

1458

Intro. Res. No. -2011
Introduced by Legislator Cooper

Laid on Table 5/10/11

**RESOLUTION NO. -2011, INSTITUTING A LAG PAYROLL
IN FISCAL YEAR 2011 FOR EMPLOYEES IN BARGAINING
UNITS 21 AND 30 (MANAGEMENT AND CONFIDENTIAL
EMPLOYEES, RESPECTIVELY AND EXCLUSIVE OF THE
SUFFOLK COUNTY COMMUNITY COLLEGE AND
EMPLOYEES OF THE BOARD OF ELECTIONS) TO ADDRESS
REVENUE SHORTFALLS AND AVOID A REDUCTION IN
WORKFORCE**

WHEREAS, the Suffolk County Executive's Budget Office and the Legislative Office of Budget Review agree that the County is faced with a projected budgetary shortfall in the range of \$140 million to \$180 million for 2011 and 2012; and

WHEREAS, a resolution has been submitted that authorizes the County Executive to negotiate with the County's bargaining units to implement a two week "lag payroll" to close the budget deficit and minimize possible layoffs; and

WHEREAS, it is understood that a lag payroll causes employees a significant financial burden and, as a result, all County employees should share the burden equally; and

WHEREAS, exempt employees should share in the sacrifices required to maintain the County's fiscal stability; now, therefore be it

1st RESOLVED, that a lag payroll for employees in Bargaining Units 21 and 30, except those listed for Suffolk County Community College and the Board of Elections, is hereby authorized; and be it further

2nd RESOLVED, that the Department of Audit and Control is hereby authorized, empowered and directed to take all necessary steps to institute a two week "lag payroll" for Bargaining Units 21 and 30 (Management and Confidential employees, exclusive of Suffolk County Community College employees and Board of Elections employees) consistent with this resolution, deferring one day's pay per pay period for ten consecutive pay periods for a total of ten days lagged, commencing with the first full payroll week following final approval hereof; and be it further

3rd RESOLVED, that those employees who participate in the two week "lag payroll" as specified herein shall be entitled to receive reimbursement upon separation from employment with the County for such lagged time; and be it further

4th RESOLVED, that the reimbursement rate for such lag time shall be at the rate of pay at the time of his or her separation from the County, except that in the event an employee's rate of pay at the time of separation is less than it was at the time the lag payroll was imposed, the employee shall be reimbursed for the actual amount of wages withheld; 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:

s:\res\r-lag payroll exempts not BOE

1459

Intro. Res. No. -2011
Introduced by Legislator Cooper

Laid on Table 5/10/11

**RESOLUTION NO. -2011, INSTITUTING A LAG PAYROLL
IN FISCAL YEAR 2011 FOR EMPLOYEES WITHIN THE
SUFFOLK COUNTY BOARD OF ELECTIONS IN BARGAINING
UNITS 21 AND 30 TO ADDRESS REVENUE SHORTFALLS
AND AVOID A REDUCTION IN THE WORKFORCE OF
COUNTY PERSONNEL**

WHEREAS, the Suffolk County Executive's Budget Office and the Legislative Office of Budget Review agree that the County is faced with a projected budgetary shortfall in the range of \$140 million to \$180 million for 2011 and 2012; and

WHEREAS, a resolution has been submitted that authorizes the County Executive to negotiate with the County's bargaining units to implement a two week "lag payroll" to close the budget deficit and minimize possible layoffs; and

WHEREAS, it is understood that a lag payroll causes employees a significant financial burden and, as a result, all County employees should share the burden equally; and

WHEREAS, exempt employees employed at the Board of Elections should share in the sacrifices required to maintain the County's fiscal stability; now, therefore be it

1st RESOLVED, that a lag payroll for employees at the Suffolk County Board of Elections in Bargaining Units 21 and 24 is hereby authorized; and be it further

2nd RESOLVED, that the Department of Audit and Control is hereby authorized, empowered and directed to take all necessary steps to institute a two week "lag payroll" for employees at the Suffolk County Board of Elections in Bargaining Units 21 and 24 consistent with this resolution, deferring one day's pay per pay period for ten consecutive pay periods for a total of ten days lagged, commencing with the first full payroll week following final approval hereof; and be it further

3rd RESOLVED, that those employees who participate in the two week "lag payroll" as specified herein shall be entitled to receive reimbursement upon separation from employment with the County for such lagged time; and be it further

4th RESOLVED, that the reimbursement rate for such lag time shall be at the rate of pay at the time of his or her separation from the County, except that in the event an employee's rate of pay at the time of separation is less than it was at the time the lag payroll was imposed, the employee shall be reimbursed for the actual amount of wages withheld; 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:

s:\res\l-lag payroll BOE

1460

Intro. Res. No. -2011
Introduced by Legislator Cooper

Laid on Table 5/10/11

**RESOLUTION NO. -2011, AUTHORIZING A VOLUNTARY
LAG PAYROLL FOR ELECTED OFFICIALS**

WHEREAS, the Suffolk County Executive's Budget Office and the Legislative Office of Budget Review agree that the County is faced with a projected budgetary shortfall in the range of \$140 million to \$180 million for 2011 and 2012; and

WHEREAS, a resolution has been submitted that authorizes the County Executive to negotiate with the County's bargaining units to implement a two week "lag payroll" to close the budget deficit and minimize possible layoffs; and

WHEREAS, provisions of State law restrict the enactment of a resolution or a local law that would mandate the reduction of an elected official's salary during his or her term of office; and

WHEREAS, it is understood that a lag payroll causes employees a significant financial burden and, as a result, all County employees should share the burden equally; and

WHEREAS, in 2009, the Suffolk County Legislature approved a voluntary lag payroll for County elected officials; and

WHEREAS, elected officials should be offered the same opportunity to participate in a lag payroll in 2011 to realize additional savings; now, therefore be it

1st RESOLVED, that the Department of Audit and Control is hereby authorized, empowered and directed to take all necessary steps to permit the voluntary participation of County elected officials in a two week lag payroll; and be it further

2nd RESOLVED, that the voluntary participation by elected officials in a lag payroll be implemented by deferring one day's pay per pay period for ten consecutive pay periods for a total of ten days lagged; and be it further

3rd RESOLVED, that elected officials who sustain a salary reduction as a result of their voluntary participation in a two week lag payroll shall be entitled to reimbursement of such salary reduction upon their separation from service with the County and said reimbursement rate shall be at the rate of pay the elected officials are receiving at the time of their separation from service; 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:

s:\res\r-lag payroll electeds

1461

Intro. Res. No. -2011
Introduced by Legislator Stern

Laid on Table 5/10/11

**RESOLUTION NO. -2011, RENAMING THE OFFICE OF
HANDICAPPED SERVICES THE "OFFICE FOR PEOPLE WITH
DISABILITIES"**

WHEREAS, the County of Suffolk has established an Office of Handicapped Services ("the Office") within the Office of the County Executive (Division of Human Services) to specifically address the needs and concerns of the County's disabled residents; and

WHEREAS, the title "Office of Handicapped Services" does not adequately describe the Office's duties, as it provides both services and advocacy for the County's disabled residents; and

WHEREAS, the "Office For People With Disabilities" would be a more appropriate name for this important agency; and

1st RESOLVED, that the Suffolk County Office of Handicapped Services shall be known, as the Suffolk County Office For People With Disabilities; and be it further

2nd RESOLVED, that the Suffolk County Office For People With Disabilities shall continue to carry out all of the duties and responsibilities described in Section A3-11(D) of the SUFFOLK COUNTY ADMINISTRATIVE CODE; and be it further

3rd RESOLVED, that the Suffolk County Office For People With Disabilities shall utilize all of the current stationary, supplies and equipment that are imprinted with "Office of Handicapped Services" before ordering materials under the office's new name; and be it further

4th RESOLVED, that the terms of this resolution shall take effect 60 days after its effective date; 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:

1462

Intro. Res. No. - 2011

Laid on Table

5/10/11

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2011, AMENDING THE 2011 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING A SETTLEMENT FOR A MEDICAL MALPRACTICE CASE

WHEREAS, a Medical Malpractice Liability case was approved for settlement by the Ways and Means Committee for a total amount of Two Hundred and Twenty Thousand (\$220,000) Dollars; and

WHEREAS, the settlement is a mandated expense that must be paid by the County; and

WHEREAS, sufficient funds for Medical Malpractice Liability settlements are not available in the 2011 Operating Budget; and

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of Two Hundred and Twenty Thousand (\$220,000) Dollars in Suffolk County Serial Bonds to cover the cost of said settlements; now, therefore be it

1st RESOLVED, that this settlement in the amount of Two Hundred and Twenty Thousand (\$220,000) Dollars be bonded and paid under the authority of the Office of Risk Management, County Department of Civil Services, in conjunction with the County Department of Audit and Control and the County Executive's Budget Office; and be it further

2nd RESOLVED, that the proceeds of Two Hundred and Twenty Thousand (\$220,000) Dollars in Suffolk County Serial Bonds be and are hereby appropriated as follows:

REVENUES:

038-2780 Proceeds: Debt \$220,000

APPROPRIATIONS:

Miscellaneous
Medical Malpractice Insurance
038-MS-9090
Mandated

4880 - Settlements \$220,000

DATED: , 2011

APPROVED BY:

County Executive of Suffolk County

Date:

Intro. Res. No. 1463-11
Introduced by the Presiding Officer at the Request of the County Executive

Laid on the Table 5/10/11

RESOLUTION NO. -2011, AMENDING THE 2011 OPERATING BUDGET AND APPROPRIATING FUNDS IN CONNECTION WITH BONDING FOR SETTLEMENTS FOR GENERAL LIABILITY CASES AGAINST THE COUNTY

WHEREAS, the Ways and Means Committee has approved a bus liability settlement in the amount of Two Hundred and Fifty Thousand (\$250,000) Dollars; and

WHEREAS, the Ways and Means Committee has approved an auto liability settlement in the amount of Two Hundred and Seventy Five Thousand (\$275,000) Dollars; and

WHEREAS, the Ways and Means Committee has approved a settlement in a civil rights action against the County in the amount of Two Hundred and Eighty Five Thousand (\$285,000) Dollars; and

WHEREAS, the above settlements are mandated expenses that must be paid by the County; and

WHEREAS, sufficient funds to satisfy lawsuits, orders, judgments and settlements are not available in the 2011 Operating Budget; and

WHEREAS, the County Legislature, by Resolution of even date herewith, has authorized the issuance of Eight Hundred and Ten Thousand (\$810,000) Dollars in Suffolk County Serial Bonds to cover the cost of the above referenced settlements; now, therefore be it

1st RESOLVED, that the settlements for the total sum of Eight Hundred and Ten Thousand (\$810,000) Dollars be bonded and paid under the authority of the Office of Risk Management, County Department of Civil Services, in conjunction with the County Department of Audit and Control and the County Executive's Budget Office; and be it further

2nd RESOLVED, that the proceeds of Eight Hundred and Ten Thousand (\$810,000) Dollars in Suffolk County Serial Bonds be and are hereby appropriated as follows:

REVENUES:
038-2780 Proceeds: Debt \$810,000

APPROPRIATIONS:
Miscellaneous
Bus Liability Insurance
038-MSC-1916
Mandated
8505 – Settlements \$250,000

Miscellaneous
Auto Liability Insurance
038-MSC-1915
Mandated
8505 – Settlements \$275,000

Miscellaneous
General Liability Insurance
038-MSC-1914
Mandated

8505 – Settlements

\$285,000

DATED:

APPROVED BY:

County Executive of the County of Suffolk

Date of Approval:

1464

Intro. Res. No. -2011
Introduced by Presiding Officer Lindsay

Laid on Table 5/10/11

**RESOLUTION NO. -2011, DECLARING AS SURPLUS AND
AUTHORIZING THE SALE AND/OR LEASE OF REAL
PROPERTY IN SELDEN PURSUANT TO COUNTY LAW
SECTION 215**

WHEREAS, the Suffolk County Executive's Budget Office and the Legislative Office of Budget Review agree that the County is faced with a projected budgetary shortfall in the range of \$140 million to \$180 million for 2011 and 2012; and

WHEREAS, the County is currently contemplating drastic cuts in services, including the closure of health care centers to help close the projected budget shortfall; and

WHEREAS, the County owns vacant land in Selden that is surplus to the County's needs; and

WHEREAS, it is preferable to sell vacant parcels of land to generate revenue rather than layoff employees, close County health centers, et al.; and

WHEREAS, the sale of vacant land will also return property to the tax rolls, which will generate tax revenue in the future; and

WHEREAS, pursuant to New York County Law § 215, the Suffolk County Legislature is the steward of all County real property; now, therefore be it

1st RESOLVED, that approximately 61.4 acres of County-owned real property in Selden, identified as Suffolk County Tax Map No. 0200-538.00-05.00-001.005, is hereby declared surplus to the County's needs; and be it further

2nd RESOLVED, it shall be the policy of the County of Suffolk to sell and/or lease the County's surplus property in Selden so as to maximize the County's monetary return; and be it further

3rd RESOLVED, that the Department of Energy and Environment, Division of Real Property Acquisition and Management, is hereby authorized, empowered and directed to determine how the subject property should be offered for sale or lease in order to maximize the monetary return to the County and is authorized to offer the real property for sale and/or lease at the earliest time practicable; and be it further

4th RESOLVED, that the Division of Real Property Acquisition and Management is authorized to take the actions necessary to create lots from the subject property if necessary; and be it further

5th RESOLVED, that all contracts of sale and lease agreements entered into by the County of Suffolk in accordance with this resolution shall be subject to legislative approval, and appropriate SEQRA and CEQ review; and be it further

6th RESOLVED, that a SEQRA determination shall be made after the Council on Environmental Quality (CEQ) reviews this action and issues a recommendation.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\r-selden surplus property

1465
Intro. Res. No. -2011
Introduced by Legislator Cooper

Laid on Table 5/10/11

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW NO.
-2011, A LOCAL LAW TO ENSURE SAFE BACKFLOW
TESTING IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2011, a proposed local law entitled, "**A LOCAL LAW TO ENSURE SAFE BACKFLOW TESTING IN SUFFOLK COUNTY**" now, therefore, be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE SAFE BACKFLOW TESTING IN
SUFFOLK COUNTY**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that backflow prevention devices prevent contamination from entering potable water distribution systems and thereby protect the public water supply system.

This Legislature also finds and determines that such devices must be tested annually to ensure they are in proper working order.

This Legislature further finds and determines that the water supply must be shut off while a backflow prevention system is tested. Access to water must be restored to the system after the device has passed testing.

This Legislature finds that the improper shut-off or restoration of water to a system can have serious negative consequences, including dangerously low water pressure.

This Legislature determines that the New York State Department of Health requires individuals to take a course on backflow testing before they may be certified to perform this work.

This Legislature also finds that this course is a minimum of four days in length and only provides a basic overview of State and Local plumbing and building codes, with no requirement for more extensive instruction on plumbing.

This Legislature determines that licensed Master Plumbers have the requisite knowledge and skills to ensure that a system's access to water is turned off and restored safely.

This Legislature further finds that certified backflow prevention testers should be employed by licensed Master Plumbers, who can address any problems which may arise during or after testing.

Therefore, the purpose of this law is to require that a certified backflow prevention tester conduct tests only while they are a licensed Master Plumber or are employed by a licensed Master Plumber.

Section 2. Definitions.

As used in this law, the following terms shall have the meaning indicated:

“BACKFLOW PREVENTION DEVICE” shall mean any mechanical device installed on water supply piping used to prevent backflow or back-siphonage from a property or dwelling into a public water distribution system, private water main or internal water piping system. This definition shall include, but not be limited to, reduced pressure zone assemblies and double check valve assemblies.

“CERTIFIED BACKFLOW PREVENTION TESTER” shall mean any person who has completed coursework and holds a certificate in backflow testing from a program approved by the State of New York.

“DEPARTMENT” shall mean the Suffolk County Department of Consumer Affairs.

Section 3. Registration.

- A. It shall be unlawful for any certified backflow prevention tester to test backflow prevention devices within the County of Suffolk without first obtaining an identification card from the Department, subject to and in accordance with this law. A certified backflow prevention tester shall obtain an identification card for each licensed Master Plumber for whom he is employed.
- B. Any person seeking to register as a certified backflow prevention tester must provide documentation certifying that they are currently certified to test backflow prevention devices pursuant to State law.
- C. No identification card shall be issued unless a valid license has been issued to the Master Plumber by whom such certified backflow tester is employed.
- D. A transfer or assignment of a Master Plumber’s license pursuant to the provisions of § 345-6F shall be deemed to transfer or assign without charge the identification cards of certified backflow prevention testers employed by the original licensee.
- E. The fee for each identification card or renewal thereof shall be \$50 per annum.

Section 4. Requirements.

All backflow prevention devices in Suffolk County must be tested at least once annually. Testing shall be performed by a certified backflow prevention tester who is certified pursuant to the New York State Department of Health regulations, 10 NYCRR 5-1.31, and either is a licensed Master Plumber or is employed by a licensed Master Plumber. Certified backflow prevention testers employed by a public water supplier in Suffolk County are exempt from the licensed Master Plumber requirements when conducting backflow prevention device tests within the scope of their employment.

Section 5. Penalties.

Violation of this or any portion of this law shall be punishable by a civil penalty of \$250 for the first violation. Any subsequent violations shall be punishable by a civil penalty of \$500.

Section 6. Enforcement.

This law shall be enforced by the Department of Consumer Affairs.

Section 7. Rules and Regulations.

The Commissioner of the Department of Consumer Affairs is hereby authorized and empowered to establish all rules and regulations necessary for the implementation of this law.

Section 8. Applicability.

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

Section 9. 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 10. 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 11. Effective Date.

This law shall take effect one hundred eighty (180) days after filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-backflow testing

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: May 9, 2011

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2011

TITLE: I.R. NO. -2011; A LOCAL LAW TO ENSURE SAFE BACKFLOW TESTING IN SUFFOLK COUNTY

SPONSOR: LEGISLATOR COOPER

DATE OF RECEIPT BY COUNSEL: 5/9/11 PUBLIC HEARING: 6/7/11

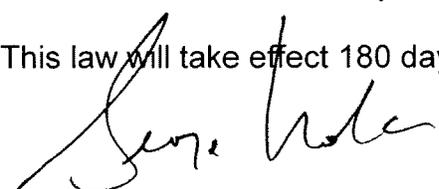
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would require certified backflow prevention testers¹ in Suffolk County to either be a licensed Master Plumber or be employed by a licensed Master Plumber.

Further, all certified backflow prevention testers will also be required to register with the Department of Consumer Affairs.

Violation of this law shall be punishable by a civil penalty of \$250.00 for the first violation. All subsequent violations shall be punishable by a civil penalty of \$500.00. This law will be enforced by the Department of Consumer Affairs.

This law will take effect 180 days after its filing in the Office of the Secretary of State.


GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-backflow testing

¹ "Certified Backflow Prevention Tester" is defined as any person who has completed the coursework and holds a certificate in backflow testing from a program approved by the State of New York.

1466
Intro. Res. No. -2011
Introduced by Legislators Kennedy and Cooper

Laid on Table 5/10/11

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW TO ENSURE A
WORKABLE, COMMON SENSE REAPPORTIONMENT
PROCESS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2011 a proposed local law entitled, "**A CHARTER LAW TO ENSURE A WORKABLE, COMMON SENSE REAPPORTIONMENT PROCESS**"; now, therefore, be it

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

LOCAL LAW NO. -2011, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ENSURE A WORKABLE, COMMON SENSE
REAPPORTIONMENT PROCESS**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law 14-2007 established an entirely new process for the reapportionment of legislative districts following a federal census. Most significantly, Local Law 14-2007 called for the creation of a non-partisan Reapportionment Commission to recommend new legislative boundaries to reflect population changes within the County.

This Legislature further determines that Local Law 14-2007 is flawed in that it imposes unrealistic timelines on the Reapportionment Commission to propose, and on the County Legislature to adopt, a plan to revise legislative boundaries.

This Legislature finds that reapportionment is a complex task that cannot be satisfactorily accomplished within the arbitrary, compressed timeframes established by Local Law 14-2007.

This Legislature further finds that new legislative district boundaries need to be in place for the 2013 elections and, therefore, it is unnecessary to rush the reapportionment process.

This Legislature also finds that it is prudent to give the newly created Reapportionment Commission sufficient time to complete their assigned task.

Therefore, the purpose of this law is to establish a new, workable timeline for the proposal and adoption of a county legislative reapportionment plan.

Section 2. Amendment.

Section C2-3 of the SUFFOLK COUNTY CHARTER is hereby amended to as follows:

§ C2-3. Legislative districts.

* * * *

- B. The County Legislative Districts currently in effect are continued, until changed pursuant to Subsections C and D of this section, and § C21-4C of the Suffolk County Charter. Legislative districts shall be reapportioned after a decennial census indicates that the districts do not contain substantially equal population, but not more often than once every 10 years.

- C. (1) No later than the [45th day after the certification and publication of the results of a regular federal census which indicates that the legislative districts do not contain substantially equal citizen population, but not more often than once every 10 years.] first day of February in the calendar year following the publication of the results of the decennial federal census, the Reapportionment Commission, as established hereunder at Subsection E of this section, shall propose to the Suffolk County Legislature, by filing with the Clerk of the Legislature, appropriate revisions to the boundaries of the legislative districts so that they contain substantially equal citizen population. Such proposal shall be recommended by at least six affirmative votes of the entire membership of the Commission.

* * * *

- (2) No legislative district shall deviate more than 3% from the total population of Suffolk County divided by 18, as determined by the most recent census referred to hereinabove, except in those instances where a deviation of greater than 3% is required to meet the standards of the Voting Rights Act. The members of the Reapportionment Commission shall be appointed as set forth at Subsection E of this section no later than [the 31st day of December prior to] 90 days after the [certification and] publication of such census referred to hereinabove. Each of the two major parties in Suffolk County shall be entitled to four members on the Reapportionment Commission. In any event, no more than four members of the Reapportionment Commission shall be affiliated with any one political party. "Major parties" shall mean the two parties receiving the highest number of votes in Suffolk County in the immediately preceding gubernatorial election.

- D. (1) If appropriate revisions of the boundaries of legislative districts required by Subsection C of this section are not proposed by the [45th day after the] [certification of the results of a regular federal census or any County-wide special population census which indicates that the districts do not contain substantially equal population,] first day of February in the calendar year following the publication of the results of the decennial federal census, then the County Attorney is hereby directed to make application to a court of appropriate jurisdiction for the appointment of a Special Master to prepare a redistricting proposal for revisions to the boundaries of the legislative districts in Suffolk County so that they shall contain substantially equal citizen population.

(2) (a) The Legislature shall vote to approve or disapprove the proposal of the Commission within ~~[60]~~ 90 days after ~~[its filing]~~ a local law containing the Commission's proposal is filed with the Clerk of the County Legislature.

(b) In the event that the County Legislature fails to take any action under Subsection D(2)(a) hereinabove, then the proposal of the Commission shall be deemed not to have been approved.

(3) (a) In the event that the County Legislature fails to approve the proposal, the Commission shall file with the Clerk of the County Legislature, within ~~[30]~~ 45 days thereafter, a revised proposal. The revised proposal shall be voted upon within ~~[45]~~ 90 days after ~~[its filing]~~ a local law containing the Commission's revised proposal is filed with the Clerk of the County Legislature.

* * * *

(4) (a) In the event the County Legislature fails to approve the local law containing the revised proposal of the Commission within 90 days of its filing, ~~[by the 180th day after the certification and publication of the results of a regular federal census,]~~ then the County Attorney is hereby directed to make application to a court of appropriate jurisdiction for the appointment of a Special Master to prepare a redistricting proposal for revisions to the boundaries of the legislative districts in Suffolk County so that they shall contain substantially equal citizen population.

E. (1) * * * *

(5) The members of the Reapportionment Commission shall serve without compensation and shall serve a fixed term of office to begin on the ~~[31st day of December prior to any census publication]~~ the effective date of the appointment and to expire 30 days after the adoption of a reapportionment plan as set forth in Subsection D of this section.

* * * *

Section 3. Applicability.

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

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. 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 6. Effective Date.

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

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\cl-reapportionment 2013

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: MAY 9, 2011

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2011

TITLE: I.R. NO. -2011; A CHARTER LAW TO ENSURE A WORKABLE, COMMON SENSE REAPPORTIONMENT PROCESS

SPONSOR: LEGISLATORS KENNEDY AND COOPER

DATE OF RECEIPT BY COUNSEL: 5/3/11 PUBLIC HEARING: 6/7/11

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

This proposed law would amend the SUFFOLK COUNTY CHARTER to extend the timelines for the Suffolk County Reapportionment Commission to propose, and for the Suffolk County Legislature to adopt, a plan to redraw legislative district boundaries.

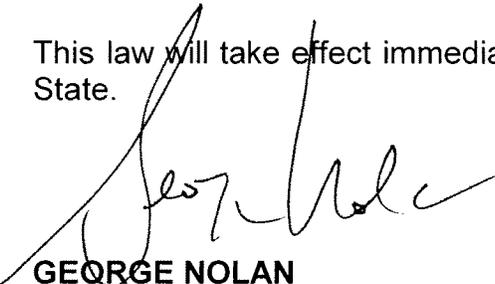
Specifically, this law would make the following changes:

- 1) Require that the members of the Reapportionment Commission be appointed within 90 days after of the publication of the decennial census results. Under current law, these appointments must be made by December 31st in the year preceding the publication of the census results.
- 2) Require that the Reapportionment Commission propose a redistricting plan to the County Legislature by the first day of February in the year following the publication of the census results. Presently, the Commission is required to recommend a plan within 45 days of the "publication and certification" of the federal census.
- 3) Require that the Legislature vote to approve or disapprove the Commission's proposal within 90 days after a local law setting forth the proposed plan is filed with the Clerk of the Legislature. The current law requires the Legislature to act within 60 days after a reapportionment plan is filed with the Clerk.
- 4) In the event the Legislature fails to approve the Commission's original proposal, requires the Commission to submit a revised plan within 45 days, rather than the 30 days called for in the current law.

- 5) Require the Legislature to act on the revised plan within 90 days after a local law containing the revised proposal is filed with the Clerk of the Legislature. The current law requires the Legislature to act on the revised proposal within 45 days after it is filed in the Clerk's Office.

The proposed law continues to provide that the County Attorney will seek the appointment of a Special Master to redraw the legislative boundaries in the event the Legislature does not adopt a reapportionment plan recommended by the Commission. However, under this law, the County Attorney is directed to make such an application only after the Legislature fails to act on the revised plan as set forth above. Under existing law, the County Attorney is authorized to seek the appointment of a Special Master if a reapportionment plan is not adopted within 180 days of the publication and certification of the census results.

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



GEORGE NOLAN
Counsel to the Legislature

GN:tm

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Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2011, AMENDING SUFFOLK COUNTY CODE, CHAPTER 636 TO REVISE THE FEE SCHEDULE FOR FRANCIS S. GABRESKI AIRPORT

WHEREAS, Suffolk County Code Chapter 636, Article X sets forth fees for property use at Francis S. Gabreski Airport; and

WHEREAS, the Department of Economic Development and Workforce Housing (the "Department") on a regular basis reviews the Airport fee schedule to ensure that it is reflective of the local market; and

WHEREAS, the Department has determined that these fees need to be amended to be compatible with those of other local airports; and

WHEREAS, Resolution 1096-2010 authorized the purchase of a hangar at Gabreski Airport in part to house the Suffolk County Police Medevac; and

WHEREAS, the portion of that hangar not required for the Police Department use may be leased to private aircraft owners thereby generating revenue to the county; and

WHEREAS, the Gabreski Airport Fee Schedule needs to be amended to set the rental rates for the private use of the hangar space allocated for use by private aircraft owners; now, therefore be it

1st RESOLVED, that Chapter 636, Article X of the Suffolk County Charter is hereby amended to include the rates and fees as noted in "Exhibit A" attached and hereto made part of this resolution; 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) 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.

APPROVED BY:

County Executive of Suffolk County

Date of Approval: _____

[] Brackets denote deletion of existing language
____ Underlining denotes addition of new language

1468

Intro. Res. No. -2011

Laid on Table 5/10/11

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2011, ADOPTING LOCAL LAW
NO. -2011, A CHARTER LAW CREATING A PROGRAM
FOR PUBLIC FINANCING OF COUNTY CAMPAIGNS AND THE
BANNING OF CERTAIN DONATIONS TO CURB POTENTIAL
CONFLICTS OF INTEREST**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2011, a proposed Local Law entitled, "**A CHARTER LAW CREATING A PROGRAM FOR PUBLIC FINANCING OF COUNTY CAMPAIGNS AND THE BANNING OF CERTAIN DONATIONS TO CURB POTENTIAL CONFLICTS OF INTEREST**"; 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. -2011, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW CREATING A PROGRAM FOR PUBLIC
FINANCING OF COUNTY CAMPAIGNS AND THE BANNING OF
CERTAIN DONATIONS TO CURB POTENTIAL CONFLICTS OF
INTEREST**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Article XLI of the Suffolk County Charter "Public Financing of Election Campaigns" was repealed by Local Law No. 39-2009.

This Legislature also finds and determines that the County of Suffolk administers all contracts made and entered into by the County of Suffolk with contract vendors, contractors, and/or consultants at great cost and expense to the County of Suffolk in terms of personnel and County resources.

This Legislature further finds and determines that contract vendors, contractors, and consultants benefit from the administrative services of various County agencies, especially the administrative services of the County Department of Law in processing and administering all County contracts.

This Legislature also determines that it would be in the best interests of the County to charge such contractors a reasonable and appropriate service fee to offset the cost to the County of processing and administering such contracts between the contract vendor, contractor, or consultant and the various County agencies and to help fund Suffolk County elections to mitigate the influence of County vendor campaign contributions on County decision-making.

This Legislature further determines that funding from such source would promote the primary goal of campaign finance reform by limiting the real or perceived influence of vendors who make contributions.

This Legislature further finds and determines that only the Office of County Executive and County Legislature should be covered by this new funding of County campaigns until such time as a determination can be made as to the efficacy of this funding mechanism.

Therefore, the purpose of this law is:

- 1.) to create a voluntary system of public financing of County election campaigns, funded from a Sliding Scale Service Fee To Be Imposed on Contractors Doing Business with the County of Suffolk;
- 2.) to improve popular understanding of local issues;
- 3.) to increase participation in local elections by voters and candidates;
- 4.) to reduce influence on County officials by large campaign contributors;
and
- 5.) to enhance public confidence in County government.

Section 2. Public Financing of Election Campaigns.

A new Article XLI of the SUFFOLK COUNTY CHARTER is hereby adopted, to read as follows:

ARTICLE XLI, Public Financing of Election Campaigns

§ C41-1. Definitions.

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

AUTHORIZED COMMITTEE -- A political committee which has been authorized by one or more candidates to aid or take part in the election of such candidate or candidates and which has filed a statement that such candidate or candidates have authorized such political committee pursuant to § 14-112 of the NEW YORK ELECTION LAW.

BOARD -- The Suffolk County Campaign Finance Board.

CLIENT -- Every person or organization who retains, employs or designates any person or organization to carry on lobbying activities on behalf of such client.

CONTRIBUTION:

- A.) Any gift, subscription, advance or deposit of money or anything of value, made in connection with the nomination for election, or election, of any candidate; any funds received by a political committee from another

political committee to the extent such funds do not constitute a transfer; any payment, by any person other than a candidate or a political committee authorized by the candidate, made in connection with the nomination for election, or election, of any candidate, including, but not limited to, compensation for the personal services of any individual which are rendered in connection with a candidate's election or nomination without charge; provided, however, that none of the foregoing shall be deemed a contribution if it is made, taken or performed by a person or political committee independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to § 14-112 of the NEW YORK ELECTION LAW. For purposes of this paragraph, the term "independent of the candidate or his or her agents or political committees authorized by such candidate pursuant to § 14-112 of the NEW YORK ELECTION LAW" shall mean that the candidate or his or her agents or political committees so authorized by such candidate did not authorize, request, suggest, foster or cooperate in any such activity; and provided, further, that the term "contribution" shall not include:

- 1.) The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee;
 - 2.) The use of real or personal property and the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate or political committee on the individual's residential premises for candidate-related activities to the extent such services do not exceed \$500 in value; or
 - 3.) The travel expenses of any individual who on his or her own behalf volunteers his or her personal services to any candidate or political committee to the extent such expenses are unreimbursed and do not exceed \$500 in value.
- B.) A loan made to an eligible candidate or an authorized committee of such candidate other than in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the general election, a contribution by the lender. A loan made to an eligible candidate or an authorized committee of such candidate in the regular course of the lender's business shall be deemed, to the extent not repaid by the date of the general election, a contribution by the obligor on the loan and by any other person endorsing, cosigning, guaranteeing, collateralizing or otherwise providing security for the loan. Any such loan shall not be used as part of the calculation to determine the threshold for eligibility for public financing.

COUNTY AGENCY -- Any department, board, bureau, commission, division, office, council, committee or officer of the County, whether permanent or temporary, or a public authority at least one of whose members is appointed by the County Executive, County Legislature, or a County Officer, authorized by law to make rules or to make final decisions in adjudicatory proceedings, but shall not include the judiciary.

DOING BUSINESS -- Conducting, performing or exercising the ordinary functions and activities for which a person is organized.

DONATION -- Any direct or indirect payment, distribution, loan, advance, deposit of money, or gift of money, or any services, or any thing of value, by independent committee or otherwise, to any elected official or any candidate, campaign committee or political party or organization, in connection with any election to any of the offices referred to in the definition of "eligible candidate" in this section.

ELECTION -- Any general election for nomination for election, election to a term as a member of the Suffolk County Legislature or election to the Office of County Executive.

ELIGIBLE CANDIDATE -- Any candidate for nomination for election, or election to a term as a member of the Suffolk County Legislature or to the Office of County Executive.

FUND -- The Suffolk County Election Campaign Finance Fund.

INTERMEDIARY -- An individual, corporation, partnership, political committee, employee organization, or other entity, which, other than in the regular course of business as a postal, delivery or messenger service, delivers any contribution from another person or entity to a candidate or an authorized committee. "Intermediary" shall not include spouses, parents, children, or siblings of the person making such contribution.

LOBBYING or LOBBYING ACTIVITIES -- Any attempt to influence the passage or defeat of any legislation by the County Legislature or the approval or disapproval of any legislation by the County Executive; the adoption or rejection by the County of Suffolk, its agencies, boards, departments, offices or commissions of any rule or regulation having the force and effect of law; or the outcome of any rate-making proceeding by a County Agency. The term "lobbying" shall not include:

- A.) Persons engaged in drafting legislation, rules, regulations or rates or persons advising clients and rendering opinions on proposed legislation, rules, regulations or rates, where such professional services are not otherwise connected with legislative or executive action on such legislation or administrative action on such rules, regulations or rates.
- B.) Newspapers and other periodicals and radio and television stations and owners and employees thereof, provided that their activities in connection with proposed legislation, rules, regulations or rates are limited to the publication or broadcast of news, items, editorials, other comment or paid advertisements.
- C.) Persons who participate as witnesses, attorneys or other representatives in public rule-making or rate-making proceedings of a County Agency, with respect to all participation by such persons which is part of the public record thereof and all preparation by such persons for such participation.

- D.) Persons who attempt to influence a county agency in an adjudicatory proceeding, as defined by § 102 of the NEW YORK STATE ADMINISTRATIVE PROCEDURE ACT.
- E.) Persons who prepare or submit a response to a request for information or comments by the County Legislature, the County Executive or a County Agency, or a committee or officer of the Legislature or a County Agency.

LOBBYIST -- Every person or organization retained, employed or designated by any client to engage in lobbying before the County of Suffolk, its agencies, boards, commissions, County Legislature, County Executive, or any other elected County Official, and registered under Chapter 348 of the SUFFOLK COUNTY CODE. The term "lobbyist" shall not include any officer, director, trustee, employee, counsel or agent of the County of Suffolk when discharging his or her official duties.

MATCHABLE CONTRIBUTION -- A contribution, contributions or a portion of a contribution or contributions, not exceeding \$500 per election made by a natural person resident in the County of Suffolk to a candidate for nomination for election or election to any of the offices covered by the provisions of this Article or any of such candidate's authorized committees which has been reported in full to the Board in accordance with § C41-2A(6) of this Article by the candidate's authorized committee designated by such candidate pursuant to such § C41-2A(6) and has been contributed on or before October 31 in the year of such election that may be matched by public funds in accordance with the provisions of this Article. This \$500 limitation shall not apply to a candidate's contribution to his or her own nomination for election or election. A loan may not be treated as a matchable contribution. For purposes of this definition, a "person" shall be deemed to include unemancipated children of such person.

ORGANIZATION -- Any corporation, company, foundation, association, labor organization, firm, partnership, joint venture, joint-stock company, County Agency or public corporation.

PERSON -- Any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business organization of any kind.

POLITICAL COMMITTEE -- Any corporation aiding or promoting and any committee or combination of one or more persons operating or cooperating to aid or to promote the success or defeat of a political party or principle, or to aid or take part in the election or defeat of a candidate for public office or to aid or take part in the election or defeat of a candidate for nomination at a primary election or convention, including all proceedings prior to such primary election, or of a candidate for any party position voted for at a primary election, or to aid or defeat the nomination by petition of an independent candidate for public office; but nothing in this Article shall apply to any committee or organization for the discussion or advancement of political questions or principles without connection with any vote. "Committee" shall include any party committee or constituted

committee, as such committees are defined in Article 14 of the NEW YORK ELECTION LAW.

QUALIFIED CAMPAIGN EXPENDITURE -- An expenditure for which public funds may be used.

RELATED TO -- Has a known personal, business, commercial, professional, economic, or financial relationship with an entity doing business with or proposing to do business with the County of Suffolk, or any partners, members, directors or shareholders of more than five (5) per cent of any such entity, and any Suffolk County employee, any elected official from Long Island, or any public official of Suffolk County Government.

THRESHOLD CONTRIBUTION -- A contribution, contributions or a portion of a contribution or contributions, not exceeding \$500 made by a natural person resident in the County of Suffolk to a candidate for nomination for election or election to any of the offices covered by the provisions of this Article or any of such candidate's authorized committees which has been reported in full to the Board in accordance with § C41-2A(6) of this Article by the authorized committee designated by such candidate pursuant to such § C41-2A(6) and has been contributed on or before October 31 in the year of such election that may be used by a candidate to meet the threshold for eligibility. This \$500 limitation shall not apply to a candidate's contribution to his or her own nomination for election or election. A loan may not be treated as a threshold contribution and shall not be used as part of the calculation to determine the threshold for eligibility for public financing.

THRESHOLD FOR ELIGIBILITY -- The total amount of threshold contributions that an eligible candidate for nomination for election or election to office and the authorized committees of such candidate must receive in order for such candidate to qualify for optional public financing pursuant to this Article.

TRANSFER -- Any exchange of funds or anything of value between political committees authorized by the same candidate pursuant to § 14-112 of the NEW YORK ELECTION LAW and taking part solely in his or her campaign.

§ C41-2. Eligibility for public financing.

- A.) To be eligible for optional public financing under this Article, a candidate for nomination for election, or election, shall:
 - 1.) Meet all the requirements of law to have his or her name on the ballot.
 - 2.) Be a candidate for a term as a member of the Suffolk County Legislature or the Office of County Executive in a general election.
 - 3.) Be a candidate on one (1) of the two (2) ballot lines receiving the highest votes cast at the last gubernatorial election immediately preceding the election for which such candidate chooses to participate for the public funding provisions of this Article.

- 4.) Choose to participate in the public funding provisions of this Article by filing a written certification in such form as may be prescribed by the Board, which sets forth his or her acceptance of and agreement to comply with the terms and conditions for the provision of such funds, such certification to be filed with the Board no later than the tenth (10th) day after the filing of a sworn verified statement pursuant to § 14-112 of the NEW YORK ELECTION LAW that such candidate has authorized a political committee to aid or take part in an election, or by the last date for filing a designating or nominating petition for the office for which such individual is a candidate in the year in which the election for which he or she seeks to be qualified as an eligible candidate is held, whichever occurs last.
- 5.) Obtain and furnish to the Board any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this Article as may be requested by such Board.
- 6.) Notify the Board as to the existence of each authorized committee authorized by such candidate, whether any such committee has been so authorized by any other candidate, and, if the candidate has authorized more than one authorized committee, notify the Board as to which authorized committee has been designated by the candidate pursuant to Subsection C of this section.
- 7.) State that, except as is otherwise provided in Subsection A(6) of this section, such candidate and the authorized committees of such candidate have not accepted and agree not to accept any contribution or contributions from any one individual, corporation, partnership, political committee, employee organization or other entity for each election in which he or she seeks to be qualified as an eligible candidate which, in the aggregate, for a term as a member of the Suffolk County Legislature, shall exceed the sum of \$2,000 or, to the Office of County Executive, shall exceed the sum of \$35,000. If state law prescribes a contribution limitation of a lesser amount, this subsection shall not be deemed to authorize acceptance of a contribution in excess of such lesser amount. The maximum contribution set forth in this subsection shall be adjusted in accordance with Subsection D of this section.
- (8) State, if such candidate and the authorized committees of such candidate have accepted any contribution or contributions from any one individual, corporation, partnership, political committee, employee organization or other entity prior to the effective date of this Article which in the aggregate exceed the maximum contribution applicable pursuant to Subsection A(7) of this section, that such candidate and such authorized committees have not, subsequent to the effective date of this Article, spent, and agree not to spend for such nomination for election, or election, any

portion of any contributions from any one individual, corporation, partnership, political committee, employee organization or other entity to the extent that such portion exceeds the maximum contribution applicable pursuant to Subsection A(7) of this section. Any contribution made prior to the effective date of this Article shall not be deemed a matchable contribution or threshold contribution for purposes of this Article for any election held in the year 2013 or thereafter. Any contribution made prior to the effective date of this Article shall only be eligible:

- (a) for use by any candidate for his or her campaign for the Office of County Legislature or County Executive, who declines to opt into this program under Subsection 4 of Paragraph (A) of this Section, for the campaign for that office; or
- (b) for any other lawful purpose authorized by the NEW YORK STATE ELECTION LAW that is not inconsistent with the provisions of this Article.

9.) State that he or she has not made and agrees not to make expenditures from or use his or her personal funds or property or the personal funds or property of his or her spouse or unemancipated children in connection with his or her nomination for election, or election, except as a contribution to his or her authorized committee designated pursuant to Subsection C of this section in an amount that does not exceed the maximum contribution amount applicable pursuant to Subsection A(7) of this section, and that such candidate and the authorized committees of such candidate have not and agree not to exceed the applicable expenditure limitations set forth in § C41-5 of this Article.

(a) The threshold for eligibility for public funding for candidates in a general election shall be, in the case of:

[1] Member of the County Legislature: not less than Ten Thousand Dollars (\$10,000) in threshold contributions, including at least 50 such contributions in the amount of Ten Dollars (\$10) or more.

[2] County Executive: not less than One Hundred and Eighty Thousand Dollars (\$180,000) in threshold contributions, including at least 300 such contributions in the amount of Ten Dollars (\$10) or more.

[3] Contributions from any authorized committee shall not be used to calculate the threshold for eligibility for public funding under this subsection.

[4] Any loan made to an eligible candidate, or an authorized committee of such candidate, shall not be used as part of the calculation to determine the threshold for eligibility for public financing.

- B.) Candidates who are unopposed in an election shall not be eligible to receive public funds for such election.
- C.) Each candidate shall designate his or her authorized committee or, if he or she has more than one authorized committee, a single authorized committee to receive public funds pursuant to this Article and to report, to the best of its knowledge, to the Board every contribution, loan, guaranty or other security for such loan received by the candidate, such authorized committee and any other authorized committee of such candidate, and the full name, residential address, occupation, employer and business address of each individual, corporation, partnership, political committee, employee organization or other entity making, or which is the intermediary for, such contribution, loan, guaranty, or other security for such loan, and every expenditure made by the candidate, such authorized committee and any other authorized committee of such candidate, including expenditures not subject to § C41-5 of this Article. Such reports shall be submitted at such times and in such form as the Board shall require and may be filed via e-mail or diskette. A computer-generated printed hardcopy for same, signed by the Committee Chair, shall be filed with the Board within three business days after the e-mail filing, or, if filed by diskette, the signed computer-generated hardcopy shall accompany the diskette.
 - 1.) Once the necessary technology and procedures for electronic filing are in place in Suffolk County for County Campaign Finance Statements, the Board shall immediately place all such information contained in such filings on a Suffolk County Campaign Finance Statement Reporting website, accessible to the public at large, subject to the use of appropriate security devices designed to protect against tampering with the contents or filing of such statements.
 - 2.) This electronic requirement shall not apply to a political committee whose Treasurer files a sworn statement which demonstrates that the political committee does not have access to the technology necessary for electronic filing and that filing electronically would constitute a substantial hardship to the political committee.
- D.) Not later than the first day of March in the year 2015 and every fourth year thereafter the Board shall determine the percentage difference between the average over a calendar year of the CPI - New York - Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the twelve (12) months immediately preceding the beginning

of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA); adjust each maximum contribution applicable pursuant to Subsection A(7) of this section by the amount of such percentage difference to the nearest \$50; and publish such adjusted maximum contribution for three consecutive weeks in the Official County and Town newspapers designated by the Suffolk County Legislature. Such adjusted maximum contribution shall be in effect for any election held before the next such adjustment.

E.) In order to be eligible to receive public funds in a general election, a candidate must agree via written certification to the Board that, in the event he or she is a candidate for such office in any other election held in the same calendar year, he or she will agree via written certification to the Board:

1. not to accept donations from political action committees created by or related to an entity doing business or proposing to do business with the County of Suffolk, lobbyists doing business or proposing to do business with the County of Suffolk, firms doing business or proposing to do business with the County of Suffolk, or certified or recognized employee organizations representing employees of the County of Suffolk and be bound in each such election by the eligibility requirements and all other provisions of this Article; and
2. not to make payments from campaign funds for items that are personal in nature to the candidate, his or her family, or his or her friends, unrelated to the official conduct of a political campaign or the holding of a public office, including, but not limited to, birthday gifts, wedding gifts, personal attire, appliances, personal vacation travel, maintenance of a home, operation of a private business, personal grooming, sports and recreational activities, or for the use of a vehicle that occurs during a period of time other than the six (6) months immediately preceding an election in which that candidate is participating. For the purpose of this subsection, family shall mean spouse, issue, stepchild, brother, sister, parent, grandparent, brother-in-law, sister-in-law, parent-in-law, niece, or nephew of a candidate.

F.) In order to be eligible to receive public funds, a Legislative candidate must raise at least \$5,000 by August 15 for the office for which he or she is a candidate in the year in which such election shall be held and a candidate for the Office of County Executive must raise at least \$15,000 by August 15 in the year in which such election shall be held.

§ C41-3. Campaign expenditures.

- A.) Public funds provided under the provisions of this Article may be used only for expenditures by an authorized committee on behalf of a candidate to further the candidate's nomination for election, or election, during the calendar year in which the general election in which the candidate is seeking nomination for election, or election, is held.
- B.) Such public funds may not be used for:
- 1.) An expenditure in violation of any law.
 - 2.) Payments made to the candidate or a spouse, child, grandchild, parent, grandparent, brother or sister of the candidate or spouse of such child, grandchild, parent, grandparent, brother or sister, or to a business entity in which the candidate or any such person has a 10% or greater ownership interest.
 - 3.) Payment in excess of the fair market value of services, materials, facilities or other things of value received in exchange.
 - 4.) Any expenditure made after the candidate has been disqualified or had his or her petitions declared invalid by the Suffolk County Board of Elections or a court of competent jurisdiction until and unless such finding is reversed, except as expenditures from funds which are carried over pursuant to Subsection C of § C41-5 of this Article.
 - 5.) Any expenditure made after the only remaining opponent of the candidate has been disqualified or had his or her petitions declared invalid by the Suffolk County Board of Elections or a court of competent jurisdiction until and unless such finding is reversed.
 - 6.) Gifts, except brochures, buttons, signs and other printed campaign material.
 - 7.) Cash payments.
 - 8.) Transfers to other candidates.
 - 9.) Petition challenges.
 - 10.) Payments for items that are personal in nature to the candidate, his or her family, or his or her friends, unrelated to the official conduct of a political campaign or the holding of a public office, including, but not limited to, birthday gifts, wedding gifts, personal attire, appliances, personal vacation travel, maintenance of a home, operation of a private business, personal grooming, sports and recreational activities, or for the use of a vehicle that occurs during a period of time other than the six (6) months immediately preceding an election in which that candidate is participating. For the purpose of this subsection, family shall mean spouse, issue,

stepchild, brother, sister, parent, grandparent, brother-in-law, sister-in-law, parent-in-law, niece, or nephew of a candidate.

§ C41-4. Optional public financing.

- A.) Each eligible candidate for nomination for election in general elections may obtain payment to the authorized committee designated by such candidate pursuant to Subsection E of § C41-2 of this Article from public funds for qualified campaign expenditures, in accordance with the provisions of this Article and subject to appropriation by the County of Suffolk.
- B.) No such public funds shall be paid to an authorized committee until the candidate has qualified as an eligible candidate and has filed the written certification required pursuant to § C41-2 of this Article with the Board. Payment shall not exceed the amounts specified in this Article and shall be made only in accordance with the provisions of this Article. Such payment may be made only to the authorized committee designated by the eligible candidate pursuant to Subsection C of § C41-2 of this Article. No public funds shall be used except as reimbursement or payment for qualified campaign expenditures actually and lawfully incurred or to repay loans used to pay qualified campaign expenditures.
- C.) In the event that the authorized committee designated by an eligible candidate has obtained, and reported to the Board in accordance with the provisions of this Article, contributions equal to at least the threshold for eligibility established by § C41-2A(9)(a) of this Article, then the authorized committee shall receive payment for qualified campaign expenditures equivalent to twice the amount of said threshold for eligibility for the office for which such candidate seeks nomination for election, or election. No contribution, contributions or portion of a contribution or contributions exceeding \$500 made by a person, including unemancipated children of such person, may be used as either a threshold contribution or a matchable contribution, or both, in any one election. In the event that there are insufficient funds available to cover all campaigns, then such funds shall be allocated first to fully fund, to the maximum extent possible, the election to the Office of County Executive and the Office of County Legislature on a pro-rata basis.
- D.) A candidate seeking or obtaining nomination for election by more than one party shall be deemed one candidate and shall not receive additional public funds or be authorized to accept contributions in excess of the maximum contribution applicable pursuant to Subsection A(7) of § C41-2 or make additional expenditures by reason of such candidate seeking or obtaining nomination for election by more than one party.
- E.) The Board shall make possible payment within 10 business days after receipt of reports of matchable contributions, or as soon thereafter as is practicable, but not earlier than the earliest dates for making such payments as provided in Subsection E of § C41-8.

§ C41-5. Expenditure limitations.

A.) The following limitations shall apply to all expenditures made by a candidate and his or her authorized committees on or after the first day of January immediately preceding the election for which such candidate chooses to participate in the public funding provisions of this Article throughout the pertinent term of office to which such limitation is applied, and to expenditures made at any time prior to such date for services, materials, facilities, advertising or other things of value received, rendered, published, distributed or broadcast on or after such date throughout the pertinent term of office to which such limitation is applied.

1.) In each general election, expenditures by an eligible candidate for one of the following offices and his or her authorized committees shall not exceed the following amounts:

Office	Expenditure Limit
County Executive	\$900,000
Legislator	\$ 50,000

Moneys expended for the sole and exclusive purpose of campaign fund raising (such as, but not limited to, renting a catering hall, purchasing food and beverages, and printing invitations) shall be excluded from this limit.

2.) The Board shall, pursuant to § C41-12 of this Article, submit a report to the County Executive and the County Legislature on or before September 1, 2012, containing its recommendations whether the expenditure limitations provided by this subsection should be modified. Such report shall set forth the amount of, and reasons for, any modifications it recommends.

3.) Not later than the first day of March in the year 2015 and every fourth (4th) year thereafter the Board shall:

(a) Determine the percentage difference between the average over a calendar year of the CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the 12 months immediately preceding the beginning of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA).

(b) Adjust each expenditure limitation applicable pursuant to this subsection by the amount of such percentage difference to the nearest \$1,000.

(c) Publish such adjusted expenditure limitation for three consecutive weeks in the Official County and town

newspapers designated by the Suffolk County Legislature. Such adjusted expenditure limitation shall be in effect for any election held before the next such adjustment.

- B.) The following limitations shall apply to all expenditures made by a candidate and his or her authorized committees in the calendar year preceding the year of the election for which such candidate chooses to participate in the public funding provisions of this Article and to expenditures made at any time prior to such date for services, materials, facilities, advertising or other things of value received, rendered, published, distributed or broadcast in such calendar year. Such expenditures by such a candidate for one of the following offices and his or her authorized committees shall not exceed the following amounts:

Office	Expenditure Limit
County Executive	\$300,000
Legislator	\$10,000

Moneys expended for the sole and exclusive purpose of campaign fund raising (such as, but no limited to, renting a catering hall, purchasing food and beverages, and printing invitations) shall be excluded from this limit.

- C.) Funds received from contributions and payments from the fund not expended by an eligible candidate for nomination for election or election to an office or his or her authorized committees in an election may be carried over for expenditure by such candidate or committees in the next following election for nomination for election or election to such office in the same calendar year, provided that such carryover may not in any way affect, modify or waive the obligation of such candidate or committees to comply with the provisions of this Article, including the limitations on the receipt of contributions and on the making of expenditures for each election.
- D.) If any candidate in any general election for an office for which public funds are available pursuant to the provisions of this Article chooses not to participate in the public funding provisions of this Article, by the last date for filing a designating or nominating petition for the office for which such individual is a candidate, or if the candidate is disqualified or removed from the ballot due to an insufficient number of valid signatures on such petition, by the date of a final administrative or judicial ruling from which no further appeal may be taken in such case, then such expenditure limit shall no longer apply to those candidates in such election for such office who have chosen to receive public funds.
- E.) Expenditures for professional services, including legal fees and accounting fees, made for the purpose of complying with the provisions of this Article or the NEW YORK ELECTION LAW, and expenses to defend the validity of petitions of designation or nomination or certificates of nomination, acceptance, authorization, declination or substitution, shall not be limited by the expenditure limitations of this section.

§ C41-6. Multi-candidate committees.

- A.) Contributions, loans and guaranties or other security for such loans, made to an authorized committee in support of more than one candidate, shall be allocated among such candidates supported by the committee in accordance with the formulas promulgated or approved by the Board. The statements filed by such committee in accordance with this Article shall set forth, in addition to the other information required, the total amount received by the committee on behalf of all such candidates and the contributions, loans and guaranties or other security for such loans allocated to each candidate by dollar amount and percentage.
- B.) In computing the aggregate amount expended by a candidate and his or her authorized committees, expenditures made by an authorized committee in support of more than one candidate shall be allocated among such candidates supported by the committee in accordance with formulas promulgated or approved by the Board. The statements filed by such committee in accordance with this Article shall set forth, in addition to the other information required, the total amount expended by the committee on behalf of all such candidates and the amount allocated to each candidate by dollar amount and percentage.

§ C41-7. Campaign Finance Board.

- A.) Creation; membership.
 - 1.) The Suffolk County Campaign Finance Board is hereby created consisting of five (5) members. Two (2) members of the Board shall be appointed by the County Executive, provided that not more than one (1) such member shall be enrolled in any one (1) political party; one (1) member shall be appointed by the Presiding Officer of the Suffolk County Legislature; one (1) member shall be selected by the minority leader (of the largest Minority Party in the County Legislature measured by the number of County Legislators) of the County Legislature, provided that not more than one (1) such legislatively appointed member shall be enrolled in any one (1) political party; and one (1) member, who shall be the Chairperson, shall be appointed by the County Executive with the concurrence of the Presiding Officer.
 - 2.) The members shall initially be appointed to serve as follows:
 - (a) One (1) member appointed by the Presiding Officer for a term of one (1) year representing a widely recognized and acknowledged civic group.
 - (b) One (1) member appointed by the County Executive for a term of two (2) years representing someone widely recognized and acknowledged within the academic community.

- (c) One (1) member appointed by the Minority Leader of the largest minority party in the County Legislature, measured by the number of County Legislators, for a term of three (3) years.
 - (d) One (1) member appointed by the County Executive for a term of one (1) year.
 - (e) The chairperson, for a term of three (3) years, selected by the County Executive with the concurrence of the Presiding Officer.
- 3.) Each term shall commence on January 1, 2011. Thereafter, each member shall be appointed for a term of three (3) years by the County Executive or the Presiding Officer, according to the original manner of appointment. In case of a vacancy in the office of a member, a member shall be appointed to serve for the remainder of the unexpired term by the County Executive or Presiding Officer of the Legislature, as the case may be. Each member shall be a resident of the County of Suffolk, registered to vote therein. No member shall make contributions to any candidate for nomination for election, or election to the Office of Legislature or County Executive which, in the aggregate, are in excess of the maximum contribution applicable to such office pursuant to § C41-2A(7) of this Article. No member shall serve as an officer of a political party; be a candidate or participate in any capacity in a campaign by a candidate for nomination for election or election to the Office of Legislature or County Executive; or be a County employee.
- B.) The Board may employ necessary staff, including an Executive Director and a Counsel, and make necessary expenditures subject to appropriation by the County of Suffolk.
 - C.) No member of the Board shall be removed from office except for cause and upon notice and hearing. No member of the Board shall receive compensation but shall be entitled to reimbursement for any reasonable and necessary travel expenses incurred as a result of serving as such a member.
 - D.) The Board shall publicize, as it deems appropriate, the names of candidates for nomination or election to the offices of Legislator or County Executive.
 - E.) The Board may render advisory opinions with respect to questions arising under this Article. Such advisory opinions may be rendered on the written request of a candidate, an officer of a political committee or member of the public, or may be rendered on its own initiative. The Board shall make public its advisory opinions. The Board shall develop a program for informing candidates and the public as to the purpose and effect of the provisions of this Article.

- F.) The Board shall issue and promulgate such rules and regulations and provide such forms as it deems necessary for the administration of this Article. The Board shall promulgate regulations concerning the form in which contributions and expenditures are to be reported, the periods during which such reports must be filed, and the verification required. The Board shall require the filing of reports and contributions and expenditures for purposes of determining compliance with the provisions of this Article.
- G.) The Board shall develop a computer database that shall contain all information necessary for the proper administration of this Article, including information on contributions to and expenditures by candidates and their authorized committees and distributions of moneys from the fund. Such database shall be accessible to the public upon the payment of such fees as may be set by the Board to reimburse the County for the administrative cost of providing such information.
- H.) The Board may take such other actions as are necessary and proper to carry out the purposes of this Article.

§ C41-8. Suffolk County Campaign Finance Fund.

- A.) There is hereby established a special fund, to be known as the "Suffolk County Campaign Finance Fund." The moneys in such fund may be expended by the Board only as payments for eligible candidates in accordance with the provisions of this Article and for the administration and implementation of this program.
- B.) The fund shall be kept in separate interest-bearing accounts and shall be credited with all sums appropriated therefor, any donations received pursuant to Paragraph H of this section, and all earnings accruing on such funds.
- C.) As soon as practicable, but no later than December 31, 2011, and in time for inclusion in the County's Operating Budget in every year thereafter, and at such other times as the Board shall deem necessary, the Board shall submit its estimate of the amount of public funds which will be necessary to provide candidates sufficient financing for elections in the next year in which elections are scheduled pursuant to the SUFFOLK COUNTY CHARTER and for elections to fill vacancies to be held prior to such year, and a reserve for contingencies. Such estimates shall be submitted in such manner and at such times as to ensure that such amounts as shall be necessary shall be appropriated in full by the beginning of the fiscal year in which elections are scheduled pursuant to the SUFFOLK COUNTY CHARTER and that additional amounts shall be appropriated as necessary. These funds shall be generated by voluntary contributions to the fund as well as by appropriations equivalent to the amount of the County contract service fee revenues authorized in Section A4-15 of the SUFFOLK COUNTY ADMINISTRATIVE CODE. A portion of

these funds may also be appropriated to pay for the administration and implementation of this Article.

- 1.) Not later than the first day of March in the year 2015 and every fourth (4th) year thereafter the Board shall:
 - (a) Determine the percentage difference between the average over a calendar year of the CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the 12 months immediately preceding the beginning of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA).
 - (b) Adjust each contract service fee applicable under Section 4-15 (A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE by the amount of such percentage difference to the nearest \$100.
 - (c) Publish such adjusted contract service fee for three consecutive weeks in the Official County and Town newspapers designated by the Suffolk County Legislature. Such adjusted contract service fee shall be in effect for any election held before the next such adjustment.
- D.) The moneys in such fund shall be paid to candidates by the Board upon its certification that such candidates qualify for such funds.
- E.) No moneys shall be paid to candidates in a general election any earlier than the day after the day of the primary election held to nominate candidates for such election.
- F.) No moneys shall be paid to any candidate who has been disqualified or whose designating or nominating petitions have been declared invalid by the Suffolk County Board of Elections or a court of competent jurisdiction until and unless such decision is reversed and no further appeal may be taken. Any payment from the fund in the possession of such a candidate or his or her authorized committees on the date of such disqualification or invalidation may not thereafter be expended for any purpose except the payment of liabilities incurred in qualified campaign expenditures before such date and shall be repaid to the fund. If such decision is reversed, the Board shall return such funds to such candidate or authorized committees and such funds may be expended as provided pursuant to this Article.
- G.) Prior to the first distribution of public funds to candidates in any election, the Board shall make a determination whether the moneys in the fund are sufficient to provide all candidates the amounts they may receive pursuant to this Article for all elections to be held during the calendar year

for which such determination is made. Such determination shall be published once in the Official County and Town newspapers designated by the County Legislature; published at least once in a newspaper with a County-wide circulation; and posted by the Board on a Suffolk County campaign reporting website accessible to the public at large. If the Board determines that such moneys are or may be less than such amounts, the Board shall submit to the County Legislature and County Executive an estimate pursuant to Subsection C of this section and in accordance with the provisions of the SUFFOLK COUNTY CHARTER to provide such funds as authorized by Section A14-5 of the SUFFOLK COUNTY ADMINISTRATIVE CODE. The Board shall first apply all moneys as are available to payments for eligible candidates in the next election following such determination subject to the priority in § C41-4C of this Article. If the moneys allocated for payments for eligible candidates in any election are less than the amount the Board estimates is necessary to provide candidates the amounts they may receive pursuant to this Article for such election, the Board shall reduce the payments for all eligible candidates for all offices in such election by the percentage it determines is necessary to ensure such payments shall not exceed the moneys allocated for payments for eligible candidates in such election, subject to the priority in § C41-4C of this Article. The Board shall adjust such percentage if additional moneys are received into the fund, by appropriation or otherwise, or if, upon consideration of further facts, it changes its estimates of moneys available.

- H.) The Board is hereby empowered to accept donations to be credited to the fund. The Board shall devise such methods of soliciting and collecting donations as it may deem feasible and appropriate.
- I.) Any moneys on deposit in the Suffolk County Election Campaign Finance Fund, established by Local Law No. 25 of 1998, as of December 31, 2010, shall be transferred by the Suffolk County Department of Finance and Taxation on January 1, 2011 to the Suffolk County Campaign Finance Fund established by this law.
- J.) In the event that the Board determines that the amount of revenues generated by the contract service fee authorized by Section 4-15(A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE either exceeds the amount necessary to provide candidates sufficient financing for the election in the next year in which elections are scheduled, pursuant to the SUFFOLK COUNTY CHARTER and to administer and implement the program, or is insufficient to provide the amount necessary to provide candidates sufficient financing for the election in the next year in which elections are scheduled pursuant to the SUFFOLK COUNTY CHARTER and to administer and implement the program, then the Board shall adjust the sliding fee schedule established by Section 4-15(A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE, effective January 1 of the pertinent year, by an equivalent percentage, either up or down, for each of the six (6) categories of fees set forth therein, as shall be necessary to generate sufficient financing for the election in the next year in which elections are scheduled, pursuant to the SUFFOLK COUNTY CHARTER. This

adjustment shall be made on October 31 of the year immediately preceding the effective date of such adjustment. Any funds determined by the Board to be necessary for the implementation and administration of this Article shall be deposited in the Fund via transfer by the Budget Office or via duly enacted Resolution of the County of Suffolk.

§ C41-9. Examinations and audits.

- A.) The Board is hereby authorized, empowered and directed to audit and examine all matters relating to the performance of its functions and any other matter relating to the proper administration of this Article.
- B.) Excess and disqualified payments; reimbursement of fund.
 - 1.) If the Board determines that any portion of the payment made to the authorized committee designated by an eligible candidate pursuant to Subsection C of § C41-2 of this Article from the fund was in excess of the aggregate amount of payments which such candidate was eligible to receive pursuant to this Article, it shall notify such committee and such committee shall pay to the Board an amount equal to the amount of excess payments.
 - 2.) If the Board determines that any portion of the payment made to an authorized committee of an eligible candidate from the fund was used for purposes other than qualified campaign expenditures, it shall notify such authorized committee of the amount so disqualified and such authorized committee shall pay to the Board an amount equal to such disqualified amount.
 - 3.) If the total of contributions and payments from the fund received by an eligible candidate and his or her authorized committees exceeds the total campaign expenditures of such candidate and committees for all elections held in the same calendar year, such candidate and committees shall use such excess funds to reimburse the fund for payments received by the authorized committee from the fund during such calendar year. Such reimbursement shall be made not later than 10 days after all liabilities have been paid and, in any event, not later than April 10 of the year following such calendar year. No such excess funds shall be used for any other purpose, unless the total amount of the payments received from the fund by the authorized committee has been repaid.
 - 4.) If a candidate whose authorized committee has received public funds is disqualified by a court of competent jurisdiction on the grounds that such candidate committed fraudulent acts in order to obtain a place on the ballot and such decision is not reversed, such candidate and his authorized committee shall pay to the Board an amount equal to the total of public funds received by such authorized committee.

§ C41-10. Penalties for offenses.

- A.) Any candidate receiving public financing who has submitted a written certification pursuant to Subsection C of § C41-2 of this Article who fails to file a statement or record required to be filed by this Article or the rules and regulations of the Board in implementation thereof or who violates any other provision of this Article shall be subject to a civil penalty in the amount of three times the sum by which such expenditures exceed the applicable expenditure limitation or \$5,000, whichever is greater.
- B.) The intentional or knowing furnishing of any false or fictitious evidence, books or information to the Board under this Article, or the inclusion in any evidence, books or information so furnished of a misrepresentation of a material fact, or the falsifying or concealment of any evidence, books or information relevant to any audit by the Board or the intentional or knowing violation of any other provision of this Article shall be punishable as a Class A misdemeanor subject to a fine not to exceed \$1,000 and/or a term of imprisonment not to exceed one year. The Board shall seek to recover any public funds obtained as a result of such conduct.
- C.) Any civil penalties or criminal fines collected pursuant to this section shall be paid to the fund.

§ C41-11. Satisfaction of liabilities.

Contributions, loans, guaranties and other security for such loans used and expenditures made toward the payment of liabilities incurred by a candidate in an election held prior to the effective date of this Article or in which he or she did not choose to participate in the public funding provisions of this Article, or in a campaign for public office other than one covered by this Article, shall not be subject to the requirements and limitations of this Article.

§ C41-12. Reports.

The Board shall review and evaluate the effect of this Article upon the conduct of election campaigns in the County of Suffolk and shall submit a report to the County Executive and the County Legislature on or before September 1, 2013, and every fourth (4th) year thereafter, and at any other time upon the request of the County Executive or the County Legislature and at such other times as the Board deems appropriate, containing:

- A.) The number and names of candidates qualifying for and choosing to receive public funds pursuant to this Article, and of candidates failing to qualify or otherwise not choosing to receive such funds, in each election during the four preceding calendar years, except for the initial report.
- B.) The amount of public funds provided to the authorized committees of each candidate pursuant to this Article and the contributions received and expenditures made by each such candidate and the authorized committees of such candidate, in each election during the preceding calendar year or years, as the case may be.

- C.) Recommendations as to whether the provisions of this Article governing maximum contribution amounts, thresholds for eligibility and expenditure limitations should be amended and setting forth the amount of, and reasons for, any amendments it recommends.
- D.) Analysis of the effect of this Article on political campaigns, including its effect on the sources and amounts of private financing, the level of campaign expenditures, voter participation, the number of candidates and the candidate's ability to campaign effectively for public office.
- E.) A review of the procedures utilized in providing public funds to candidates.
- F.) Such recommendations for changes in this Article as it deems appropriate.

§ C41-13. Construction of provisions.

Nothing in this Article shall be construed to prohibit the making or receipt of contributions to the extent permitted by the NEW YORK ELECTION LAW or to permit the making or receipt of contributions otherwise prohibited.

Section 3. Amendment.

Article IV of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended by the addition of a new Section 4-15 in Article IV to read as follows:

Section A4-15. Procedure for Payment of Contract Service Fee.

- A.) The County Attorney is hereby authorized, empowered, and directed, pursuant to Section 16-2 of the SUFFOLK COUNTY CHARTER, to charge an amount from the following schedule of fees for administrative services provided to contract vendors, contractors, and consultants to be imposed at the time of execution of the County contract, or contract amendment, to offset the cost of the administration of contracts entered into with the County of Suffolk for the purchase of goods, materials, supplies, public works, or for services rendered and to pay for the public financing of election campaigns established by Article XLI of the SUFFOLK COUNTY CHARTER, the equivalent amount of which said service fee shall be credited to the Suffolk County Campaign Finance Fund:
 - 1.) a fee of \$100 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than the sum of \$10,000 but is not in excess of \$49,999;
 - 2.) a fee of \$250 where the amount to be expended or received by the County of Suffolk under the contract is

equal to or greater than the sum of \$50,000 but is not in excess of \$99,999;

- 3.) a fee of \$500 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$100,000 but is not in excess of \$249,999;
- 4.) a fee of \$1,000 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$250,000 but is not in excess of \$499,999;
- 5.) a fee of \$2,500 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$500,000 but is not in excess of \$999,999; or
- 6.) a fee of \$5,000 where the amount to be expended or received by the County of Suffolk under the contract is equal to or greater than \$1,000,000.

B.) In those instances in which the County is obligated to make payments to a contractor, vendor, or consultant under the contract, the County may collect this fee by withholding an amount of money equivalent to such fee from such payments as a credit or offset to cover such charge. The County Department of Audit and Control, or any successor department thereto, is hereby authorized and empowered to take such action as shall be necessary to effectuate such withholding, credit, or offset.

C.) The service charge set forth in paragraph (A) of this Section is hereby waived for religious, charitable, and not-for-profit or non-profit organizations and for other Governmental entities.

D.) The service charge set forth in paragraph (A) of this Section shall be imposed, paid, and collected at the time of execution of the contract or contract amendment, calculated on the basis of the dollar value of said contract or contract amendment, irrespective of the duration of the contract.

E.) Not later than the first day of March in the year 2015 and every fourth (4th) year thereafter the Board shall:

- 1.) Determine the percentage difference between the average over a calendar year of the CPI - New York - Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA) published by the United States Bureau of Labor Statistics for the 12 months immediately preceding the beginning of such calendar year and the average over the calendar year 2013 of such CPI - New York -Northern New Jersey - Long Island, New York, New Jersey, Connecticut, Pennsylvania (CMSA).

- 2.) Adjust each contract service fee applicable under Section 4-15 (A) of the SUFFOLK COUNTY ADMINISTRATIVE CODE by the amount of such percentage difference to the nearest \$100.
 - 3.) Publish such adjusted contract service fee for three consecutive weeks in the Official County and Town newspapers designated by the Suffolk County Legislature. Such adjusted contract service fee shall be in effect for any election held before the next such adjustment.
- F.) The fees set forth in Paragraph (A) of this section shall be subject to adjustment as set forth in Section 41-8(J) of the SUFFOLK COUNTY CHARTER.

Section 4. Form of Proposition.

The proposition to be submitted to the electorate of the County of Suffolk pursuant to Section 9 of this law shall read as follows:

Shall Resolution No. -2011, Adopting a Charter Law to Establish a System of Public Financing and Voluntary Campaign Contribution and Spending Limits, for the Election of Suffolk County Officials Who Pledge to Refuse Donations from Registered Lobbyists, Political Action Committees, Municipal Labor Unions, and Firms Doing Business with Suffolk County, and Who Pledge to not Use Campaign Funds for Personal Purposes, by Allowing County Funding of Such Campaigns from a Sliding Scale Service Fee To Be Imposed on Contractors Doing Business with the County of Suffolk, Be Approved?

Section 5. 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 (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 6. Applicability.

- A.) Section 4 of this law shall apply to any contract or contract amendments executed on or after January 1, 2012.
- B.) This law shall apply to all contributions made on or after January 1, 2012.

C.) This law shall apply to all elections conducted on or after January 1, 2013.

Section 7. Effective Date.

This law shall not take effect until the first day of the first fiscal year after its approval by the affirmative vote of the majority of the qualified electors of the County of Suffolk voting upon a proposition for its approval in conformity with the provisions of Section 34 of the NEW YORK MUNICIPAL HOME RULE LAW.

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

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: MAY 10, 2011

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2011

TITLE: I.R. NO. -2011; A CHARTER LAW CREATING A PROGRAM FOR PUBLIC FINANCING OF COUNTY CAMPAIGNS AND THE BANNING OF CERTAIN DONATIONS TO CURB POTENTIAL CONFLICTS OF INTEREST

SPONSOR: PRESIDING OFFICER ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 5/4/2011 PUBLIC HEARING: 6/7/2011

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

If enacted, this proposed law would establish a new scheme to finance campaigns for County Executive and County Legislature.¹

This proposed law would create a Suffolk County Campaign Finance Fund, which would be funded entirely by donations and "fees" paid by contract vendors, contractors and consultants doing business with the County, "to offset the cost of the administration of contracts...and to pay for the public financing of election campaigns..." This "contract service fee" will be paid on a sliding scale basis, ranging from \$100.00 for a contract under \$50,000.00 to a fee of \$5,000.00 when the contract amount exceeds \$1 million. If the Campaign Finance Board created by this law determines that the contract agency fees are insufficient to fund campaigns, the Board may increase the fee schedule. Religious, charitable and not-for-profit organizations and government entities will not be subject to this fee.²

The Fund will be administered by a Suffolk County Campaign Finance Board ("Board") consisting of five members. The County Executive will make two appointments to the Board, one of whom shall be "a widely recognized and acknowledged within the academic community." The County Executive makes a third appointment with the concurrence of the Presiding Officer; this appointee will serve as Chairman. The Presiding Officer of the County Legislature will appoint one member who shall represent "a widely recognized and acknowledged civic group." One member will be appointed by the Legislature's Minority Leader. After initially serving staggered one, two, and three year terms the Board members will serve three year terms. This law must be amended because it states that all terms will begin January 1, 2011, a date that has already passed.

¹ The other County elected officers -- Sheriff, District Attorney, Treasurer and Comptroller -- are not subject to the provisions of this law.

² This fee may be subject to attack as an unauthorized tax. As a general rule, when fees are charged for revenue purposes or to offset the cost of general government functions, they are invalid as an unauthorized tax

The Board may employ staff, including an Executive Director and a Counsel, and make necessary expenditures, subject to appropriation by the County of Suffolk. The Board will issue rules and regulations and provide forms necessary for the administration of this law.

To be eligible for public funding, candidates for County Executive or County Legislature must:

- 1.) Meet all legal requirements to have his or her name appear on the ballot.
- 2.) Be a candidate of one of the two major political parties, based on gubernatorial votes cast at the preceding General Election.
- 3.) Agree, via written certification, to participate in the public financing provisions of the law.
- 4.) If a candidate for County Legislature, agree not to accept any contribution or contributions from any person or entity, which in the aggregate, exceeds \$2,000.00. If a candidate for County Executive, agree not to accept any contribution or contributions, which in the aggregate, exceed \$35,000.00.
- 5.) Meet the following fundraising thresholds:
 - a. For a member of the County Legislature not less than \$10,000.00 in "threshold" contributions -- defined as contributions not exceeding \$500 from natural persons or residents of Suffolk County.
 - b. For Suffolk County Executive, \$180,000.00 in "threshold" contributions -- defined as contributions not exceeding \$500 from natural persons or residents of Suffolk County
- 6.) Agree not to accept donations from political action committees created by or related to an entity doing business with the County of Suffolk, lobbyists doing business or proposing to do business with the County, firms doing business or proposing to do business with the County, or certified or recognized employee organizations representing employees of the County of Suffolk.

The maximum amount an eligible candidate may receive from the Fund is \$20,000.00 for a Legislative candidate and \$360,000.00 for a County Executive candidate. Candidates participating in the public funding program may not expend more than \$50,000.00 for a County Legislative race and \$900,000.00 for a County Executive campaign.³ This expenditure cap does not apply if an opposing candidate has chosen not to participate in the Public Financing Program.

Eligible candidates may not use public funds provided under this law for:

- 1.) Payments to the candidate or the spouse, child, grandchild, parent, grandparent, brother or sister of the candidate, or a business entity in which any such person has a 10% ownership interest.

³ It appears a candidate for County Executive may spend \$300,000 in the calendar year preceding the year of the election in which such candidate choose to participate in the public funding provisions of this law and legislative candidates may expend \$10,000 during the same time period.

- 2.) Gifts.
- 3.) Cash payments.
- 4.) Transfers to other candidates.
- 5.) Petition challenges.

Candidates who are unopposed in an election are eligible to receive public funds.

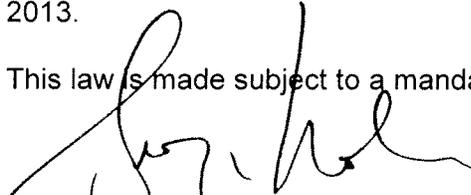
In the event that there are insufficient funds available in a given year to cover all campaigns for County Executive and County Legislature, then such funds shall be allocated first to fully fund, to the maximum extent possible, the election to the Office of the County Executive, and the offices of County Legislator on a pro rata basis.

Any candidate receiving public funding and who has submitted a written certification pursuant to the requirements to this law, who fails to file a statement or record required by this law and the rules and regulations of the Board, or who violates any of the provisions of this law will be subject to a civil penalty.

The intentional and knowing furnishing of false or fictitious evidence, books or information to the Board, the falsifying or concealment of any evidence relevant to any audit by the Board or the intentional or knowing violation of any other provision of this law will be punishable as a Class A misdemeanor, subject to a fine not to exceed \$1,000.00 and/or one year in jail.

The section of the law establishing the payment of a contract service fee will apply to any contract executed after January 1, 2012. This law shall apply to all contributions made on or after January 1, 2012. This law shall apply to all elections conducted on or after January 1, 2013.

This law is made subject to a mandatory referendum.



GEORGE NOLAN
Counsel to the Legislature

GN:js

1469

Intro. Res. No. -2011
Introduced by Presiding Officer Lindsay

Laid on Table 5/10/11

RESOLUTION NO. -2011, AUTHORIZING TRANSFER OF SURPLUS SUFFOLK COUNTY VEHICLES TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES

WHEREAS, the Commissioner of the Suffolk County Department of Social Services has advised this Legislature that 12 of the 57 vehicles assigned to his Department have logged more than 100,000 miles; 6 Department vehicles are currently in the County garage for repairs; and

WHEREAS, in 2010, department employees traveled over 1.2 million in their personal vehicles to conduct County business, and received \$632,000 in reimbursement from the County; and

WHEREAS, the Department of Social Services is in dire need of additional motor vehicles; and

WHEREAS, the County Legislature has two vehicles it can transfer to the Department of Social Services; now therefore, be it

1st RESOLVED, that the Clerk of the Suffolk County Legislature is hereby authorized, empowered, and directed to declare the following vehicles as surplus to the needs of the Legislature:

<u>Year:</u>	<u>Make/Model:</u>	<u>Vehicle Number:</u>	<u>Mileage:</u>
2000	Ford Crown Victoria	2FAFP71W9YX195181	62,477
2001	Ford Crown Victoria	2FAFP71W11X196184	72,687

and be it further

2nd RESOLVED, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered, and directed to transfer the above described surplus vehicles to the Department of Social Services in accordance with the ; and be it further

3rd 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\transfer-vehicles-dss

1470
Intro. Res. No. -2011
Introduced by Legislators Browning and D'Amaro

REVISED VERSION

Laid on Table 5/10/11

**RESOLUTION NO. -2011, ESTABLISHING A POLICY OF
FAIR AND EQUITABLE BUDGET REDUCTIONS AT COUNTY
HEALTH CENTERS**

WHEREAS, the County of Suffolk provides a wide range of health care services at six contracted family health centers located throughout the County; and

WHEREAS, the operation of the County's health center system is reliant on adequate State funding; and

WHEREAS, the State of New York is not only reducing local aid in its 2011-2012 budget, it is also seeking to "claw back" \$15,000,000 from the County for patient services that were rendered in past years; and

WHEREAS, the State's draconian and arbitrary cutbacks are exacerbating the County's already perilous fiscal situation; and

WHEREAS, the County of Suffolk is left with no choice but to make sharp, mid-year reductions in health center funding; and

WHEREAS, the County Executive has determined that the Huntington and Coram health centers should bear a disproportionate share of these budget cuts; and

WHEREAS, preliminary reports indicate the County Executive wants to make 40% reductions at these health centers; and

WHEREAS, the Coram and Huntington centers will be forced to close if these cuts are made; and

WHEREAS, the closure of the Coram and Huntington health centers will cripple the County's health care delivery system and negatively impact the thousands of residents who rely on these centers; and

WHEREAS, the County Executive cannot close health centers unilaterally; and

WHEREAS, it is the position of this County Legislature that health care cuts should be shared in a fair and equitable fashion, which will allow all County health centers to remain open to the public; now, therefore be it

1st RESOLVED, that the County of Suffolk rejects budgetary reductions that will force the closure of any County health center; and be it further

2nd RESOLVED, that it is the policy of the County of Suffolk that reductions in funding for the County's health care centers during 2011 will be shared equitably by and among the County's six contracted family health centers; and be it further

3rd **RESOLVED**, that the Commissioner of the Department of Health Services is hereby authorized, empowered, and directed to propose and administer balanced reductions in health center funding that will allow all County health centers to remain open so that they may continue to provide health services to the residents of Suffolk County; 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:

s:\res\r-budget-reductions-health-centers

1471
Intro. Res. No. -2011
Introduced by the Presiding Officer, on behalf of the County Executive

Laid on Table 5/10/11

RESOLUTION NO. -2011, AMENDING THE 2011 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE DEMOLITION OF THE OLD PLAZA THEATRE IN EAST PATCHOGUE (CP 6423)

WHEREAS, Resolution No. 542-2009 authorized the County Executive to enter into a Memorandum of Understanding with the Town of Brookhaven whereby the Town would commence eminent domain proceedings and for Suffolk County to provide financial assistance and funding in connection with the Demolition of the Old Plaza Theatre in East Patchogue; and

WHEREAS, the estimated total cost of demolition is \$725,000, of which \$350,000 will be paid by the County to the Town of Brookhaven for the County's share of the demolition; and

WHEREAS, the Town of Brookhaven will reimburse Suffolk County \$350,000 in a lump sum upon sale of said property or reimburse by June 30th, 2014, whichever is sooner; and

WHEREAS, sufficient funds were not included in the 2011 Capital Budget and Program for the demolition of the Old Plaza Theatre in East Patchogue, and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

WHEREAS, Resolution No. 471-1994, as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2011 Capital Budget and Program, as the basis for funding capital projects such as this project; and

WHEREAS, that this Legislature, by resolution of even date herewith, has authorized the issuance of \$350,000 in Suffolk County Serial Bonds; now, therefore be it

1st **RESOLVED**, that the proceeds of \$350,000 in Serial Bonds be and they are hereby appropriated as follows, subject to the condition that no bonds or notes shall be issued until full environmental reviews under the State Environmental Quality Review Act (SEQRA) have been completed by the Town of Brookhaven as the lead agency; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of seventy (70) is eligible for approval in accordance with the provisions of Resolution No. 471-1994, as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the 2011 Capital Budget and Program be and is hereby amended as follows:

Project Number: 5047

Project Title: Public Works Highway Maintenance Equipment

	<u>Total Est'd Cost</u>	<u>Current 2011 Capital Budget & Program</u>	<u>Revised 2011 Capital Budget & Program</u>
5. Equipment	\$ <u>21,812,925</u>	\$ <u>2,417,000B</u>	\$ <u>2,067,000B</u>
TOTAL	\$21,812,925	\$2,417,000	\$2,067,000

Project Number: 6423

Project Title: Demolition of Old Plaza Theatre In East Patchogue

	<u>Total Est'd Cost</u>	<u>Current 2011 Capital Budget & Program</u>	<u>Revised 2011 Capital Budget & Program</u>
3. Construction	\$ <u>350,000</u>	\$ <u>0</u>	\$ <u>350,000B</u>
TOTAL	\$350,000	\$0	\$350,000

and be it further

4th RESOLVED, that the proceeds of \$350,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-6423.310 (Fund 001 Debt Service)	35	Demolition of Old Plaza Theatre In East Patchogue	\$350,000

and be it further

5th RESOLVED, that the County Comptroller and the County Treasurer are hereby authorized and empowered to take all steps necessary and appropriate to effectuate the transfer of this funding forthwith; and be it further

6th RESOLVED, that the County Treasurer and County Comptroller are hereby authorized and directed to accept reimbursement from the Town of Brookhaven and to deposit said reimbursement to pay down the corresponding debt service; and be it further

7th RESOLVED, that this Resolution shall become effective only by passage of the Town of Brookhaven's companion resolution declaring the Town of Brookhaven as lead agency for SEQRA which is anticipated to be adopted at the Town's next meeting; and be it further

8th RESOLVED, that the County Executive is hereby authorized to execute an intermunicipal agreement with the Town of Brookhaven under Section 119-0 of the NEW YORK GENERAL MUNICIPAL LAW,

**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	\$29,591	\$0.05		\$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	\$29,591	\$0.05		\$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.

Suffolk County
 General Obligation Serial Bonds
 Level Debt

Term of Bonds: 15
 Amount to Bond: \$350,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/10/2011					
5/10/2012					
11/10/2012	3.000%	\$18,641.77	\$10,949.64	\$29,591.41	\$29,591.41
			\$5,183.22	\$5,183.22	
11/9/2012	3.000%	\$19,224.97	\$5,183.22	\$24,408.19	\$29,591.41
			\$4,882.50	\$4,882.50	
11/10/2013	3.000%	\$19,826.42	\$4,882.50	\$24,708.91	\$29,591.41
			\$4,572.37	\$4,572.37	
11/10/2014	3.000%	\$20,446.68	\$4,572.37	\$25,019.05	\$29,591.41
			\$4,252.53	\$4,252.53	
11/10/2015	3.000%	\$21,086.35	\$4,252.53	\$25,338.88	\$29,591.41
			\$3,922.69	\$3,922.69	
11/9/2016	3.000%	\$21,746.03	\$3,922.69	\$25,668.72	\$29,591.41
			\$3,582.53	\$3,582.53	
11/9/2017	3.000%	\$22,426.35	\$3,582.53	\$26,008.88	\$29,591.41
			\$3,231.73	\$3,231.73	
11/10/2018	3.000%	\$23,127.95	\$3,231.73	\$26,359.68	\$29,591.41
			\$2,869.96	\$2,869.96	
11/10/2019	3.000%	\$23,851.50	\$2,869.96	\$26,721.45	\$29,591.41
			\$2,496.86	\$2,496.86	
11/9/2020	3.000%	\$24,597.68	\$2,496.86	\$27,094.55	\$29,591.41
			\$2,112.10	\$2,112.10	
11/9/2021	3.000%	\$25,367.22	\$2,112.10	\$27,479.31	\$29,591.41
			\$1,715.29	\$1,715.29	
11/10/2022	3.000%	\$26,160.82	\$1,715.29	\$27,876.12	\$29,591.41
			\$1,306.08	\$1,306.08	
11/10/2023	3.250%	\$26,979.25	\$1,306.08	\$28,285.33	\$29,591.41
			\$884.06	\$884.06	
11/9/2024	3.250%	\$27,823.29	\$884.06	\$28,707.35	\$29,591.41
			\$448.84	\$448.84	
11/9/2025	3.375%	\$28,693.74	\$448.84	\$29,142.57	\$29,591.41
		\$350,000.00	\$93,871.16	\$443,871.16	\$443,871.16

**MOTION NO. 15 – 2011, PROCEDURAL RESOLUTION
AUTHORIZING FUNDING FOR COMMUNITY SUPPORT
INITIATIVES (PHASE III)**

WHEREAS, funds are included in the 2011 Operating Budget (001-LEG-1012-4981) to supplement county services via non-profit organizations; and

WHEREAS, pursuant to Resolution No. 1054-2007, this Legislature is administering these “Community Support Initiatives”; now, therefore be it

1st RESOLVED, that the Presiding Officer is hereby authorized to enter into agreements with the following contract agencies for the amounts indicated:

<u>AGENCY</u>	<u>SPONSOR</u>	<u>AMOUNT</u>
AMVETS Hammond Biggs Post 111	Eddington	\$1,000
Bridgehampton Village Improvement Society	Schneiderman	\$1,500
Family Service League	Browning	\$1,000
Federations of Organizations for the NYS Mentally Disabled, Inc.	Viloria-Fisher	\$2,500
Federations of Organizations for the NYS Mentally Disabled, Inc.	Cilmi	\$1,000
Federations of Organizations for the NYS Mentally Disabled, Inc.	Barraga	\$2,500
First Baptist Church of Bay Shore	Barraga	\$5,000
Girl Scouts of Suffolk County, Inc.	Browning	\$1,000
Girl Scouts of Suffolk County, Inc.	Muratore	\$1,000
Girl Scouts of Suffolk County, Inc.	Cilmi	\$1,000
Great South Bay Power Squadron	Cilmi	\$1,000
Hampton Bays Beautification Assoc. Inc.	Schneiderman	\$3,000
Herstory Writers Workshop, Inc.	Viloria-Fisher	\$2,500
L.I. Child & Family Development Services, Inc.	Schneiderman	\$1,500
L.I. Child & Family Development Services, Inc.	Eddington	\$2,000
Long Island Gay and Lesbian Youth	Viloria-Fisher	\$1,500
Mercy Center Ministries	Browning	\$1,500
Middle Country Sports Assoc.	Muratore	\$1,000
New Beginnings Community Center	Eddington	\$2,000
Parents for Megan’s Law	Cilmi	\$1,000
Patchogue Medford Youth Soccer League	Eddington	\$5,000
Reflective Garden at The Common Ground, Inc.	Lindsay	\$2,000
Sag Harbor Fire Department	Schneiderman	\$3,000
SolySombra Spanish Dance Company	Viloria-Fisher	\$1,000

Suffolk County Council, Inc. Boy Scouts of America	Browning	\$1,000
Suffolk County United Veterans, Inc.	Eddington	\$2,000
The Ward Melville Heritage Organization	Viloria-Fisher	\$1,000
Trinity Lutheran Church	Cilmi	\$1,000
United Methodist Church of Patchogue	Eddington	\$2,000

and be it further

2nd **RESOLVED**, that funding for this purpose shall be expended from Fund 001-LEG-1012-4981.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO SECTION 2-15 OF THE SUFFOLK COUNTY CHARTER

1472

Intro. Res. No. -2011
Introduced by Legislator Kennedy

Laid on Table 5/10/11

**RESOLUTION NO. -2011, CANCELLING A CERTAIN
CONSULTANT CONTRACT**

WHEREAS, the Department of Health Services contracted with Phyllis Ramzel & Associates, 40 Underhill Boulevard, Suite 10, Syosset, New York, 11791, to provide consultant services in connection with the closure of the John J. Foley Skilled Nursing Facility; and

WHEREAS, this contract is scheduled to run through December 31, 2011 in an amount not to exceed \$150,000; and

WHEREAS, a majority of the County Legislature has opposed closing the Foley Facility and a restraining order issued by the Appellate Division, Second Department, currently blocks the closure; and

WHEREAS, closing the Foley Facility is not in the public's interest in that it will only diminish the facility's value, dislocate hundreds of patients and cause hundreds of layoffs; and

WHEREAS, the County has the right under the subject contract to terminate the contract for any reason, upon 30 days notice; now, therefore be it

1st RESOLVED, that the County's contract with Phyllis Ramzel & Associates, as described herein, is hereby terminated; and be it further

2nd RESOLVED, that the Department of Health Services is hereby directed to notify the consultant of the contract's termination; and be it further

3rd 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:

1473

Intro. Res. No. -2011
Introduced by Legislator Kennedy

Laid on Table 5/10/11

**RESOLUTION NO. -2011, TO RENAME THE
INTERSECTION OF C.R. 16 AND C.R. 93 AS "OFFICER
ROBERT HELMKE INTERSECTION"**

WHEREAS, Robert Helmke was a Police Officer in the New York City Police Department for 12 years before his untimely death in July 2007; and

WHEREAS, prior to his service as an officer with the NYPD, Helmke served the United States as a Sergeant in the Air Force for seven years and as a Customs Inspector with Customs and Immigration Federal Law Enforcement for five years; and

WHEREAS, following the September 11, 2001 terrorist attacks, Officer Helmke worked to ensure security at the World Trade Center site and morgue through March 2002; and

WHEREAS, Officer Helmke's exposure to toxins at Ground Zero directly caused the cancer which claimed his life; and

WHEREAS, in recognition of his extraordinary sacrifice, Officer Helmke was posthumously awarded the Distinguished Service Medal by New York City Police Commissioner Kelly and Mayor Bloomberg, as well as the Valor in Service Medal by the New York State Shields; and

WHEREAS, Officer Helmke lived in Hauppauge with his family prior to his passing; and

WHEREAS, the Town of Smithtown is taking appropriate actions to name the Town-owned portion of this intersection (Gibbs Pond Road) in honor of Officer Helmke in cooperation with the County; and

WHEREAS, it is an honor and a privilege for Suffolk County to honor Officer Robert Helmke for his selfless acts of heroism in protecting the community and serving the United States; now, therefore be it

1st RESOLVED, the intersection of C.R. 16 and C.R. 93 is hereby renamed the "Officer Robert Helmke Intersection" to honor a person who was dedicated to public service and sacrificed his health to protect the public; and be it further

2nd RESOLVED, that the Suffolk County Department of Public Works is hereby authorized, empowered and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to take all actions necessary and appropriate to effectuate this naming and dedication; and be it further

3rd 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\street renaming NYPD PO Helmke

1474

Intro. Res. No. -2011
Introduced by Legislator Kennedy

Laid on Table 5/10/11

**RESOLUTION NO. -2011, TERMINATING A CONSULTANT
CONTRACT (DEGERE PHYSICAL THERAPY SERVICES, P.C.)**

WHEREAS, the Department of Health Services contracted with Degere Physical Therapy Services, P.C., located at 55 Secatogue Lane East, West Islip, New York 11795 to provide consultant services in connection with the closure of the John J. Foley Skilled Nursing Facility; and

WHEREAS, this contract is scheduled to run through December 31, 2013, with two additional - one year options; and

WHEREAS, the County is no longer in need of the physical therapy services offered by this consultant as the County has a full-time doctor that provides physical therapy services; and

WHEREAS, the County has the right under the subject contract to terminate the contract for any reason, upon 30 day notice; now, therefore be it

1st RESOLVED, that the County's contract with Degere Physical Therapy Services, P.C., as described herein, is hereby terminated; and be it further

2nd RESOLVED, that the Department of Health Services is hereby directed to notify the consultant of the contract's termination; and be it further

3rd 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\l-terminate consultant contract Degere

1475

Intro. Res. No -2011
Introduced by Legislator Schneiderman

Laid on Table 5/10/11

**RESOLUTION NO. -2011, DIRECTING THE
DEPARTMENT OF SOCIAL SERVICES TO CLOSE THE SEX
OFFENDER TRAILER IN WESTHAMPTON, TOWN OF
SOUTHAMPTON**

WHEREAS, for several years the Department of Social Services ("Department") has housed all homeless sex offenders in two trailers located in Riverside and Westhampton, Town of Southampton; and

WHEREAS, it is deeply inequitable to bring every homeless sex offender in Suffolk County to the same two communities each and every day of the year; and

WHEREAS, the County incurs unconscionably large costs transporting sex offenders to and from the trailers; and

WHEREAS, the living conditions at the trailers are inadequate; and

WHEREAS, the sex offender trailers do not promote public safety; and

WHEREAS, the trailer in Westhampton, Town of Southampton, is in an unsecured location located adjacent to over 200 units of senior residential housing, a vulnerable population; and

WHEREAS, Resolution No. 417-2010 directed the Department to develop a new program to provide emergency housing for homeless sex offenders in accordance with guidelines set forth in the resolution; and

WHEREAS, Resolution No. 720-2010 directed the Department to implement the new program for housing homeless sex offenders by October 15, 2010; and

WHEREAS, Resolution No. 1189-2011 directed the Department to execute a contract with Community Housing Initiatives, Inc. to operate emergency shelters for homeless sex offenders by January 15, 2011; and

WHEREAS, Resolution No. 27-2011 authorized the Department to utilize a second vendor to provide housing for homeless sex offenders; and

WHEREAS, the Department continues to operate the sex offender trailers and ignore the directives of this Legislature; now, therefore, be it

1st RESOLVED, that the Department of Social Services is directed to close and to cease using the trailer in Westhampton, Town of Southampton to provide emergency housing for homeless sex offenders within fifteen (15) days of the effective date of this resolution; and be it further

2nd RESOLVED, that the Department of Public Works is directed to remove the trailer from Westhampton within thirty (30) days of the effective date of this resolution; and be it further

3rd **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\refiled 2015-10 sex offender trailers

1476

Intro. Res. No. -2011
Introduced by Legislator Schneiderman

Laid on Table 5/10/11

**RESOLUTION NO. -2011, DIRECTING THE DEPARTMENT
OF SOCIAL SERVICES TO CLOSE THE SEX OFFENDER
TRAILER IN RIVERSIDE, TOWN OF SOUTHAMPTON**

WHEREAS, for several years the Department of Social Services ("Department") has housed all homeless sex offenders in two trailers located in Riverside and Westhampton, Town of Southampton; and

WHEREAS, it is deeply inequitable to bring every homeless sex offender in Suffolk County to the same two communities each and every day of the year; and

WHEREAS, the County incurs unconscionably large costs transporting sex offenders to and from the trailers; and

WHEREAS, the living conditions at the trailers are inadequate; and

WHEREAS, the sex offender trailers do not promote public safety; and

WHEREAS, the trailer in Riverside, Town of Southampton, is located in an unsecure area of the Suffolk County Jail property, within short walking distance to downtown Riverhead, five schools, an aquarium and public library; and

WHEREAS, downtown Riverhead is an area targeted for revitalization by the Town, State and County; and

WHEREAS, Resolution No. 417-2010 directed the Department of Social Services to develop a new program to provide emergency housing for homeless sex offenders in accordance with guidelines set forth in the resolution; and

WHEREAS, Resolution No. 720-2010 directed the Department of Social Services to implement the new program for housing homeless sex offenders by October 15, 2010; and

WHEREAS, Resolution No. 1189-2011 directed the Department to execute a contract with Community Housing Initiatives, Inc. to operate emergency shelters for homeless sex offenders by January 15, 2011; and

WHEREAS, Resolution No. 27-2011 authorized the Department to utilize a second vendor to provide housing for homeless sex offenders; and

WHEREAS, the Department continues to operate the sex offender trailers and ignore the directives of this Legislature; now, therefore, be it

1st RESOLVED, that the Department of Social Services is directed to close and to cease using the trailer in Riverside to provide emergency housing for homeless sex offenders within fifteen (15) days of the effective date of this resolution; and be it further

2nd **RESOLVED**, that the Department of Public Works is directed to remove the trailer from the Suffolk County Correctional Facility in Riverside within thirty (30) days of the effective date of this resolution; and be it further

3rd **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:

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