted by DA's Office.
- 9 Number of confidential informants developed.
- 10 Number of misdemeanor convictions.
- 11 Number of felony convictions
- 12 Number of motor vehicle insurance fraud cases taken to trial. (note: indicate original arrest date & description of case)
- 13 Number of motor vehicle insurance cases plea bargained. (note: indicate original charge & accepted plea)
- 14 Type(s) of sentencing (city, county, state, probation, etc.).
- 15 Amount of funds (restitution) provided to the insurance industry (note: indicate the insurance provider receiving said funds)

Task #2 for Objective #3

The grantee will provide a brief narrative regarding current motor vehicle insurance fraud activity of enhanced investigations and vertical prosecutions as reflected by the performance measures included in the Quarterly Progress Report.

Performance Measure

- 1 Include in the appropriate Quarterly Progress Report to DCJS a narrative summarizing the motor vehicle insurance fraud activity reflected in the Performance Measures. (Note: narrative should provide a descriptive "mental picture" of the activity.)

Objective #4

To enhance intra-agency collaboration through communications, intelligence sharing, meetings and training with department members.

Task #1 for Objective #4

The motor vehicle theft and insurance fraud unit will conduct and/or attend intra-agency meetings on a regular basis to coordinate strategy implementation.

Performance Measure

- 1 Number of intra-agency motor vehicle theft and/or motor vehicle insurance fraud meetings conducted and/or attended.

Task #2 for Objective #4

The grantees motor vehicle theft and insurance fraud unit will conduct and/or attend training sessions.

Performance Measure

- 1 Number and type of training sessions conducted. (note: indicate whether in-service, academy, general public, etc.)
- 2 Number and type of training sessions attended.

Objective #5

To attend scheduled meetings of the MVT&IF Program Statewide Advisory Group by at least one representative of the grantee.

Task #1 for Objective #5

Attend scheduled statewide and regional MVT&IF Program Statewide Advisory Group meetings.

Performance Measure

- 1 Include in the appropriate quarterly progress report the date, time, location and attendee(s) to the MVT&IF Program Statewide Advisory Group meeting(s).

Objective #6

To enhance investigative efforts of motor vehicle insurance fraud crimes by coordinating with contiguous police departments, county District Attorneys, Office of the Attorney General, State Department of Financial Services, State Department of Motor Vehicles (DMV), State Police Auto Crime Bureau and National Insurance Crime Bureau (NICB).

Task #1 for Objective #6

The grantee will provide a brief narrative regarding inter-agency collaborative efforts regarding motor vehicle theft and motor vehicle insurance fraud investigations.

Performance Measure

- 1 Include in the appropriate Quarterly Progress Report to DCJS a narrative summarizing current inter-agency collaborative efforts regarding motor vehicle theft and motor vehicle insurance fraud.

Objective #7

To have all equipment acquired through the grant purchased, installed and in use by the contract end date.

Task #1 for Objective #7

The grantee will work with appropriate vendor(s) to receive and have installed all approved equipment by the contract end date.

Performance Measure

- 1 Provide the date(s) of installation and submit a completed DCJS equipment inventory report (EIR) form to DCJS via the Grants Management System (GMS).

Task #2 for Objective #7

The grantee will provide a brief narrative describing usage and maintenance of equipment acquired through the grant.

Performance Measure

- 1 Include in the each appropriate Quarterly Progress Report to DCJS a narrative describing usage and maintenance of equipment acquired through the grant.

Objective #8

To provide an annual summary of grant activities to DCJS for submission to the Governor and the Chairperson of the Senate Finance Committee and the Chairperson of the Assembly Ways and Means Committee. (Per New York Executive -- Article 36-A -- §846-l (3h))

Task #1 for Objective #8

The grantee will submit an annual summary of grant activities to DCJS no later than January 30, 2013. (note: said summary must be submitted as a Grants Management System (GMS) attachment & follow the format designated by DCJS personnel)

Performance Measure

- 1 Provide the date the annual summary of grant activities was submitted to DCJS via GMS.

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

Award Conditions

Upon approval of this grant by the Office of the State Comptroller, or DCJS for "T" contract only, the Grantee is authorized to initially voucher for advance payment of those prospective expenses previously approved by DCJS not to exceed \$0.00 from the total contracted amount. Consistent with paragraph 15 of Appendix A-1 of this grant contract, vouchers for advance payments for the purchase of equipment and supplies must be supported by a copy of the purchase order.

APPENDIX D - Special Conditions

Publications: The implementing agency will submit to DCJS for review all proposed publications (written, visual or sound) prior to their public release. Any such publications shall contain the following statement... "This project is supported by a grant from the New York State Motor Vehicle Theft and Insurance Fraud Prevention Board."

The following special conditions apply to contracts with county or municipal governments as appropriate: Participating law enforcement agencies that are funded by DCJS to conduct drug, firearms or vehicle theft or vehicle related insurance fraud investigations shall register with SAFETNet. Participation in SAFETNet obligates the registered agency to submit information regarding persons or addresses under active investigation in accordance with SAFETNet standard operating procedures. In addition, the agency agrees to participate in the Upstate New York Regional Intelligence Center (UNYRIC) or the New York/New Jersey High Intensity Drug Trafficking Area Regional Intelligence Center (NY/NJ HIDTA RIC) as appropriate.

Law enforcement agencies are required on a monthly basis to submit a data extract file for the target jurisdiction to DCJS for crime mapping. Grantees may request a temporary waiver of the mapping requirement if this condition would prohibit the immediate implementation of this project. Information regarding the New York State Crime Mapping System can be made by calling the Customer Contact Center at 800-262-3257.

All criminal justice information management software which a grantee may purchase or develop with funds provided under the terms of this agreement must conform to established New York State criminal justice data standards as documented in the most current version of the New York Statewide Criminal Justice Data Dictionary. In addition, all such information management software purchased or developed with funds provided under the terms of this agreement must conform to statewide standards for the collection, processing and reporting of criminal justice information as documented in the New York State Standard Practices Manual for the Processing of Fingerprintable Criminal Cases. The latest versions of both documents referenced above can be accessed at the DCJS web site or obtained by calling the DCJS Customer Contact Center at 800-262-3257.

Grantee shall enroll as a user of eJusticeNY and make use of the eJusticeNY suite of services as applicable.

Grantee shall enroll as applicable in the ePagesNY Directory established and administered by DCJS. ePagesNY is a statewide directory service provided free-of-charge by the Division of Criminal Justice Services to the criminal justice community of New York State. Information regarding enrollment in the ePagesNY Directory can be obtained by calling the DCJS Customer Contact Center at 800-262-3257.

Law enforcement agencies must submit full UCR Part 1 crime reports, including supplemental homicide reports, to DCJS by 30 days following the end of the month. These monthly reports may be submitted either under the Uniform Crime Reporting System (UCR) or under the Incident Based Reporting Program (IBR). Quick reports will not be accepted. Failure to submit this information may result in grant funds being withheld.

UCR agencies must fill out the Domestic Violence Victim Data table found on the last page of the Return A in accordance with the new domestic violence reporting requirements. These requirements can be found on-line at http://www.criminaljustice.state.ny.us/crimnet/ojsa/crimereporting/domestic_violence_reporting_alert_5-08-08.pdf. Failure to submit this information may result in grant funds being withheld. Agencies reporting through IBR do not submit a supplemental report for domestic violence. The required data is automatically collected through the monthly submission of an IBR file.

The following condition will apply to contracts between two New York State governmental entities: This is an agreement between two New York State governmental entities, and as such the provisions contained herein with respect to grants are applicable only to the extent that the provisions would otherwise be applicable between New York State governmental entities.

Award Contract**Motor Vehicle Theft and Insurance Fraud Prevention****Project No.****Grantee Name**

MV11-1020-E00

Suffolk County

01/03/2012

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, 'the contract' or 'this contract') agree to be bound by the following clauses which are hereby made a part of the contract (the word 'Contractor' herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

1. **EXECUTORY CLAUSE.** In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

2. **NON-ASSIGNMENT CLAUSE.** In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the State's previous written consent, and attempts to do so are null and void. Notwithstanding the foregoing, such prior written consent of an assignment of a contract let pursuant to Article XI of the State Finance Law may be waived at the discretion of the contracting agency and with the concurrence of the State Comptroller where the original contract was subject to the State Comptroller's approval, where the assignment is due to a reorganization, merger or consolidation of the Contractor's business entity or enterprise. The State retains its right to approve an assignment and to require that any Contractor demonstrate its responsibility to do business with the State. The Contractor may, however, assign its right to receive payments without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

3. **COMPTROLLER'S APPROVAL.** In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds \$50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds \$10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed \$85,000 (State Finance Law Section 163.6.a).

4. **WORKERS' COMPENSATION BENEFITS.** In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

5. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any

New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

6. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law. Additionally, effective April 28, 2008, if this is a public work contract covered by Article 8 of the Labor Law, the Contractor understands and agrees that the filing of payrolls in a manner consistent with Subdivision 3-a of Section 220 of the Labor Law shall be a condition precedent to payment by the State of any State approved sums due and owing for work done upon the project.

7. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

8. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds \$5,000, the Contractor agrees, as a material condition of the contract, that neither the Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or shall participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, 'the Records'). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the 'Statute') provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.

(a) Identification Number(s). Every invoice or New York State Claim for Payment submitted to a New York State agency by a payee, for payment for the sale of goods or services or for transactions (e.g., leases, easements, licenses, etc.) related to real or personal property must include the payee's identification number. The number is any or all of the following: (i) the payee's Federal employer identification number, (ii) the payee's Federal social security number, and/or (iii) the payee's Vendor Identification Number assigned by the Statewide Financial System. Failure to include such number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or Claim for Payment, must give the reason or reasons why the payee does not have such number or numbers.

(b) Privacy Notification. (1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law. (2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in the Statewide Financial System by the Vendor Management Unit within the Bureau of State Expenditures, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law and 5 NYCRR 143, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of \$25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of \$100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of \$100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then the following shall apply and by signing this agreement the Contractor certifies and affirms that it is Contractor's equal employment opportunity policy that:

(a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, shall make and document its conscientious and active efforts to employ and utilize minority group members and women in its work force on State contracts and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;

(b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the Contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of 'a', 'b', and 'c' above, in every subcontract over \$25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the 'Work') except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract; or (ii) employment outside New York State. The State shall consider compliance by a contractor or subcontractor with the requirements of any

federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Department of Economic Development's Division of Minority and Women's Business Development pertaining hereto.

13. **CONFLICTING TERMS.** In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. **GOVERNING LAW.** This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. **LATE PAYMENT.** Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. **NO ARBITRATION.** Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. **SERVICE OF PROCESS.** In addition to the methods of service allowed by the State Civil Practice Law & Rules ('CPLR'), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. **PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS.** The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of Section 165 of the State Finance Law, (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in §165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. **MACBRIDE FAIR EMPLOYMENT PRINCIPLES.** In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. **OMNIBUS PROCUREMENT ACT OF 1992.** It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts.

Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St -- 7th Floor

Albany, New York 12245
Telephone: 518-292-5220
Fax: 518-292-5884
<http://www.empire.state.ny.us>

A directory of certified minority and women-owned business enterprises is available from:

NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803 <http://www.empire.state.ny.us>

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than \$1 million:

- (a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as suppliers and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
- (b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
- (c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and
- (d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. COMPLIANCE WITH NEW YORK STATE INFORMATION SECURITY BREACH AND NOTIFICATION ACT. Contractor shall comply with the provisions of the New York State Information Security Breach and Notification Act (General Business Law Section 899-aa; State Technology Law Section 208).

23. COMPLIANCE WITH CONSULTANT DISCLOSURE LAW. If this is a contract for consulting services, defined for purposes of this requirement to include analysis, evaluation, research, training, data processing, computer programming, engineering, environmental, health, and mental health services, accounting, auditing, paralegal, legal or similar services, then, in accordance with Section 163 (4-g) of the State Finance Law (as amended by Chapter 10 of the Laws of 2006), the Contractor shall timely, accurately and properly comply with the requirement to submit an annual employment report for the contract to the agency that awarded the contract, the Department of Civil Service and the State Comptroller.

24. PROCUREMENT LOBBYING. To the extent this agreement is a 'procurement contract' as defined by State Finance Law Sections 139-j and 139-k, by signing this agreement the contractor certifies and affirms that all disclosures made in accordance with State Finance Law Sections 139-j and 139-k are complete, true and accurate. In the event such certification is found to be intentionally false or intentionally incomplete, the State may terminate the agreement by providing written notification to the Contractor in accordance with the terms of

the agreement.

25. CERTIFICATION OF REGISTRATION TO COLLECT SALES AND COMPENSATING USE TAX BY CERTAIN STATE CONTRACTORS, AFFILIATES AND SUBCONTRACTORS. To the extent this agreement is a contract as defined by Tax Law Section 5-a, if the contractor fails to make the certification required by Tax Law Section 5-a or if during the term of the contract, the Department of Taxation and Finance or the covered agency, as defined by Tax Law 5-a, discovers that the certification, made under penalty of perjury, is false, then such failure to file or false certification shall be a material breach of this contract and this contract may be terminated, by providing written notification to the Contractor in accordance with the terms of the agreement, if the covered agency determines that such action is in the best interest of the State.
December 2011

Certified by - on

Award Contract

Motor Vehicle Theft and Insurance Fraud Prevention

Project No.

Grantee Name

MV11-1020-E00

Suffolk County

01/03/2012

Suffolk County Indemnification Clause: NOTWITHSTANDING STATE OF NEW YORK AGREEMENT, sections I.F. and IV.A: The State and Contractor agree that Contractor is an independent contractor, and not an employee of the State. If the Contractor enters into subcontracts for the performance of work pursuant to this Agreement, the Contractor shall be solely responsible to the State for performance, whether the work is performed by the Contractor or its subcontractors. Nothing in the subcontract shall impair the rights of the State under this Agreement. No contractual relationship shall be deemed to exist between any subcontractor and the State. Nothing in this Agreement shall impair any right of contribution or indemnification that the Contractor may have against any subcontractor or other third party. To the extent permitted by law, the Contractor shall defend, indemnify and hold harmless the State and federal funding agency, and their respective officers, agents and employees from and against all claims, costs (including reasonable attorney's fees), judgments, liens, encumbrances, losses and liabilities arising out of the intentional acts (within the scope of the employee's duties) or negligent acts or omissions of the Contractor relating to or in any way arising out of the provision of services pursuant to this Agreement.

Certified by - on

COUNTY OF SUFFOLK
OFFICE OF DISTRICT ATTORNEY



THOMAS J. SPOTA
DISTRICT ATTORNEY

January 12, 2012

Regina Calcaterra, Chief Deputy County Executive
Office of the Suffolk County Executive
H. Lee Dennison Building
100 Veterans Highway
Hauppauge, New York 11788-0099

Dear Ms. Calcaterra,

At the direction of the District Attorney and in accordance with the County Executive All Department Heads Memorandum 04-09, I have attached a request for a Suffolk County Resolution.

The purpose of the resolution will be to accept grant funding from the New York State Division of Criminal Justice Services.

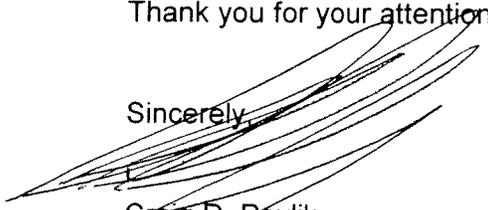
An e-mail version of this resolution has been sent to CE RESO REVIEW and saved under the file name "Reso-DIS-Motor Vehicle Theft and Insurance Fraud Prevention Program".

Please submit this resolution to the Suffolk County Legislature with a Certificate of Necessity.

If you have any questions or need additional information concerning this matter, please contact me at your earliest opportunity.

Thank you for your attention to this matter.

Sincerely,



Craig D. Pavlik
Deputy Bureau Chief

CC- Ben Zwirn, Director, Intergovernmental Relations
Jim Burt, Suffolk County Budget Office
Suzanne Martin, Suffolk County Budget Office
Evelyn Creen, Federal and State Aid Claims Unit

ADMINISTRATION OFFICE

CRIMINAL COURTS BUILDING • 200 CENTER DRIVE • RIVERHEAD, N.Y. 11901-3388 • TELEPHONE (631) 852-2500
FAX TRANSMITTAL (631) 852-1769

**REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE
COUNTY OF SUFFOLK**

- (1) Please limit this suggestion form to ONE proposal.
- (2) Describe in detail.
- (3) Attach all pertinent backup material.

**Submitting Department
(Dept. Name & Location)**

**Department Contact Person
(Name & Phone No.)**

Suffolk County District Attorney's Ofc.
Veterans Memorial Hwy., No. County Complex
Hauppauge, NY

Craig D. Pavlik, Deputy Bureau Chief
853-4153

Resolution Involves:

Technical Amendment

New Program

Grant Award

Contract (New __ Rev. __)

Explanation of Proposed Resolution

Accepting and appropriating a grant in the amount of \$6,000 from the New York State Division of Criminal Justice Services for the Motor Vehicle Theft/Insurance Fraud Prevention Program. [Note: additional grant funding in the sum of \$300,000 for Personnel is already included in the 2012 budget]

Summary of Resolution Benefits

Acceptance and approval of this resolution will enable the Suffolk County District Attorney's Office, to utilize \$6,000 from the NYS Division of Criminal Justice Services to purchase equipment for undercover investigations relevant to this grant program.

**NECESSITY FOR THE IMMEDIATE CONSIDERATION
INTRODUCTORY RESOLUTION NO. - 2012**

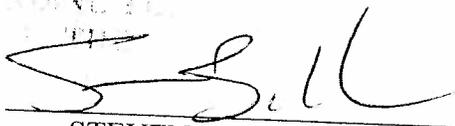
1182
AS, INTRODUCTORY RESOLUTION NO. - 2012

ON NO. -2012, AMENDING THE 2012 OPERATING BUDGET IN
CONNECTION WITH A POSITION IN THE LABOR DEPARTMENT.

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

NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE THE SUFFOLK COUNTY LEGISLATURE IS NOT SCHEDULED
TO MEET AGAIN UNTIL MARCH 13TH, 2012 AND WITHOUT ACTION, THE
POSITIONS LISTED IN THIS RESOLUTION WOULD BE ABOLISHED PRIOR TO
THAT MEETING IN ACCORDANCE WITH THE ADOPTED 2012 OPERATING
BUDGET.

IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

RECEIVED
FEB - 7 A 8:58

RESOLUTION NO. -12, AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH A POSITION IN THE LABOR DEPARTMENT.

WHEREAS, the adoption of the 2012 Suffolk County Operation Budget included in the Labor Department the abolishment of one Labor Specialist IV position and one Labor Specialist II; and

WHEREAS, an assistant deputy commissioner position has been vacated and funds have been budgeted for in the 2012 Operating Budget within the Department of Labor; and

WHEREAS, there are sufficient and uncommitted additional Workforce Investment Act funds in the Department of Labor budget to cover the cost; and

WHEREAS, these positions were budgeted for and funds exist under the Workforce Investment Act which is a 100% federally funded; now, therefore be it

1st RESOLVED, that the Department of Labor operating budget be and they are hereby amended as follows:

AMENDMENTS TO OPERATING BUDGET

DELETION

<u>Position No.</u>	<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
20-6300-0400-0001	9354	C	Assistant Deputy Commissioner	32	21

ADDITION

<u>Position No.</u>	<u>Spec No.</u>	<u>JC</u>	<u>Position Title</u>	<u>Grade</u>	<u>BU</u>
20-6300-0500	3724	C	Labor Specialist IV	25	2
20-6300-0500	3722	C	Labor Specialist II	21	2
20-6300-0100	3721	C	Labor Specialist I	19	2

and be it further

2nd RESOLVED, that there is sufficient funding for the associated permanent salary and benefits for these positions through the Workforce Investment Act; and be it further

3rd RESOLVED, that the provision within this resolution shall take effect within the first pay period immediately succeeding its adoption.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>											
2. Title of Proposed Legislation AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH A POSITION IN THE LABOR DEPARTMENT.											
3. Purpose of Proposed Legislation To restore three abolished positions within the Labor Department. An assistant deputy commissioner position has been vacated and there are sufficient and uncommitted additional Workforce Investment Act funds in the Department of Labor budget to cover the cost of the three positions.											
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>											
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category) <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><input checked="" type="checkbox"/> County</td> <td style="width: 33%; border: none;"><input type="checkbox"/> Town</td> <td style="width: 33%; border: none;"><input type="checkbox"/> Economic Impact</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Village</td> <td style="border: none;"><input type="checkbox"/> School District</td> <td style="border: none;"><input type="checkbox"/> Other (Specify):</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> Library District</td> <td style="border: none;"><input type="checkbox"/> Fire District</td> <td style="border: none;"></td> </tr> </table>			<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact	<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):	<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact									
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):									
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District										
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact N/A											
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A											
8. Proposed Source of Funding Funds are available through Workforce Investment Act monies (100% federally funded) and a vacated assistant deputy commissioner position.											
9. Timing of Impact 2012											
10. Typed Name & Title of Preparer Beth A. Reynolds Chief Executive Analyst	11. Signature of Preparer 	12. Date January 30, 2012									

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>		
2. Title of Proposed Legislation AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH A POSITION IN THE LABOR DEPARTMENT.		
3. Purpose of Proposed Legislation To restore three abolished positions within the Labor Department. An assistant deputy commissioner position has been vacated and there are sufficient and uncommitted additional Workforce Investment Act funds in the Department of Labor budget to cover the cost of the three positions.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding Funds are available through Workforce Investment Act monies (100% federally funded) and a vacated assistant deputy commissioner position.		
9. Timing of Impact 2012		
10. Typed Name & Title of Preparer Beth A. Reynolds Chief Executive Analyst	11. Signature of Preparer 	12. Date January 30, 2012

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0 000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0 000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1183

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, CONFIRMING THE APPOINTMENT OF JAMES
A. MCDONAUGH AS DISTRICT COURT JUDGE FOR AND OF THE SECOND
DISTRICT TO FILL A VACANCY**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE IT IS THE DESIRE OF ADMINISTRATIVE LAW JUDGE TO
FILL THE VACANCIES ON THE DISTRICT COURT BENCH IN THE SECOND
JUDICIAL DISTRICT, IN AN ATTEMPT TO REDUCE THE BACKLOG OF CASES.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

02-07-12

02-07-12

1183

Intro. Res. No. ____-2012

Laid on Table

2/7/12

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

RESOLUTION NO. -2012, CONFIRMING THE APPOINTMENT OF JAMES A. MCDONAUGH AS DISTRICT COURT JUDGE FOR AND OF THE SECOND DISTRICT TO FILL A VACANCY

WHEREAS, a vacancy has arisen on the District Court bench in the Second Judicial District; and

WHEREAS, the County Executive has appointed James A. McDonough to fill the term of the District Court judgeship formerly held by Joseph A. Santorelli in accordance with the provisions of Section 103(f) of the NEW YORK UNIFORM DISTRICT COURT ACT; now, therefore, be it

1st RESOLVED, that this Legislature, including those members whose districts or portions thereof are within the area comprising the County District Court System, hereby confirms the appointment of **James A. McDonough** of Lindenhurst, New York 11757, as District Court Judge for and of the Second Judicial District of the Suffolk County District Court System, for a term ending December 31, 2012; 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/or (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.

DATED:

APPROVED BY:

Steven Bellone
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation RESOLUTION NO. -2012, CONFIRMING THE APPOINTMENT OF JAMES A. MCDONAUGH AS DISTRICT COURT JUDGE FOR AND OF THE SECOND DISTRICT TO FILL A VACANCY		
3. Purpose of Proposed Legislation SAME AS ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes ___ No <input checked="" type="checkbox"/>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding N/A		
9. Timing of Impact - UPON ADOPTION		
10. Typed Name & Title of Preparer Stephanie Rubino Chief Executive Analyst	11. Signature of Preparer 	12. Date: 2/1/12

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Stephane Rubino
Chief Executive Analyst
 2/1/12

1183

James A. McDonough

Lindenhurst New York 11757

Home Phone

WORK HISTORY

7/2001-Present Associate and Partner with Phillips, Weiner, Artura, Cox & McDonough (formerly Phillips, Weiner & Quinn)

General law practice representing clients in numerous areas including commercial litigation, personal injury, criminal defense, wills, real estate, and appeals.

4/2009-Present Associate Village Justice, Inc. Village of Lindenhurst
Presides over local justice court handling violation of village ordinances and the NYS Vehicle & Traffic Law.

2/95-7/01 Assistant District Attorney for Suffolk County
Prosecuted cases while serving in the following bureaus; Narcotics, Case Advisory, East End, and District Court. Responsibilities included Motion Practice, Hearings, and Trials. Supervised multiple law enforcement agencies in narcotics wiretap investigation.

EDUCATION

8/91-5/94 J.D., University of Memphis Law School

8/87-5/91 Bachelors of Science in Business Economics, SUNY Oneonta

COMMUNITY INVOLVEMENT

Planning Board for Incorporated Village of Lindenhurst, Ancient Order of Hibernians, Knights of Columbus, Loyal Order of Moose, Volunteered for Autism Speaks and the Lymphoma and Leukemia Society, Coached Tee-Ball for Lindenhurst Intl Little League, Coached and Judged New York State High School Mock Trial Competition.

PROFESSIONAL MEMBERSHIPS

Suffolk County Bar Association, Suffolk County Criminal Bar Association, Suffolk County Brehon Law Society (Past President), past membership with Suffolk County Police Association (1996-2001)

1183

PERSONAL

Owens home in Lindenhurst with wife, Victoria, where they live with their son, Ryan, their daughter, Erin, and their chocolate lab, Boo Boo.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1184
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, CONFIRMING THE APPOINTMENT OF
DERRICK ROBINSON AS DISTRICT COURT JUDGE FOR AND OF THE
SECOND DISTRICT TO FILL A VACANCY**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE IT IS THE DESIRE OF ADMINISTRATIVE LAW JUDGE TO
FILL THE VACANCIES ON THE DISTRICT COURT BENCH IN THE SECOND
JUDICIAL DISTRICT, IN AN ATTEMPT TO REDUCE THE BACKLOG OF CASES.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

82-87 L-01712

CLERK

1184

Intro. Res. No. _____-2012

Laid on Table 2/7/12

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

RESOLUTION NO. -2012, CONFIRMING THE APPOINTMENT OF DERRICK ROBINSON AS DISTRICT COURT JUDGE FOR AND OF THE SECOND DISTRICT TO FILL A VACANCY

WHEREAS, a vacancy has arisen on the District Court bench in the Second Judicial District; and

WHEREAS, the County Executive has appointed Derrick Robinson to fill the term of the District Court judgeship formerly held by Dennis M. Cohen in accordance with the provisions of Section 103(f) of the NEW YORK UNIFORM DISTRICT COURT ACT; now, therefore, be it

1st RESOLVED, that this Legislature, including those members whose districts or portions thereof are within the area comprising the County District Court System, hereby confirms the appointment of **Derrick Robinson** of Amityville, New York 11701, as District Court Judge for and of the Second Judicial District of the Suffolk County District Court System, for a term ending December 31, 2012; 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/or (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.

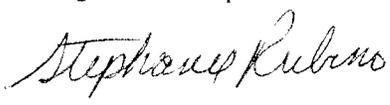
DATED:

APPROVED BY:

Steven Bellone
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law		
2. Title of Proposed Legislation RESOLUTION NO. -2012, CONFIRMING THE APPOINTMENT OF DERRICK ROBINSON AS DISTRICT COURT JUDGE FOR AND OF THE SECOND DISTRICT TO FILL A VACANCY		
3. Purpose of Proposed Legislation SAME AS ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<u>County</u>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding N/A		
9. Timing of Impact - UPON ADOPTION		
10. Typed Name & Title of Preparer Stephanie Rubino Chief Executive Analyst	11. Signature of Preparer 	12. Date: 2/1/12

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Stephanie Rubino
Chief Executive Analyst
2/1/12

DERRICK J. ROBINSON

Amityville, New York 11701-0148
(631)

PROFESSIONAL EXPERIENCE:

Office of the Attorney General
State of New York March 2008 to present

Assistant Attorney General – Represents the State of New York, its agencies and officials in many types of civil litigation in Federal and State courts; affirmative litigation on behalf of the State in the public interest; prisoner litigation. Performs community outreach presentations on Internet Safety, Consumer Advocacy and Home Improvement Awareness.

Town Of Brookhaven February 2006
New York to February 2008

Deputy Town Attorney - Head of the Litigation Group and responsible for the supervision of 10 attorneys in the prosecution of all town codes. Represented the Town in all legal proceedings and provided advice and counsel to the Town Supervisor, Town Council Members and all Department Heads and Commissioners on a range of municipal law issues. Prepared and amended legislation and municipal contracts.

Devitt Spellman Barrett LLP January 2005
Smithtown, New York to February 2006

Senior Associate - Municipal Law Group responsible for general and complex civil litigation mainly involving insurance defense work representing towns, villages, school districts and police departments throughout Suffolk County in a variety of matters ranging from personal injury, trespass, employment discrimination law, education law, environmental law, civil rights law and election law.

Suffolk County Attorney's Office September 1980
Hauppauge, New York to January 2005

Principal Assistant County Attorney in the General Litigation Bureau. Independent responsibility for the prosecution and defense of a broad range of civil litigation from pleadings through the trial and appellate level in both state and federal courts. Substantive areas included real property and land use, public health law, toxic and hazardous material litigation, environmental law, civil service, employment law, election law, public procurement and Article 78 proceedings. Responsibilities included the implementation of the County's D.W.I. Vehicle Forfeiture Law, authoring Article 9 of

the Suffolk County Sanitary Code entitled "Toxic and Hazardous Material Registry" and providing legal advice to various Suffolk County Agencies and Departments. Counsel to the Suffolk County Sheriff on civil matters as well as the enforcement of money judgments and the execution of civil mandates of the court. Former counsel to the Suffolk County Health and Safety Board, instructor at the Suffolk County Police and Sheriff's Academies on the powers of arrest, the use of force, including the use of deadly force.

VISTA Volunteer: Western Center on Law and Poverty 1978-1979
Southwest Legal Aid Center
Compton, California

**PROFESSIONAL
ASSOCIATIONS:**

New York State Bar Association

Member of House of Delegates June 2007 – June 2010
Member of Municipal Law Committee and Labor and Employment
Law Committee

Suffolk County Bar Association:

Member of the Board of Directors - Term 2004-2007
Special President Appointment to the Board of Directors -2010
Judicial Screening Committee 2001-2004
Chair – 2003/2004

Municipal Law Committee member
Panelist in the 2000 and 2001 C.L.E. Annual D.W.I. Update course
sponsored by the Suffolk County Academy of Law; Speaker in
C.L.E. Seminar on Diversity in the Legal Profession, 10/24/07, in
association with the Suffolk County Academy of Law.

Amistad Black Bar Association of Long Island

Founding President 2000-2002 and former member of the Board of
Directors

**COMMUNITY
AFFAIRS:**

Past President of the Suffolk County Dr. Martin Luther King
Commission

Former member of the Board of Directors of the North Amityville
Community Economic Council, Inc.

Incorporator and former Secretary and Board Member of the
NACEC Community Development Company, Inc., a 501(c)(3)
not-for-profit corporation in the North Amityville Community

AWARDS:

NEWSDAY Community Service Volunteer
Numerous other community awards

EDUCATION:

The Antioch School of Law J.D. 1978
Washington, D.C.

Howard University B.A. 1974
Washington, D.C.

New York Law School 1982 Course work in
New York, New York Municipal Finance law

Curriculum Vitae
DERRICK J. ROBINSON

PROFESSIONAL EXPERIENCE:

Office of the Attorney General

State of New York

March 2008 to present

Assistant Attorney General – Represents the State of New York, its agencies and officials in many types of civil litigation in Federal and State courts; affirmative litigation on behalf of the State in the public interest; labor and employment discrimination litigation; prisoner litigation. Performs community outreach presentations on Internet Safety, Consumer Advocacy and Home Improvement Awareness.

Town Of Brookhaven

February 2006 to February 2008

Farmingdale, New York

Deputy Town Attorney - Head of the Litigation Group and responsible for the supervision of 10 attorneys in the prosecution of all town codes. Represents the Town in all legal proceedings and provides advice and counsel to the Town Supervisor, Town Council Members and all Department Heads and Commissioners on a range of municipal law issues. Prepares and amends legislation and municipal contracts.

Devitt Spellman Barrett LLP

January 2005

Smithtown, New York

to February 2006

Senior Associate - Municipal Law Group responsible for general and complex civil litigation mainly involving insurance defense work representing towns, villages, school districts and police departments throughout Suffolk County in a variety of matters ranging from personal injury, trespass, employment discrimination law, education law, environmental law, civil rights law and election law.

Suffolk County Attorney's Office

September 1980

Hauppauge, New York

to January 2005

Principal Assistant County Attorney in the General Litigation Bureau. Independent responsibility for the prosecution and defense of a broad range of civil litigation from pleadings through the trial and appellate level in both state and federal courts. Substantive areas included real property and land use, public health law, toxic and hazardous material litigation, environmental law, civil service and employment law, election law, public procurement and Article 78 proceedings. Responsibilities included the implementation of the County's D.W.I. Vehicle Forfeiture Law, authoring Article 9 of the Suffolk County Sanitary Code entitled "Toxic and Hazardous Material Registry" and providing legal advice to various Suffolk County Agencies and Departments. Counsel to the Suffolk County Sheriff on civil matters as well as the enforcement of money judgments and the execution of civil mandates of the court. Former counsel to the Suffolk County Health and Safety Board, instructor at the Suffolk County Police and Sheriff's Academies on the powers of arrest, the use of force, including the use of deadly force.

VISTA Volunteer:

Western Center on Law and Poverty 1978-1979

Southwest Legal Aid Center

Compton, California

**PROFESSIONAL
ASSOCIATIONS:**

New York State Bar Association

Member of House of Delegates June 2007 – June 2010, Member of Municipal Law Committee and Labor and Employment Law Committee

Suffolk County Bar Association:

Member of the Board of Directors - Term 2004-2007, Special President Appointment to the Board of Directors -2010, Judicial Screening Committee 2001-2004, Chair 2003/2004, Municipal Law Committee member, Panelist in the 2000 and 2001 C.L.E. Annual D.W.I. Update course sponsored by the Suffolk County Academy of Law; Speaker in C.L.E. Seminar on Diversity in the Legal Profession, 10/24/07, in association with the Suffolk County Academy of Law.

Amistad Black Bar Association of Long Island

Founding President 2000-2002 and former member of the Board of Directors

COMMUNITY AFFAIRS: Past President of the Suffolk County Dr. Martin Luther King Commission, Member of the Board of Directors of the North Amityville Community Economic Council, Inc., Incorporator, Secretary and Board Member of the NACEC Community Development Company, Inc., a 501(c)(3) not-for-profit corporation that is building a Women and Minority Business Incubator in the North Amityville Community

AWARDS: NEWSDAY Community Service Volunteer
Numerous other community awards

EDUCATION: The Antioch School of Law, J.D. 1978, Washington, D.C., Howard University, B.A. 1974, Washington, D.C., New York Law School 1982 Course work in New York, New York Municipal Finance law

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1188
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, AMENDING THE 2012 OPERATING BUDGET IN
CONNECTION WITH POSITIONS IN THE SHERIFF'S OFFICE**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE THE SUFFOLK COUNTY LEGISLATURE IS NOT SCHEDULED
TO MEET AGAIN UNTIL MARCH 13TH, 2012 AND WITHOUT ACTION, THE
POSITIONS LISTED IN THIS RESOLUTION WOULD BE ABOLISHED PRIOR TO
THAT MEETING IN ACCORDANCE WITH THE ADOPTED 2012 OPERATING
BUDGET.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

1188

Intro. Res. No. -2012

Laid on Table 2/7/12

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION No. - 2012, AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH POSITIONS IN THE SHERIFF'S OFFICE

WHEREAS, the adoption of the 2012 Suffolk County Operating Budget included one (1) abolished Auto Mechanic I position, three (3) abolished Neighborhood Aide positions, one (1) abolished Assistant Jail Head Cook Position and (1) abolished Public Safety Dispatcher I; and

WHEREAS, it is the desire of the Sheriff to reinstate the aforementioned six (6) abolished Sheriff's Office positions; and

WHEREAS, it has also been determined that these specific positions save more than the positions costs by reducing inmate days in custody, and reducing overtime costs; and

WHEREAS, funds cannot be transferred from Mandated appropriations to Discretionary appropriations, therefore this resolution stipulates budget offsets that are appropriate to effectuate the restoration of mandated and discretionary positions as contained herein; now, therefore be it

1st RESOLVED, that the following positions be restored in the specific appropriation shown within the Sheriff's Office;

Fund	Org	Unit	Spec	Title	Grade	Number of Positions
001	3110	0105	7191	Auto Mechanic I	09	+1
001	3110	0105	0177	Public Safety Dispatcher I	15	+1
001	3115	0100	3706	Neighborhood Aide	13	+1
001	3150	0750	3706	Neighborhood Aide - Shared Position	13	+1
001	3150	0750	3706	Neighborhood Aide - Shared Position		
001	3151	0500	3706	Jail Cook -earmarked Neighborhood Aide	13	+1
001	3151	0500	8177	Assistant Jail Head Cook	18	+1

And be it further

2nd RESOLVED, that the 2012 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds.

APPROPRIATIONS:

FROM

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>OBJ</u>	<u>OBJECT NAME</u>	<u>AMOUNT</u>
001	SHF	3110	1070	Special Payments Emp. C	(\$28,336)
001	SHF	3115	1070	Special Payments Emp. C	(\$37,352)
001	SHF	3150	1070	Special Payments Emp. C	(\$84,436)
001	SHF	3162	1070	Special Payments Emp. C	(\$44,873)
001	SHF	3110	1120	Overtime Salaries	(\$46,230)

TO

<u>FD</u>	<u>AGY</u>	<u>UNIT</u>	<u>OBJ</u>	<u>OBJECT NAME</u>	<u>AMOUNT</u>
001	SHF	3110	1100	Permanent Salaries	+\$74,566
001	SHF	3115	1100	Permanent Salaries	+\$37,352
001	SHF	3150	1100	Permanent Salaries	+\$34,618
001	SHF	3151	1100	Permanent Salaries	+\$94,691

3rd RESOLVED, that the provisions within this resolution shall take effect within the first pay period immediately succeeding its adoption; and be it further

4th RESOLVED, that the Sheriff has recommended the appropriation offsets in this resolution and believes they will leave sufficient funding in fiscal 2012 to address the department's needs, therefore, no funds shall be transferred into the Sheriff's 1070-Special Payments per Employee Contract or 1120-Overtime Salaries without a duly adopted resolution of the Legislature; and be it further

5th 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©(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 and appropriate SEQRA notices of determination of non-applicability or non-significance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation – AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH POSITIONS IN THE SHERIFF'S OFFICE		
3. Purpose of Proposed Legislation –See number 2 above.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes No <input checked="" type="checkbox"/>		
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 4 is "yes", Provide Detailed Explanation of Impact		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. This resolution restores six positions in the Sheriff's Office for 2012 at a total cost of \$241,227. The Sheriff has stated these positions are critical to departmental operations and has identified offsets within the Sheriff's Department's 2012 Adopted Operating budget to cover the costs. This resolution therefore has no net fiscal impact.		
8. Proposed Source of Funding 2012 Operating Funds as stipulated in the resolution.		
9. Timing of Impact - FY 2012		
10. Typed Name & Title of Preparer Kim G. Brandeau Chief Budget Examiner	11. Signature of Preparer 	12. Date: 2/6/12

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1189

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

RESOLUTION NO. -2012, AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN AND THE 2012 OPERATING BUDGET TO FUND THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

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

NOW, I, STEVEN BELLONE, 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. - 2012, BECAUSE THE SUFFOLK COUNTY LEGISLATURE IS NOT SCHEDULED TO MEET AGAIN UNTIL MARCH 13TH, 2012 AND THE ECONOMIC RECOVERY OF SUFFOLK COUNTY IS AN ISSUE TOO VITAL NOT TO ACT UPON. WITH ENCOURAGING NATIONAL NEWS ON THE STATE OF THE ECONOMY, NOW IS THE TIME FOR DECISIVE ACTION TO ENSURE SUFFOLK COUNTY IS PROPERLY POSITIONED TO RECOVER FROM THE RECESSION.

IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS 7th DAY OF FEBRUARY, 2012.



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

1189

Intro.Res. No. -2012

Laid on Table/

2/7/12

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

RESOLUTION NO. -2012, AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN AND THE 2012 OPERATING BUDGET TO FUND THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING

WHEREAS, the purpose of this Resolution is to create and fund staff, operations, appropriations, and resources necessary for the creation of an independent County Department of Economic Development and Planning (Department);

WHEREAS, that within the Department there shall be the divisions providing services in planning; land acquisition; tourism promotion; cultural affairs and film promotion; community development, workforce and affordable housing promotion; aviation and environment and energy, each with adequate budgetary and management powers to ensure that the County of Suffolk remains a regional leader in economic growth and innovation; and

WHEREAS, the creation and funding of the staff, operations, appropriations, and resources necessary to operate the Department are set forth and herein adopted via transfers of appropriations that are offset by reductions or terminations in other appropriations and/or positions; now, therefore, be it

1st RESOLVED, that the Suffolk County Classification and Salary Plan be and is hereby amended as follows:

ADDITIONS TO CLASSIFICATION AND SALARY PLAN

<u>Spec. No.</u>	<u>J/C</u>	<u>Title</u>	<u>Gr</u>	<u>BU</u>
9325	P(U)	Commissioner of Economic Development and Planning	41	EX
9324	P(E)	Chief Deputy Commissioner of Economic Development and Planning	38	EX
9375	P(E)	Deputy Commissioner of Economic Development and Planning	36	EX
9326	P(NC)	Assistant to the Commissioner of Economic Development and Planning	25	EX
9327	P(NC)	Economic Development Sustainability Director	35	EX

DELETIONS FROM CLASSIFICATION AND SALARY PLAN

<u>Spec No.</u>	<u>J/C</u>	<u>Title</u>	<u>Gr</u>	<u>BU</u>
9325	U	Commissioner of Economic Development and Workforce Housing	38	EX
9326	NC	Assistant to the Commissioner of Economic Development And Workforce Housing	26	02
9329	NC	Assistant to Commissioner of Environment and Energy	29	EX
9331	U	Commissioner of Environment and Energy	39	EX
9332	E	Deputy Commissioner of Environment and Energy	31	EX
9375	E	Deputy Planning Director	36	EX
1520	NC	Assistant to Planning Director	25	02

MODIFICATION TO THE CLASSIFICATION AND SALARY PLAN

<u>Spec No.</u>	<u>J/C</u>	<u>Title</u>	<u>Grade</u>	<u>BU</u>
	<u>From To</u>			<u>From To</u>
9376	U P(NC)	Planning Director		40 35 EX

and be it further

2nd RESOLVED, that the 2012 County Operating Budget is hereby amended as follows to create the following positions:

Created Positions								
Fund	Dept.	Org.	Unit	Job Title	Grade	2012 Adopted	2012 Modified	Change
001	EDP	6410	100	COMMISSIONER OF ECONOMIC DEVELOPMENT AND PLANNING	41	0	1	+1
001	EDP	6410	100	CHIEF DEPUTY COMMISSIONER OF ECONOMIC DEVELOPMENT AND PLANNING	38	0	1	+1
001	EDP	6410	100	DEPUTY COMMISSIONER OF ECONOMIC DEVELOPMENT AND PLANNING	36	0	1	+1
001	EDP	6410	100	FARMLANDS ADMINISTRATOR	28	0	1	+1
001	EDP	6410	100	ECONOMIC DEVELOPMENT SUSTAINABILITY DIRECTOR	35	0	1	+1
001	EDP	6410	100	GRANTS TECHNICIAN	17	0	1	+1

and be it further

3rd RESOLVED, that the 2012 County Operating Budget is hereby amended as follows to abolish the following positions:

Abolished Positions								
Fund	Dept.	Org.	Unit	Job Title	Grade	2012 Adopted	2012 Modified	Change
001	PLN	6410	0100	ASST TO PLANNING DIRECTOR	25	1	0	-1

and be it further

4th RESOLVED, the Department of Planning as created by resolution 1225-2011 is and shall now be known as the Department of Economic Development and Planning (EDP), and all staff and

appropriations included in the 2012 adopted budget for the Department of Planning are changed to reflect the new name of the department unless otherwise provided for in this resolution

Department	Fund	Unit	Unit Name
EDP	001	6410	Economic Development Admin
EDP	001	8020	Planning
EDP	001	8025	L I Regional Planning Board
EDP	001	8030	Planning: Envr Quality Council
EDP	001	8230	Off Of Recycling & Waste Mgmt
EDP	001	8715	Div Of Real Prop Acq&Mgmt
EDP	176	1422	Sect 125(0) Land Acquisition 1
EDP	192	6413	Tourism Promotion
EDP	192	6414	Cultural Affairs
EDP	192	6415	Film Promotion
EDP	351	8691	Community Development
EDP	351	8693	Home Investment Partnership
EDP	477	8038	Water Quality Improvement
EDP	625	5610	Aviation Division

and be it further

5th RESOLVED, that the 2012 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds and authorizations:

FUND	DEPT	UNIT	OBJ	OBJECT NAME	2012 Adopted	2012 Modified	Change	EXP/REV
001	PLN	6410	1100	Permanent Salaries	543,433	0	-543,433	Expense
001	LAW	1420	1100	Permanent Salaries	5,919,816	5,069,059	-850,757	Expense
001	LAW	1425	1100	Permanent Salaries	218,316	190,458	-27,859	Expense
001	LAW	1429	1100	Permanent Salaries	212,635	149,149	-63,487	Expense
038	LAW	1712	1100	Permanent Salaries	1,606,888	1,517,484	-89,404	Expense
001	IFT	E038	9600	Interfund Transfers	14,859,989	14,770,585	-89,404	Expense
038	IFT	E038	R001	Transfer From General Fund	16,868,941	16,779,537	-89,404	Revenue
001	EDP	6410	1100	Permanent Salaries	0	1,040,329	1,040,329	Expense
001	EXE	1232	4560	Fees For Services: Non-Employ	73,500	608,111	534,611	Expense

and be it further

6th 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) 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.

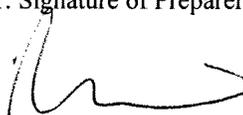
DATED: February , 2012

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
AMENDING THE SUFFOLK COUNTY CLASSIFICATION AND SALARY PLAN AND THE 2012 OPERATING BUDGET TO FUND THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND PLANNING		
3. Purpose of Proposed Legislation		
This resolution changes the name of the department of Planning to the Dept. of Economic Development and Planning and creates, creates 5 new titles, deletes 7 titles, and transfers funds from the Law department to Planning and the Executive department		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XX</u> No		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
Savings in law is being transferred to Planning and Exec to fund staff and consultants.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
Approximate cost of salaries for new positions that will be funded in 2012 and consultants over 5 years is \$5.6 million. If positions in law remain vacant over 5 years there is an equivalent savings.		
8. Proposed Source of Funding		
Operating Budget		
9. Timing of Impact		
Effective upon adoption.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Tricia Saunders, Senior Research Analyst		2-7-2011

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1190
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, AMENDING THE 2012 OPERATING BUDGET IN
CONNECTION WITH POSITIONS IN THE POLICE DEPARTMENT.**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE THE SUFFOLK COUNTY LEGISLATURE IS NOT SCHEDULED
TO MEET AGAIN UNTIL MARCH 13TH, 2012 AND WITHOUT ACTION, THE
POSITIONS LISTED IN THIS RESOLUTION WOULD BE ABOLISHED PRIOR TO
THAT MEETING IN ACCORDANCE WITH THE ADOPTED 2012 OPERATING
BUDGET.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

RESOLUTION NO. -12, AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH POSITIONS IN THE POLICE DEPARTMENT.

WHEREAS, the adopted 2012 Suffolk County Operating Budget included eleven abolished Public Relations Specialists and one Public Relations Assistant; and

WHEREAS, savings created by administrative actions in the 2012 Operating Budget within the Police Department will fund the restoration of four Public Relations Specialists and one Public Relations Assistant; and

WHEREAS, it has been determined that these positions are necessary for the operations of the Police Department and would otherwise be filled with Sworn personnel; now, therefore be it

1st RESOLVED, that the following positions be restored in the specific appropriation shown within the Police Department

Fund	Dept	Approp	Unit	Job Title	Grade	2012 Adopted	2012 Modified	Change
01	POL	3120	1000	Public Relations Assistant	21	0	1	+1
01	POL	3120	2000	Public Relations Specialist	21	1	3	+2
01	POL	3120	3000	Public Relations Specialist	21	1	3	+2

And be it further

2nd RESOLVED, that the 2012 County Operating Budget is hereby amended as follows and that the County Comptroller and the County Treasurer be and hereby are authorized to transfer the following funds;

Fund	Dept	Approp	Obj	Object Name	2012 Adopted	2012 Modified	Change
01	POL	3120	1030	Night Differential	2,564,756	2,527,756	-37,000
01	POL	3120	1120	Overtime	3,980,939	3,932,939	-48,000
01	POL	3120	1100	Permanent Salary	47,309,665	47,394,665	85,000

And be it further

3rd RESOLVED, that the provision within this resolution shall take effect within the first pay period immediately succeeding its adoption; and be it further

4th 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©(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 and appropriate SEQRA notices of determination of non-applicability or non-significance with this resolution

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u>XX</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation AMENDING THE 2012 OPERATING BUDGET IN CONNECTION WITH POSITIONS IN THE POLICE DEPARTMENT.		
3. Purpose of Proposed Legislation This resolution reinstates 5 positions that were abolished in the 2012 budget.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>XX</u> No		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact Administrative action within the Police Dept. will create savings to fund these positions		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. Salary costs for these positions over 5 years totals approximately \$1.5 million. If administrative savings are continued for 5 years there is an equivalent savings.		
8. Proposed Source of Funding Operating Budget		
9. Timing of Impact Effective upon adoption.		
10. Typed Name & Title of Preparer Tricia Saunders, Senior Research Analyst	11. Signature of Preparer 	12. Date 2-7-2011

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a local law entitled "A CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT RESIDENCY REQUIREMENTS" has been introduced in the Suffolk County Legislature.

This proposed law would make a limited exception to the County's residency law, allowing the Chief Deputy County Executive and any person whose position is in Bargaining Unit 21, in the unclassified service, the exempt class or the non-competitive class to reside in Nassau County.

NOTICE IS FURTHER GIVEN that the County Legislature will hold a public hearing in the Rose Y. Caracappa Auditorium of the Suffolk County Legislature, in the William H. Rogers Building, Hauppauge, New York, on the 7th day of February, 2012, at 2:30 P.M.

It is requested that speakers prepare a written statement to submit for the record.

Tim Laube
Clerk of the County Legislature

Revised 2/7/12 4:40 p.m.

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1191
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. 2012, A
CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT
RESIDENCY REQUIREMENTS**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE FLEXIBILITY IS NEEDED TO EXPEDITIOUSLY RECRUIT
AND HIRE THE MOST QUALIFIED INDIVIDUALS IN OUR REGION IN LIMITED
KEY MANAGEMENT POSITIONS.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

REC'D - 1 P 1:38

RECEIVED

REVISED 2/7/12 4:40 P.M.

Intro. Res. No. 1191 -2012 Laid on Table 2/7/12
Introduced by the Presiding Officer on Request of the County Executive

**RESOLUTION NO. -2012 ADOPTING LOCAL LAW NO. 2012, A
CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT
RESIDENCY REQUIREMENTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2012 a proposed local law entitled, "**A CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT RESIDENCY REQUIREMENTS**," 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. -2012, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT
RESIDENCY REQUIREMENTS**

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

Section 1. Legislative Intent.

The Suffolk County Legislature finds and determines that, with certain exceptions, the Suffolk County Administrative Code currently requires a person entering County service to have his or her residence within the County of Suffolk, and to maintain such residence during the person's entire term of County service.

The Suffolk County Legislature further finds that it is in the best interest of Suffolk County to encourage an expansive range of individuals to seek County employment.

The Legislature finds that broad Suffolk County employee residency requirements will result in attracting a diverse number of applicants for employment and also serve to attract qualified applicants for "difficult-to-fill" positions within County government.

The Legislature further finds that employment residency requirements are material to the sound administration of Suffolk County government; therefore they are best set forth in a Charter law.

Therefore, the purpose of this law is to enact a Charter law establishing the residency requirements for Suffolk County employment, consistent with the powers granted to a Charter county pursuant to New York Municipal Home Rule Sections 33 and 34 relating to the structure of charter county government and the way it is to function.

Section 2. Repeal.

Suffolk County Local Law No. 33-1979, as amended, codified in the Suffolk County Administrative Code as § A6-1, "Residency Requirements," is hereby repealed in its entirety.

Section 3. Amendments.

Section C6-3 of the Suffolk County Charter is hereby amended as follows:

Article VI

Department of Human Resources, Personnel and Civil Service

§ C6-3. Recruitment of personnel; training programs; residency requirements.

A.) Recruitment and training. The Personnel Officer shall have the responsibility of assisting County departments in the recruitment of new personnel and have responsibility for the planning, design and administration of training programs for County employees other than departmental orientation and in-service programs.

B.) Residency Requirements. **(1)** As used in this subdivision, the following terms shall have the meanings indicated:

- a. COUNTY SERVICE** - service as an officer or employee for the County of Suffolk, or any agency, thereof.
- b. EXEMPT CLASS** – shall have that definition afforded to it in Section 41 of the New York Civil Service Law.
- c. NON-COMPETITIVE CLASS** – shall have that definition afforded to it in Section 42 of the New York Civil Service Law.
- d. RESIDENCE** - domicile.
- e. RESIDENT** - domiciliary.

2.) Except where Suffolk County residence may otherwise be required by local law as a condition of County employment, any Suffolk County officer or employee whose position is in Bargaining Unit 21 and in the unclassified service, the exempt class, or the noncompetitive class excluded from protection, shall be required to be a resident of either the County of Suffolk or the County of Nassau provided that the County Executive has issued a statement of need, not subject to legislative review, for the employment of such officer or employee. If any such employee is employed as the Chief Deputy County Executive, at the Board of Elections, the Department of Law, or any department, agency or unit of Suffolk County government where the appointing authority is an elected official other

than a Suffolk County executive, the employee shall be a resident of Suffolk County as otherwise prescribed by this law.

3.) Except as may otherwise be provided by this law or other local law, on and after the effective date of Local Law 14-1987, any person entering service as an officer or employee of the County of Suffolk shall have his or her residence within the County of Suffolk. Any such person shall continue to maintain such residence within the County of Suffolk during the person's entire term of County service.

4.) **Exemptions.** (a) This subdivision shall not apply to (i) any public officers whose residency is exempted by Public Officers Law § 3; or (ii) any person in County service whose duties require his or her regular attendance at locations outside the County of Suffolk.

b. Subject to paragraph (2) of this subdivision (B), a nonresident may otherwise be employed, provided that the County Executive proposes a resolution to the Legislature setting forth precisely defined classes of persons whose services are required by the County of Suffolk for a period of employment not to exceed one year and the job requirements which may require the employment of such nonresident for a period of up to one year. Within 60 days after the first regular meeting after such resolution is laid on the table, the Legislature shall act thereon; and, in the event that the Legislature fails to act within such period, the resolution shall be deemed approved. Nothing set forth in this paragraph shall be deemed to be in contradiction to the Civil Service Law requirements for probationary appointments to permanent positions in the competitive class as defined in the Civil Service Law.

c. This subdivision shall not apply to the following positions of County service:

- i.** Deputy Medical Examiner.
- ii.** Deputy Medical Examiner (Pathologist).
- iii.** Medical Forensic Investigator.
- iv.** Physician.
- v.** Physician I.
- vi.** Physician II.
- vii.** Physician III.
- viii.** Pediatrician.

- ix.** Resident Physician.
- x.** Psychiatrist I.
- xi.** Psychiatrist II.
- xii.** Psychiatrist III.
- xiii.** Clinical Nurse Practitioner.
- xiv.** Biostatistician.
- xv.** Medical Program Administrator.
- xvi.** Forensic Scientist I.
- xvii.** Forensic Scientist II.
- xviii.** Forensic Scientist III.
- xix.** Forensic Scientist IV.
- xx.** Forensic Scientist Trainee.
- xxi.** Public Health Nurse I.
- xxii.** Licensed Practical Nurse.
- xxiii.** Dietician.
- xxiv.** Chief Crime Laboratory.
- xxv.** Chief Toxicology Laboratory.
- xxvi.** Registered Nurse.
- xxvii.** Nurses Aide.
- xxviii.** Chief Medical Examiner.
- xxix.** Pharmacist.
- xxx.** Physician's Assistant I.

xxxi. Physician's Assistant II.

xxxii. Dental Director Health Services.

d. An officer or employee of the County of Suffolk, or any agency thereof, may apply, in writing, to the County Classification and Salary Appeals Board (Board), constituted under § 888-5 of the Suffolk County Code, for the purpose of requesting a temporary or permanent waiver of the provisions of this law. The Board is hereby empowered and authorized to grant such a waiver by a majority vote of the entire membership of said Board upon a showing by the applicant that a substantial hardship, either personal, economic or financial, upon said applicant and/or his immediate family will be caused by the application of this law to the applicant under the circumstance surrounding his or her employment situation. For the purposes of this paragraph, "immediate family" shall mean spouse, child, adopted child, parents, grandparents or grandchildren. The Board may impose such conditions on the grant of such a waiver as it deems fit and shall make a determination within 60 days after receiving such an application. The Board may also issue and promulgate such rules and regulations as it shall deem fit to implement the provisions of this paragraph of this law.

5.) Rules of Construction. (a) In the event that any other provision of law shall require a person to maintain a residence in a town, village, district or other locality of the County as a condition of qualifying for a particular position within County service, this law shall not be construed to permit such person to maintain a residence at any other location within the County of Suffolk.

b. This subdivision shall not be construed as applying to members of the faculty, both professional and teaching employees, of the Suffolk County Community College.

c. The Civil Service Law of the State of New York is a general law which may not be superseded by the County of Suffolk. If there is a conflict between any paragraph, sentence, phrase or word in this law and the Civil Service Law, the provisions of the Civil Service Law shall apply.

Section 4. Applicability.

Subdivision (B)(2) of this law shall apply to any person entering, or currently in, County service on or after the effective date of this law. All other sections of this law shall apply to any person entering County service on or after the effective date of this law.

Section 5. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. 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/or (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. 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 7. Effective Date.

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

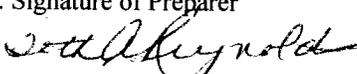
DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. – 2012, ADOPTING LOCAL LAW NO. 2012, A CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT RESIDENCY REQUIREMENTS</p>		
3. Purpose of Proposed Legislation		
To enact a Charter law establishing the residency requirements for Suffolk County employment, consistent with the powers granted to a Charter county pursuant to New York Municipal Home Rule Sections 33 and 34 relating to the structure of charter county government and the way it is to function.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes ___ No <input checked="" type="checkbox"/>		
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		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
9. Timing of Impact		
Section 4.a. of this law shall apply to any person entering, or currently in, County service on or after the effective date of this law. All other sections of this law shall apply to any person entering County service on or after the effective date of this law. This law shall take effect immediately upon filing with the Office of the Secretary of State.		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Beth A Reynolds Chief Executive Analyst		2/7/12

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 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, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



WILLIAM H. ROGERS BUILDING
P.O. Box 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: FEBRUARY 7, 2012
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. -2012; A CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT RESIDENCY REQUIREMENTS

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 2/7/12 PUBLIC HEARING: 3/13/12
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed law would repeal Local Law 33-1979, the County's residency statute, presently codified at § A6-1 of the SUFFOLK COUNTY ADMINISTRATIVE CODE, and amend the SUFFOLK COUNTY CHARTER to provide new residency rules.

Specifically, this law would continue the requirement that persons entering County service as an officer or employee maintain their residence within the County of Suffolk. This law would carry over all the exemptions to the residency requirement presently set forth in § A6-1 of the SUFFOLK COUNTY ADMINISTRATIVE CODE. However, this law also provides that the Chief Deputy County Executive and any person whose position is in Bargaining Unit 21, in the unclassified service, the exempt class or the non-competitive class, may be a resident of either Suffolk County or Nassau County.¹

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

A handwritten signature in black ink, appearing to read "George Nolan", is written over the printed name and title.

GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-suffolk county residence requirement

¹ Notwithstanding this provision, employees of the Board of Elections, the Department of Law, and appointees of any elected official, other than the County Executive, shall be a resident of Suffolk County.

1191

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a local law entitled "A CHARTER LAW TO ESTABLISH SUFFOLK COUNTY EMPLOYMENT RESIDENCY REQUIREMENTS" has been introduced in the Suffolk County Legislature.

This proposed law would make a limited exception to the County's residency law, allowing the Chief Deputy County Executive and any person whose position is in Bargaining Unit 21, in the unclassified service, the exempt class or the non-competitive class to reside in Nassau County.

NOTICE IS FURTHER GIVEN that the County Legislature will hold a public hearing in the Rose Y. Caracappa Auditorium of the Suffolk County Legislature, in the William H. Rogers Building, Hauppauge, New York, on the 7th day of February, 2012, at 2:30 P.M.

It is requested that speakers prepare a written statement to submit for the record.

Tim Laube
Clerk of the County Legislature

1192
Intro. Res. No. -2012
Introduced by Legislator Romaine

Laid on Table 2/7/12

**RESOLUTION NO. -2012, AUTHORIZING THE
COUNTY TREASURER TO ACCEPT FUNDS FROM THE
TOWN OF BROOKHAVEN TO BE APPLIED TO 2012-2013
CHARGEBACKS INCURRED BY THE TOWN OF
RIVERHEAD FOR THE 2011-2012 TAX YEAR**

WHEREAS, the Town of Brookhaven, by application to the Real Property Tax Service Agency dated January 13, 2012, has requested that a correction be made to their 2011-2012 tax roll, whereby a parcel, identified as 0200-039.00-02.00-002.000 was granted a full property tax exemption in error; and

WHEREAS, the property owner has requested that the payment for the 2011-2012 tax year be made now and not as an omitted assessment for the 2012-2013 tax year resulting in an increase to the taxes due on the property in the amount of \$1,568,300.56; and

WHEREAS, the property covers both the Shoreham-Wading River School District and the Wading River Fire District, which are also located in the Town of Riverhead causing the districts' tax assessment apportionment for both towns to be incorrect as originally certified; and

WHEREAS, both the Town of Brookhaven and the Town of Riverhead wish to correct the properties' 2011-2012 taxes in these two districts resulting in a reduction in taxes for the taxpayers of the districts in the combined amount of \$1,568,300.56 due to the omitted assessment by the Town of Brookhaven; and

WHEREAS, the warrants for both the Town of Brookhaven and the Town of Riverhead will remain the same as approved by the Suffolk County Legislature on December 6, 2011; and

WHEREAS, the Town of Riverhead will correct those parcels within the Town of Riverhead and located within the Shoreham-Wading River School and Wading River Fire Districts that will result in a chargeback of \$328,748.09 per New York State Real Property Tax Law §556; and be it further

1st RESOLVED, that the County Treasurer is hereby authorized to accept and apply the payment of \$328,748.09 from the Brookhaven Receiver of Taxes to the chargebacks incurred by the Town of Riverhead for the 2011-2012 tax year.

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.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-chargebacks-brookhaven-riverhead

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1192

IR Year: 2012

Introduced By: Legislator Romaine

Title of Proposed Resolution:

Authorizing the County Treasurer to Accept Funds from the Town of Brookhaven to be Applied to 2012-2013 Chargebacks Incurred by the Town of Riverhead for the 2011-2012 Tax Year

Purpose and Intent of Proposed Legislation:

This resolution corrects an error on the Brookhaven and Riverhead tax rolls, which occurred due to the inaccurate calculation of a property tax exemption on a parcel on the border of the two towns. The full \$1,568,301 that was collected to correct this error was applied to the Town of Brookhaven. In order to apportion the appropriate amount of this sum to the Town of Riverhead, the County Treasurer is authorized to accept and apply \$328,748 from the Brookhaven receiver of Taxes to the chargebacks incurred by the Town of riverhead for the 2011-2012 tax year.

Detailed Explanation of Fiscal Impact:

The town tax warrants are not changed and there is no fiscal impact to the County.

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

NA

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

NA

Proposed Source of Funding:

NA

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

None

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



Date Completed

2/7/2011

Analyst Code

BP

~~Gall Vizzini, Director~~
Budget Review Office

Robert Lipp,
Deputy Director

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1193

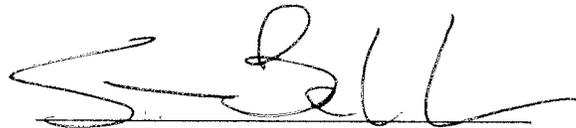
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, RESOLUTION NO. _____ 2012 TO READJUST,
COMPROMISE AND GRANT REFUNDS AND CHARGEBACKS ON REAL
PROPERTY CORRECTION OF ERRORS BY: COUNTY LEGISLATURE
(CONTROL #882-2012).**

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

**NOW, I, STEVEN BELLONE, 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.
- 2012, BECAUSE BOTH THE TOWN OF BROOKHAVEN AND THE TOWN OF
RIVERHEAD WISH TO IMMEDIATELY CORRECT THE 2011-2012 TAX
WARRANTS. THE WARRANTS FOR BOTH TOWNS WILL REMAIN THE SAME
AS APPROVED BY THE SUFFOLK COUNTY LEGISLATURE ON DECEMBER 6,
2012.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
7th DAY OF FEBRUARY, 2012.**



**STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE**

807 d 7-0110
RECEIVED

RESOLUTION NO.

CONTROL# 882-2012

Intro. Res. # 1193

Laid on Table 2/7/12

INTRODUCED BY THE PRESIDING OFFICER
ON REQUEST OF THE COUNTY EXECUTIVE

RESOLUTION NO. _____ 2012
TO READJUST, COMPROMISE, AND GRANT
REFUNDS AND CHARGE-BACKS ON REAL
PROPERTY CORRECTION OF ERRORS BY:
COUNTY LEGISLATURE (CONTROL #882-2012)

WHEREAS, the Director of the Real Property Tax Service Agency, under appropriate sections of the Real Property Tax Law, will cause to have investigated and a determination made as to whether those submitted "Correction of Error" items which would amend the assessment and tax rolls shall be recommended for approval (or recommended for denial) to the Suffolk County Legislature, and

WHEREAS, the County Legislature of the County of Suffolk may cancel assessments, grant refunds of taxes in case of correction of errors on the assessment and tax rolls, and pursuant to the provisions of the Real Property Tax Law, and

WHEREAS, the properties represented by the tax item number and/or Suffolk County tax map number and indicated below have been duly investigated by the Real Property Tax Service Agency, and the procedures of the Real Property Tax Law having been fully complied with, together with documentation and amended tax statements placed on file with the County, as submitted by the appropriate Assessor and/or Receiver of Taxes, then

BE IT RESOLVED, that the taxes for the properties represented by the tax item number and/or Suffolk County Tax Map Number, as shown, for the year or year specified be readjusted or refunded in full or part in the amount set opposite each such parcel as herein indicated, and

BE IT FURTHER RESOLVED, that the amount of such refund, if tax paid or charge-back, be made to the respective TOWN as provided by law.

