

**HOME RULE MESSAGE REQUESTING THE STATE
OF NEW YORK TO ENACT LEGISLATION
AUTHORIZING THE COUNTY OF SUFFOLK TO
ESTABLISH A COUNTY-WIDE MASTER
ELECTRICIAN LICENSING PROGRAM (SENATE
BILL NO. S.5132 AND ASSEMBLY BILL NO. A.7298)**

WHEREAS, the County of Suffolk licenses a number of occupations, including electricians; and

WHEREAS, several municipalities within Suffolk County require that electricians working within their borders have an additional electrician's license specific to their town or village; and

WHEREAS, the costs associated with obtaining multiple licenses to engage in work throughout Suffolk County place a significant financial strain on electricians; and

WHEREAS, the maintenance and management of multiple redundant licenses can be confusing, time consuming and burdensome to small business owners without providing for added consumer protection; and

WHEREAS, the State of New York enacted legislation which authorized the Counties of Dutchess and Westchester to establish a master electrician licensing board, making such counties the sole licensing authority for electricians; and

WHEREAS, legislation has been introduced in the New York State Legislature that would allow Suffolk County to assume all licensing duties for master electricians within the County; now, therefore be it

1st RESOLVED, that this Legislature hereby supports New York State Senate bill S.5132 and Assembly bill A.7298, which would amend the New York State County law to allow the County of Suffolk to establish a master electrician licensing board and assume all licensing duties for that profession within the County; and be it further

2nd RESOLVED, that the Clerk of this Legislature is hereby directed to forward copies of this Resolution to Governor Andrew M. Cuomo; to the Majority Leader of the New York State Senate Dean Skelos; to the Speaker of the New York State Assembly Sheldon Silver; to the Minority Leaders of the New York State Senate and the New York State Assembly; and to each member of the Long Island delegation to the New York State Legislature.

DATED:



Watch Live

Bill No.: S05132

[Summary](#) [Actions](#) [Votes](#) [Memo](#) [Text](#) *(Printer friendly text)*

S05132 Summary:

BILL NO S05132

SAME AS SAME AS UNI. [A07298](#)

SPONSOR ZELDIN

COSPNSR

MLTSPNSR

Amd S236-a, County L

Allows the county of Suffolk to establish a master electrician licensing board.

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Page display time = 0.0629 sec

S T A T E O F N E W Y O R K

S. 5132

A. 7298

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

May 10, 2013

IN SENATE -- Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE, GARBARINO, GRAF -- Multi-Sponsored by -- M. of A. LUPINACCI, SWEENEY -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to county master electrician licensing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Subdivision 1 of section 236-a of the county law, as
 2 amended by chapter 343 of the laws of 2008, is amended to read as
 3 follows:
 4 1. Notwithstanding the provisions of the general city law or any other
 5 law to the contrary, the counties of Dutchess, SUFFOLK and Westchester
 6 are each hereby authorized to establish a county board of examiners for
 7 master electricians and to empower such board to assume all licensing
 8 duties within each such county with respect to the licensure of master
 9 electricians. The counties of Dutchess, SUFFOLK and Westchester shall
 10 provide for master electrician's duties and responsibilities in accord-
 11 ance with the local law of each such county.
 12 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
 [] is old law to be omitted.

LBD01637-01-3



Watch Live

Bill No.: [Summary](#) [Actions](#) [Votes](#) [Memo](#) [Text](#) (*Printer friendly text*)**A07298 Summary:**

BILL NO A07298

SAME AS SAME AS UNI. [S05132](#)

SPONSOR Thiele (MS)

COSPNSR Garbarino, Graf

MLTSPNSR Lupinacci, Sweeney

Amd S236-a, County L

Allows the county of Suffolk to establish a master electrician licensing board.

[Go to top](#)[Back](#)[Bill Search & Legislative Information Home](#)[Assembly Home](#)[Bill / Floor Vote Search](#)[New York State Laws](#)[Legislative Calendar](#)[Public Hearing Schedules](#)[Assembly Calendars](#)[Assembly Committee Agenda](#)

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S T A T E O F N E W Y O R K

S. 5132

A. 7298

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

May 10, 2013

IN SENATE -- Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE, GARBARINO, GRAF -- Multi-Sponsored by -- M. of A. LUPINACCI, SWEENEY -- read once and referred to the Committee on Local Governments

AN ACT to amend the county law, in relation to county master electrician licensing

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

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4 1. Notwithstanding the provisions of the general city law or any other
5 law to the contrary, the counties of Dutchess, SUFFOLK and Westchester
6 are each hereby authorized to establish a county board of examiners for
7 master electricians and to empower such board to assume all licensing
8 duties within each such county with respect to the licensure of master
9 electricians. The counties of Dutchess, SUFFOLK and Westchester shall
10 provide for master electrician's duties and responsibilities in accord-
11 ance with the local law of each such county.
12 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD01637-01-3

**PROCEDURAL RESOLUTION NO. 13 -2013, APPROVING
PARTIAL SETTLEMENT OF AWP LITIGATION (KING
PHARMACEUTICAL)**

WHEREAS, Procedural Motion No. 12-2002 authorized the retention of the law firm of Kirby, McInerney and Squire, 825 Third Avenue, New York, NY 10022, to bring legal actions on behalf of the County of Suffolk against pharmaceutical manufacturers, pharmaceutical wholesalers, and pharmaceutical retailers and/or other responsible parties to recover overpayment and costs incurred by the County of Suffolk as a result of improperly inflated Average Wholesale Pricing ("AWP") information for prescription drugs purchased through the Medicaid Program; and

WHEREAS, outside counsel initiated litigation in federal court on behalf of Suffolk County against numerous defendants; the County's case is part of a multi-district litigation, *In Re Pharmaceutical Industry Average Wholesale Price Litigation*; and

WHEREAS, outside counsel advises that a tentative settlement has been reached with an additional defendant; and

WHEREAS, under the terms of this settlement, the County of Suffolk shall be paid the gross amount of \$7,889.31 by defendant King Pharmaceutical; and

WHEREAS, Kirby, McInerney and Squire recommends that the County accept the partial settlement described herein; now, therefore, be it

1st RESOLVED, that the partial settlement of the County's claims *In Re Pharmaceutical Industry Average Wholesale Price Litigation* as described herein, is approved; and be it further

2nd RESOLVED, that the County's claims against the non-settling defendants shall remain in full force and effect; and be it further

3rd RESOLVED, that the Presiding Officer of the Suffolk County Legislature and Counsel to the Suffolk County Legislature are hereby authorized to execute such documents as necessary to effectuate such settlements.

DATED:

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

S:\procedural resolutions\PM-AWP Partial Settlement – king

1692

Intro. Res. No. -2013
Introduced by Legislator Schneiderman

Laid on Table

7/30/13

**RESOLUTION NO. -2013, ESTABLISHING
GUIDELINES FOR THE USE OF METHOPRENE IN SUFFOLK
COUNTY**

WHEREAS, the County of Suffolk, through its Vector Control Division, performs activities intended to minimize the threat of mosquito borne infections pursuant to an approved work plan; and

WHEREAS, that work plan includes the application of the larvicide Methoprene; and

WHEREAS, community members and environmental organizations have raised concerns regarding the use of Methoprene in estuarine environments; and

WHEREAS, the Division of Vector control believes that some use of Methoprene may be necessary to protect the public health; and

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has established guidelines to limit the use of Methoprene by the County of Suffolk on NYSDEC managed wetlands; and

WHEREAS, these guidelines should be applied to protect the ecology of all estuaries within the County; now, therefore be it

1st RESOLVED, that Methoprene formulations may be applied in estuaries, defined for the purpose of this Resolution as a semi-enclosed coastal water body where freshwater and saltwater meet and mix, only when: 1) one or more disease threats, including, but not limited to, West Nile Virus and Eastern Equine Encephalitis, have been positively identified in local mosquito populations, or 2) two or more bacterial larvicide treatments have been unsuccessful in limiting mosquito population numbers sampled at the wetland site; and be it further

2nd RESOLVED, that the Commissioner of the Department of Health Services may waive the restrictions contained in the 1st RESOLVED clause of this Resolution provided that the Commissioner certifies, in writing, that failure to utilize Methoprene will result in a public health emergency or that the use of Methoprene is necessary to avoid the use of an adulticide in the future; and be it further

3rd RESOLVED, that any certification made by the Commissioner pursuant to the 2nd RESOLVED clause of this Resolution shall be filed with the Clerk of the Legislature no more than two business days after any application of Methoprene, and any such certification shall state with particularity the location of the application of Methoprene and the rationale for its use; 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/refile 1635-07 - methoprene in SC

1693

Intro. Res. No. -2013
Introduced by Presiding Officer, on request of the County Executive

Laid on Table

7/30/13

**RESOLUTION NO. -2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO ACCELERATE
LEGISLATIVE CONSIDERATION OF RESOLUTIONS TO
ACCEPT AND APPROPRIATE GRANT FUNDS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2013 a proposed local law entitled, "**A CHARTER LAW TO ACCELERATE LEGISLATIVE CONSIDERATION OF RESOLUTIONS TO ACCEPT AND APPROPRIATE GRANT FUNDS**";

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ACCELERATE LEGISLATIVE
CONSIDERATION OF RESOLUTIONS TO ACCEPT AND
APPROPRIATE GRANT FUNDS**

**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 the County and its Agencies and Departments routinely apply for and receive grant funding from the state and federal government.

This Legislature further finds and determines that the period of time between an initial grant application and the County's acceptance and appropriation of grant funding is often lengthy.

This Legislature further finds that the New York State Comptroller has recently warned that a municipality's failure to timely process grant awards may result in forfeiture of said awards.

This Legislature further determines that it is necessary for the County to take appropriate steps to shorten the time period between the initial application for grant funding and the acceptance and appropriation of funds awarded in order to mitigate the risk of forfeiture.

Therefore, the purpose of this law is to amend the SUFFOLK COUNTY CHARTER to expedite the acceptance and appropriation of grant funding by permitting immediate legislative consideration of resolutions to accept and appropriate grant funds.

Section 2. Amendments.

Article II of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

Article II.

County Legislature

§ C2-12. Legislative consideration of proposed local laws and resolutions.

- A. Immediate consideration may be given to a home rule message or any resolution which relates to the following: the annual adoption of the capital budget and program; the annual adoption of the operating budget; approving a Community College budget total; levying taxes, assessments, water rents, sewer rents and charges; approving assessment rolls and tax warrants; the acceptance and appropriation of grant funds; and approving the return of fund balances to taxpayers pursuant to Local Law No. 21-1983. Otherwise, no proposed local law or resolution may be enacted until it shall have been in its final form and laid on the table at a regular or special meeting of the County Legislature at least seven calendar days, exclusive of Sunday, prior to its final passage, unless the County Executive certifies in writing, which certificate shall state the specific reason(s) as to the necessity for its immediate passage, in which case such legislation may be passed only by the affirmative vote of 2/3 of the total membership of the County Legislature. The substance of the aforementioned stated specific reason(s) shall not constitute the basis for the Legislature to refuse to consider or entertain such certificate of necessity.

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 effect, 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 judgment or order shall be rendered.

Section 5. SEQRA Determination.

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

(CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

1693

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: JULY 29, 2013
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2013

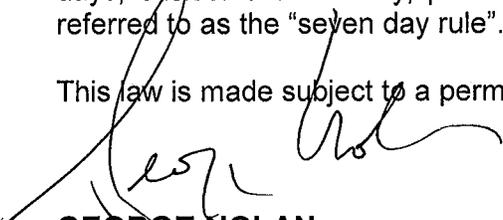
TITLE: I.R. NO. -2013; A CHARTER LAW TO ACCELERATE LEGISLATIVE CONSIDERTION OF
RESOLUTIONS TO ACCEPT AND APPROPRIATE GRANT FUNDS

SPONSOR: PRESIDING OFFICER, ON REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 7/29/2013 PUBLIC HEARING: 9/12/2013
DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed law would exempt legislative resolutions that accept and appropriate grant funds from the Charter requirement that a resolution be in its final form for at least seven (7) calendar days, exclusive of Sunday, prior to its final passage. This 7 day-aging requirement is often referred to as the "seven day rule".

This law is made subject to a permissive referendum.


GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-accept-appropriate-grant-funds

1693

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

| | | |
|--|---|----------------------|
| 1. Type of Legislation Resolution _____ Local Law <u> X </u> Charter Law | | |
| 2. Title of Proposed Legislation RESOLUTION NO. -2013, ADOPTING LOCAL LAW NO. -2013, A CHARTER LAW TO ACCELERATE LEGISLATIVE CONSIDERATION OF RESOLUTIONS TO ACCEPT AND APPROPRIATE GRANT FUNDS | | |
| 3. Purpose of Proposed Legislation SAME AS ABOVE | | |
| 4. Will the Proposed Legislation Have a Fiscal Impact? Yes ___ No <u> X </u> | | |
| 5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category) | | |
| <u>County</u> | Town | Economic Impact |
| Village | School District | Other (Specify): |
| Library District | Fire District | |
| 6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact N/A | | |
| 7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A | | |
| 8. Proposed Source of Funding N/A | | |
| 9. Timing of Impact - This law shall not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State. | | |
| 10. Typed Name & Title of Preparer Stephanie Rubino Chief Executive Analyst | 11. Signature of Preparer  | 12. Date: 7/29/13 |

**FINANCIAL IMPACT
2014 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

| | 2014 PROPERTY TAX LEVY | 2014 COST TO AVG TAXPAYER | 2014 FEV TAX RATE PER \$1000 |
|--------------|---------------------------|------------------------------|---------------------------------|
| TOTAL | \$0 | \$0.00 | \$0.000 |

POLICE DISTRICT AND DISTRICT COURT

| | 2014 PROPERTY TAX LEVY | 2014 COST TO AVG TAXPAYER | 2014 FEV TAX RATE PER \$1000 |
|--------------|---------------------------|------------------------------|---------------------------------|
| TOTAL | \$0 | \$0.00 | \$0.000 |

COMBINED

| | 2014 PROPERTY TAX LEVY | 2014 COST TO AVG TAXPAYER | 2014 FEV TAX RATE PER \$1000 |
|--------------|---------------------------|------------------------------|---------------------------------|
| TOTAL | \$0 | \$0.00 | \$0.000 |

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, SEPTEMBER 2012.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2012-2013.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2012 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Stephan Ruben

7/29/13

1694

Intro. Res. No. -2013
Introduced by Legislator Gregory

Laid on Table

7/30/13

**RESOLUTION NO. - 2013, ADOPTING LOCAL LAW
NO. -2013, A CHARTER LAW TO IMPLEMENT
PERFORMANCE MEASUREMENT TO INCREASE
ACCOUNTABILITY AND ENHANCE SERVICE DELIVERY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2013 a proposed local law entitled, "**A CHARTER LAW TO IMPLEMENT PERFORMANCE MEASUREMENT TO INCREASE ACCOUNTABILITY AND ENHANCE SERVICE DELIVERY**"; now, therefore, be it

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO IMPLEMENT PERFORMANCE
MEASUREMENT TO INCREASE ACCOUNTABILITY AND
ENHANCE SERVICE DELIVERY**

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 Suffolk County government has been retrenching and downsizing since the national economic recession in 2008.

This Legislature also finds that since 2008 the County of Suffolk has been forced to lay off employees, sell assets and terminate and/or privatize services.

This Legislature further finds that notwithstanding the many difficult deficit mitigation actions taken to date, Suffolk County continues to face a large structural budget imbalance.

This Legislature also finds that under these difficult economic circumstances, Suffolk County must embrace performance measurements tools in order to deliver services more effectively and efficiently.

This Legislature finds that the County Executive recognized the vital importance of performance, measurement and accountability in government when he created a performance management team within his office in 2012.

This Legislature further finds that the executive and legislative branches of County government should have timely access to important performance management data so they can make intelligent budgeting, policy and personnel decisions that will affect the residents of Suffolk County.

This Legislature also finds that performance measurement and reporting should be a permanent feature of County government so that policy makers can determine what the

government is achieving, how efficiently work is performed, how citizens benefit from County services and how service delivery can be approved.

Therefore, the purpose of this law is to make permanent performance measurement and recording requirements applicable to all County department and agencies, and thereby make Suffolk County government more performance driven and accountable.

Section 2. Amendment.

I. Article IV of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

Article IV. County Budget and Capital Program.

* * * *

§ C4-6. Submission of proposed budget by County Executive.

* * * *

D. At the same time the County Executive submits his proposed expense budget, he or she shall also submit a performance management plan that shall, for each department, agency and office of County government except those departments headed by an elected official, provide the following:

1. Proposed management goals and measures for the ensuing fiscal year.
2. An explanation of the relationship between the performance goals and measurements included in the management plan and the corresponding appropriations contained in the proposed expense budget.
3. An explanation of significant changes in the program performance goals and measurements from the prior year's management plan.

* * * *

II. Article III of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended as follows:

Article III. County Executive.

* * * *

§ A3-3. Performance management report.

No later than March 15 each year, the County Executive shall make public and submit to the County Legislature a report that shall include for each department, agency and office of County government, a statement of actual performance by the department, agency or office during the previous fiscal year relative to the program performance goals and measurements that were included in the performance management plan submitted by the County Executive.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law, except that the County Executive shall not be required to submit a performance management plan until such time that he or she submits the proposed 2015 expense budget and shall not be required to submit a performance management report until 2016.

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 not take effect until at least sixty (60) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of Suffolk voting on a proposition for its approval if within sixty (60) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against this law in conformity with the provisions of Section 34(4) of the NEW YORK MUNICIPAL HOME RULE LAW and 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--performance management plan

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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(631) 853-4415 (FAX)

DATE: JULY 29, 2013
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2013

TITLE: I.R. NO. -2013; CHARTER LAW TO IMPLEMENT PERFORMANCE MEASUREMENT TO INCREASE ACCOUNTABILITY AND ENHANCE SERVICE DELIVERY

SPONSOR: LEGISLATOR GREGORY

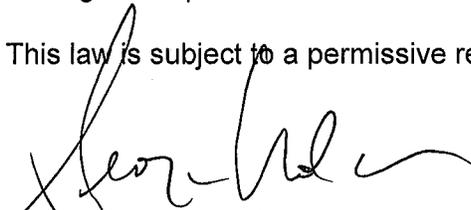
DATE OF RECEIPT BY COUNSEL: 7/22/13 PUBLIC HEARING: 9/12/13

DATE ADOPTED/NOT ADOPTED: CERTIFIED COPY RECEIVED:

This proposed charter law would require the County Executive to submit to the Legislature a performance management plan for each department, agency and office of County government (excluding departments headed by an elected official) at the same time he or she submits a proposed operating budget each year.¹ This plan will set forth proposed management goals and measurements for the ensuing fiscal year and an explanation of the relationship between the performance goals and the appropriations contained in the proposed budget.

Further, this law would require the County Executive to submit to the County Legislature by March 15 each year, a statement of actual performance during the previous fiscal year relating to the program goals and measurements that were included in the previous year's performance management plan.²

This law is subject to a permissive referendum.


GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-performance management plan

¹ This requirement will commence at the time the County Executive submits the proposed 2015 budget.

² This requirement will commence in 2016.

1695
Intro. Res. No. -2013
Introduced Legislator Horsley

Laid on Table

7/30/13

**RESOLUTION NO. -2013, ADVANCING FUNDING FOR THE
BABYLON TOWN HISTORICAL SOCIETY**

WHEREAS, the Suffolk County Legislature included \$10,000 in the 2013 operating budget for the Babylon Historical Society, for the purpose of repairing the Conklin Stone in the Conklin Cemetery; and.

WHEREAS, as a general practice, the County of Suffolk does not advance the full amount of funding to contract agencies but rather reimburses the agencies for actual expenses incurred; and

WHEREAS, the Babylon Historical Society does not have sufficient resources to perform the work in first instance; and

WHEREAS, it is necessary for the County of Suffolk to advance \$10,000 to the Town of Babylon Historic Society; now, therefore be it

1st RESOLVED, that the Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed to advance the \$10,000 included in the 2013 operating budget for the Babylon Town Historical Society (Fund 192, Dept. of Parks Recreation and Conservation, Unit 7512, Activity JCWI) by October 30, 2013; and be it further

2nd RESOLVED, that the Suffolk County Treasurer and the Suffolk County Comptroller are hereby authorized and empowered to take all actions necessary to facilitate the advance of the above described funds to the Babylon Town Historical Society by October 30, 2013; and be it further

3rd RESOLVED, that this resolution shall not be construed as to relieve the Babylon Town Historical Society from its obligation to submit bills, invoices and all other required documents to the County of Suffolk; 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:

1696

Intro. Res. No. -2013
Introduced by Legislator Hahn

Laid on Table 7/30/2013

**RESOLUTION NO. -2013, DIRECTING THE SHERIFF TO
ISSUE A REQUEST FOR PROPOSALS FOR AN
INDEPENDENT STUDY OF THE EFFECTIVENESS OF THE
COUNTY'S ALTERNATIVE TO INCARCERATION PROGRAMS**

WHEREAS, the County of Suffolk Department of Probation's Criminal Court supervision caseload totaled 15,746 individuals in 2011; and

WHEREAS, the County contracts with a number of non-profit organizations, in addition to its own programs, to provide Alternative to Incarceration ("ATI") programs to serve persons convicted of certain crimes, allowing them to receive treatment, education and employment training within their community; and

WHEREAS, most ATI programs provide program enrollees with important information and assistance in addressing issues that may have factored into their involvement in the criminal justice system, all in the effort to reduce recidivism rates among individuals who complete these programs; and

WHEREAS, ATI programs cost less than incarceration and reduce ancillary costs associated with removing persons from their community and family; and

WHEREAS, Suffolk County's jail is overcrowded and Suffolk County's Government agencies are facing pressure from the State Commission on Corrections to build Phase II of the Jail expansion at a potential cost of more than one hundred million dollars; and

WHEREAS, no study has been conducted to determine the effectiveness of the County's current ATI programs; and

WHEREAS, the County should study the effectiveness of the current ATI programs to ensure it is receiving the greatest value for its investment; and

WHEREAS, additional investments in effective ATI programs could lower the jail population and save Suffolk taxpayers significant dollars and improve the lives of individuals facing drug addictions, mental health issues and other problems; now, therefore be it

1st RESOLVED, that the Suffolk County Sheriff is hereby authorized, empowered and directed to issue a Request for Proposals ("RFP") to conduct an independent study of the effectiveness of the ATI programs currently available in the County of Suffolk; and be it further

2nd RESOLVED, that the Suffolk County ATI Task Force is hereby created to advise the Suffolk County Sheriff in the development of said RFP; and

3rd RESOLVED, that the ATI Task Force shall be comprised of the following ten (10) members:

- 1) The Suffolk County Sheriff, or his or her designee;
- 2) The Presiding Officer, or his or her designee;
- 3) The County Executive, or his or her designee;

- 4) The Minority Leader, or his or her designee;
- 5) The Chair of the Legislature's Public Safety Committee, or his or her designee;
- 6) The Director of Probation, or his or her designee;
- 7) The Director of the Division of Mental Health and Hygiene, or his or her designee;
- 8) A representative of the Criminal Court System who is familiar with sentencing and ATI programs, to be designated by the District Administrative Judge;
- 9) Representative of the Legal Aid Society; and
- 10) Representative of the Criminal Bar Association;

and be it further

4th **RESOLVED**, that the entity awarded the contract resulting from the RFP shall conduct the investigation and issue a written report with its findings and recommendations to the County Executive, each County Legislator and the Clerk of the County Legislature and make a presentation on same to the Public Safety Committee of the County Legislature within 270 days of the effective date of this Resolution; and be it further

5th **RESOLVED**, the cost of the study will be paid for using the Sheriff's Asset Forfeiture funds; and be it further

6th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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\independent RFP ATI

1698
Intro. Res. No. -2013
Introduced by Legislator Schneiderman

Laid on Table 7/30/13

**RESOLUTION NO. 443 -2013, ADOPTING LOCAL LAW
NO. -2013, A LOCAL LAW TO STRENGTHEN SUFFOLK
COUNTY'S E-911 SERVICE**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 19, 2013, a proposed local law entitled, "**A LOCAL LAW TO STRENGTHEN SUFFOLK COUNTY'S E-911 SERVICE**"; now, therefore, be it

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

LOCAL LAW NO. -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO STRENGTHEN SUFFOLK COUNTY'S E-911
SERVICE**

**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 the County of Suffolk imposes small monthly surcharges on landlines, Voice-Over-Internet-Protocol-Services ("VOIP" service) and wireless communication service suppliers to offset the costs associated with providing Enhanced 911 ("E-911") service to the people of Suffolk County.

This Legislature also finds that presently, enhanced 911 services are provided through twelve Public Safety Answering Points ("PSAPs") including the Suffolk County Police Department, the Department of Fire, Rescue and Emergency Services and ten non-County PSAPs.

This Legislature further finds that the Suffolk County Department of Audit and Control recently conducted an audit of E-911 surcharge revenue and issued findings and recommendations regarding this program.

This Legislature determines that it is necessary to implement certain recommendations offered by the Department of Audit and Control and to make other changes to the County's governing statute to ensure that the E-911 system continues to operate efficiently for the benefit of all Suffolk County residents.

Therefore, the purpose of this law is amend Chapter 441 of the SUFFOLK COUNTY CODE to implement changes to the County's E-911 program recommended by the Department of Audit and Control and to ensure adequate and timely funding for the non-County PSAPs.

Section 2. Amendments.

I. Article IV of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

Article IV. County Budget and Capital Program.

§ C4-6. Submission of proposed budget by County Executive.

L. The proposed operating budget for any fiscal year shall include the funding for non-County Public Safety Answering Points (PSAD's) mandated by Chapter 441 of the SUFFOLK COUNTY CODE.

* * * *

§ C4-10. Action by County Legislature on proposed budget.

* * * *

L. The adopted operating budget for any fiscal year shall include the funding for non-County Public Safety Answering Points (PSAD's) mandated by Chapter 441 of the SUFFOLK COUNTY CODE.

* * * *

II. Chapter 441 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 441. EMERGENCY TELEPHONE SYSTEM

Article I. Enhanced 911 System

* * * *

§ 441-2. Definitions.

* * * *

System Costs - The costs associated with obtaining and maintaining the telecommunication equipment, all operations and maintenance costs and the telephone services costs necessary to establish and provide the enhanced 911 system.

* * * *

§ 441-5. Collection of surcharge.

A. The appropriate service supplier or suppliers serving a 911 service area shall act as collection agent for Suffolk County and shall remit the funds collected as the surcharge to the Suffolk County ~~[Comptroller]~~ Police Department each month. Such funds shall be remitted no later than 30 days after the last business day of such period.

* * * *

§ 441-7. System revenues; adjustment of surcharge.

- A. All surcharge moneys remitted to the County of Suffolk by a service supplier and all other moneys dedicated to the payment of system costs from whatever source derived or received by the County of Suffolk shall be expended only upon appropriation of the County Legislature and only for payment of system costs as permitted by this article. The County of Suffolk shall separately account for and keep adequate books and records of the amount and source of all such revenues and of the amount and object or purpose of all expenditures thereof. If at the end of any fiscal year the total amount of all such revenues exceeds the amount necessary and expended for payment of system costs in such fiscal year, such unencumbered cash surplus shall be carried over for the payment of system costs in the following fiscal year. If at the end of any fiscal year such unencumbered cash surplus exceeds an amount equal to 5% of that necessary for the payment of system costs in such fiscal year, the County Legislature shall by local law reduce the surcharge for the following fiscal year to a level which more adequately reflects the system costs requirements of its enhanced 911 system. The County Legislature may also by local law reestablish or increase such surcharge if the revenues generated by such surcharge and by any other source are not adequate to pay for system costs.

- B. No less than 20% of the surcharge moneys remitted to the County of Suffolk for landline and VOIP service pursuant to this Article in any fiscal year shall be allocated and paid in equal shares to Public Safety Answering Points, excluding the Suffolk County Police Department PSAP and the Department of Fire, Rescue and Emergency Services PSAP.

* * * *

§ 441-9. System operation and funding.

* * * *

- E. Surcharge moneys allocated to the non-County PSAP's in the annual operating budget shall be distributed to the PSAP's based on actual cash collections and made quarterly within forty-five (45) days of the end of each quarter. However, these moneys will not be distributed to a PSAP in the absence of an intermunicipal agreement between the County and the PSAP which outlines the responsibilities and obligations of each party and authorizes the County Comptroller to audit the agreement.

* * * *

Article II. Enhanced Wireless 911 Service

* * * *

§ 441-14. Collection of surcharge.

- A. Each wireless communications service supplier serving the County of Suffolk shall act as a collection agency for the County and shall remit the funds collected pursuant to this article to the Suffolk County [Comptroller] Police Department within 30 days after the last business day of the month.

* * * *

§ 441-16. Use of surcharge monies.

* * * *

- C. No less than 20% of the surcharge monies remitted to the County of Suffolk in any fiscal year shall be allocated and paid in equal shares to the Public Safety Answering Points, excluding the Suffolk County Police Department PSAP and the Department of Fire, Rescue and Emergency Services PSAP.
- D. Surcharge moneys allocated to the non-County PSAP's in the annual operating budget shall be distributed to the PSAP's based on actual cash collections and made quarterly within forty-five (45) days of the end of each quarter. However, these moneys will not be distributed to a PSAP in the absence of an intermunicipal agreement between the County and the PSAP which outlines the responsibilities and obligations of each party and authorizes the County Comptroller to audit the agreement.

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law, except that the provisions of this law governing the funding of, and the distribution of funding to, non-County PSAP's will apply beginning in fiscal year 2015.

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:

r-res/2013/L-County E-911 (Refile 443-2013)

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
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(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: JULY 30, 2013

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2013

TITLE: I.R. NO. -2013; A LOCAL LAW TO STRENGTHEN SUFFOLK COUNTY'S
E-911 SERVICE

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 7/29/13 PUBLIC HEARING: 9/12/13

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

This proposed local law would adopt several recommendations made by the Suffolk County Comptroller in a recent audit report concerning enhanced 911 service ("E-911") surcharge revenues and make other changes to the E-911 program that will affect the distribution of surcharge revenues.

Specifically, this law would:

- 1) revise the definition of "system costs" in the County Code to match that contained in New York County Law, and thereby broaden the permissible use of revenues derived from landline and voice-over-internet protocol service ("VOIP Service");
- 2) require service suppliers to remit surcharge revenues to the Police Department;
- 3) require that 20% of surcharge revenues related to landlines and VOIP Service be allocated to the 10 non-County PSAP's;
- 4) clarify that the Department of Fire, Rescue and Emergency Services should not receive a share of the revenue specifically allocated to the non-County PSAP's; and
- 5) require that surcharge monies allocated to non-County PSAP's pursuant to this law be shared equally by the PSAP's, included in the County's operating budget and distributed to the PSAP's on a quarterly basis during the same fiscal year.

This law will take effect immediately upon its filing in the Office of the Secretary of State, except that the provisions governing the funding of non-County PSAP's will apply beginning in fiscal year 2015.

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

GEORGE NOLAN
Counsel to the Legislature

GN:tm

s:\rule28\28-E-911 Service 7-30-13