

**PROCEDURAL MOTION NO. 2 -2016, ESTABLISHING A
SPECIAL COMMITTEE TO REVIEW LAW ENFORCEMENT
OPERATIONS IN SUFFOLK COUNTY**

WHEREAS, recent allegations of wrongdoing by top officials in the Police Department and other law enforcement agencies are undermining public confidence in Suffolk's law enforcement institutions; and

WHEREAS, pursuant to the SUFFOLK COUNTY CHARTER, the County Legislature is authorized to "investigate the performance of any of the functions, offices or departments of the government of the County"; and

WHEREAS, it is necessary at this time to form a special bipartisan committee of the Legislature to review all aspects of law enforcement in Suffolk County; and

WHEREAS, this special committee must be given adequate resources and powers to successfully complete its review and investigation; now, therefore be it

1st RESOLVED, that a special committee of the County Legislature is hereby created to review the operations, procedures and practices of the Police Department, the District Attorney's Office and the Sheriff's Office and to investigate allegations of favoritism, the lack of adequate rules and procedures and the failure to comply with existing laws, rules and procedures relating to internal affairs investigations in the Police Department, the selection of cases for criminal prosecution and the appointments and promotions within the Police Department, the Sheriff's Office and the District Attorney's Office; and be it further

2nd RESOLVED, this special committee shall be comprised of six legislators, three members to be selected by the Presiding Officer and three members to be appointed by the Minority Leader; the Presiding Officer will designate the chairperson of this special committee; and be it further

3rd RESOLVED, this special committee is hereby empowered to administer oaths and affirmations and to compel the attendance of witnesses and the production of books and papers related to the review and investigation authorized and described in the 1st RESOLVED clause herein; and be it further

4th RESOLVED, that this special committee is hereby authorized to issue such subpoenas pursuant to a majority vote of the entire membership of said committee for each such subpoena as said committee deems appropriate; and be it further

5th RESOLVED, this special committee is authorized to hire necessary staff to conduct its investigation, subject to appropriations by the County Legislature; however appropriations for this purpose shall not exceed \$100,000; and be it further

6th RESOLVED, that the special committee is hereby authorized to hold meetings and hearings necessary to carry out the review and investigation described herein.

DATED:

EFFECTIVE IMMEDIATELY PURSUANT TO §A2-15(A) OF THE SUFFOLK COUNTY
ADMINISTRATIVE CODE

1042

Intro. Res. No. -2016
Introduced by Legislator McCaffrey

Laid on Table 1/4/16

**RESOLUTION NO. - 2016, ADOPTING LOCAL LAW
NO. -2016, A CHARTER LAW TO ESTABLISH
MINIMUM QUALIFICATIONS AND SCREENING PROCESS
FOR APPOINTMENT OF POLICE COMMISSIONER**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on , 2016 a proposed local law entitled, "**A CHARTER LAW TO ESTABLISH MINIMUM QUALIFICATIONS AND SCREENING PROCESS FOR APPOINTMENT OF POLICE COMMISSIONER**"; now, therefore, be it

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

LOCAL LAW NO. -2016, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO ESTABLISH MINIMUM QUALIFICATIONS
AND SCREENING PROCESS FOR APPOINTMENT OF POLICE
COMMISSIONER**

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 Suffolk County Police Department is one of the largest departments in the country; it is responsible for policing the five west end towns and protecting the safety of a racially and culturally diverse population that exceeds one million people.

This Legislature further finds that the Suffolk County Police Department confronts the same difficult issues as other large suburban departments; the Police Department must combat rising substance abuse, gang activity, domestic violence and other serious threats to public safety and, at the same time, be prepared to respond to possible acts of terrorism.

This Legislature finds that the leader of the Suffolk County Police Department must possess the administrative skills to manage the 2,900 employees of the Department (including over 2,000 sworn officers), the fiscal skills to oversee a budget in excess of \$600,000,000 and the communication skills to reach out effectively to all the constituencies and communities that comprise Suffolk County.

This Legislature further finds that the job of the Police Commissioner is demanding and complex and yet, the Suffolk County Charter establishes no minimum qualifications for this vital position and sets forth no procedure to ensure that the County of Suffolk seeks out and hires the best qualified individual to lead the Department.

Therefore, the purpose of this law is establish minimum qualifications for the position of Police Commissioner and to establish a process that will evaluate candidates for this position when a vacancy occurs.

Section 2. Amendment.

Article XIII of the SUFFOLK COUNTY CHARTER is hereby amended as follows:

Article XIII. Department of Police

* * * *

C13-2. Appointment of Commissioner

- A. The Commissioner of Police shall be appointed by the County Executive subject to the screening procedure set forth in paragraph (C) of this section and the approval of the County Legislature and shall serve at the pleasure of the County Executive. The Commissioner of Police shall, at a minimum, possess a Bachelor's Degree from an accredited secondary institution and have eight (8) years of administrative/management experience in a large law enforcement agency (minimum of 500 employees) or a comparable large organization. If the person appointed Commissioner of Police shall at the time of his appointment be a police officer with at least 10 years of service as a police officer, then he shall continue to be a police officer while serving as Commissioner of Police and shall, in addition to the responsibilities and duties of Commissioner, continue to have all of the responsibilities and duties of a police officer.
- B. If a person appointed as a Deputy Commissioner of Police shall, at the time of his or her appointment, be a police officer with at least 10 years of service as a police officer, then he or she shall continue to be a police officer while serving as a Deputy Commissioner of Police and shall, in addition to the responsibilities and duties of a Deputy Commissioner, continue to have all the responsibilities and duties of a police officer.
- C. Prior to appointing a Commissioner of Police, the County Executive will establish a three member search committee to seek and screen applicants for the position. The committee will conduct appropriate background checks and interview candidates who meet the minimum qualifications for the position. The Committee will recommend to the County Executive at least one and no more than five persons who are best qualified to serve as the Commissioner of Police. In making their non-binding recommendations, the search committee will consider candidates' relevant law enforcement and management experience, communication skills, knowledge of the principles and practices of modern police administration, experience policing diverse communities and the ability to build relationships with community leaders.

* * * *

Section 3. Applicability.

This law shall apply to appointments of the Police Commissioner 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 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-appointment of Police Commissioner

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: DECEMBER 28, 2015
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2016

TITLE: I.R. NO. -2016; A CHARTER LAW TO ESTABLISH MINIMUM QUALIFICAITONS AND SCREENING PROCESS FOR APPOINTMENT OF POLICE COMMISSIONER

SPONSOR: LEGISLATOR McCAFFREY

DATE OF RECEIPT BY COUNSEL: 12/28/2015 **PUBLIC HEARING:** /2016
DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

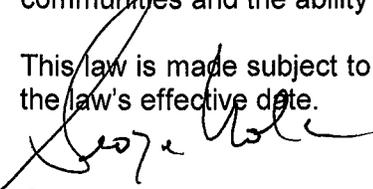
This proposed charter law would establish minimum qualifications for the position of Police Commissioner and a process to screen candidates for that position.

Specifically, this law would require that the Commissioner of the Police Department possess a Bachelor's Degree and have at least eight years of administrative/management experience in a large law enforcement agency or a comparable large organization.

Additionally, this law would require the County Executive, prior to appointing a Police Commissioner, to establish a three member search committee to seek and screen applicants for the position.

The committee would be responsible for conducting appropriate background checks and interviewing candidates who meet the minimum qualifications for the position. The committee will recommend to the County Executive, at least one and no more than five persons who are best qualified to serve as the Commissioner of Police. In making their advisory recommendations to the County Executive, the search committee will consider candidates' relevant law enforcement and management experience, communication skills, knowledge of the principles and practices of modern police administration, experience policing diverse communities and the ability to build relationships with community leaders.

This law is made subject to a permissive referendum and will apply to appointments made after the law's effective date.


GEORGE NOLAN
Counsel to the Legislature

GN:tm

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
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SARAH E. SIMPSON
ASSISTANT COUNSEL TO THE LEGISLATURE
email: sarah.simpson@suffolkcountyny.gov

MEMORANDUM

DATE: December 28, 2015

TO: Jason Richberg, Clerk of the Legislature

FROM: George Nolan, Counsel to the Legislature *GN*

RE: Charter Law, To Establish Minimum Qualifications and Screening Process for Appointment of Police Commissioner

Pursuant to the request of Legislator McCaffrey, enclosed please find the above referenced resolution for immediate filing.

GN:tm
Enclosure

cc: Hon. Kevin McCaffrey, County Legislator, 14th District

s:\let\cl-Police Commissioner screening and qualifications

1043

Intro. Res. No. -2016
Introduced by Legislator Krupski

Laid on Table 1/4/16

**RESOLUTION NO. -2016, APPROVING COUNTY FUNDING
FOR A CONTRACT AGENCY (SOUTHOLD HISTORICAL
SOCIETY)**

WHEREAS, the County of Suffolk contracts with many agencies to provide vital services to County residents; and

WHEREAS, Section 189-66(B) of the SUFFOLK COUNTY CODE requires contract agencies to submit to the Suffolk County Comptroller by September 15 each year, a financial disclosure form, their most recently audited financial statements and a schedule of all employees and their salaries; and

WHEREAS, if a contract agency fails to submit these forms and documents by the September 15th deadline, they cannot receive County funding in the subsequent budget year unless approved by a standalone resolution of this Legislature; and

WHEREAS, the 2015 Operating Budget included funding for the Southold Historical Society as follows:

| <u>FD</u> | <u>AGY</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>ACTIVITY NAME</u> | <u>2015 ADOPTED</u> |
|-----------|------------|-------------|------------|------------|-----------------------------|---------------------|
| 192 | PKS | 7512 | JRJ1 | 4980 | SOUTHOLD HISTORICAL SOCIETY | \$5,000 |

WHEREAS, the Comptroller has advised this Legislature that Southold Historical Society did not comply with the disclosure requirements of § 189-66(B) by the September 15th deadline; and

WHEREAS, the Southold Historical Society is now in compliance with § 189-66(B); now, therefore be it

1st RESOLVED, that the funding included in the 2015 Operating Budget for the Southold Historical Society is hereby approved in accordance with § 189-66(C) of the SUFFOLK COUNTY CODE and the Department of Audit and Control is hereby authorized, empowered and directed to release 2015 funding to Southold Historical Society in accordance with its regular procedures; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\res\rr-funding-southold-historical-society

1044
Intro. Res. No. -2016

Laid on Table 1/4/16

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2016, AMENDING THE ADOPTED
2016 OPERATING BUDGET TO TRANSFER FUNDS FROM
BUDGET LINE 477-8038-1100 to BUDGET LINE 477-8038-
4980-HSK1 FOR CORNELL COOPERATIVE EXTENSION'S
AGRICULTURAL STEWARDSHIP PROGRAM**

WHEREAS, Cornell Cooperative Extension of Suffolk County's Agricultural Environmental Stewardship program has played a vital role in the development and implementation of best management practices (BMPs) to reduce the impact of nitrogen and pesticides on groundwater and surface water; and

WHEREAS, the Suffolk County Water Quality Review Committee, pursuant to Article XII of the SUFFOLK COUNTY CHARTER, has recommended funding this program at the October 8, 2015 meeting as an appropriate use of Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiative funds; and

WHEREAS, Budget Amendment BA2-2015 of the 2016 Operating Budget erroneously reduced the 2016 budget for Cornell Cooperative Extension's Agricultural Stewardship program by 10% instead of 2%; and

WHEREAS, a 10% cut for 2016 would result in elimination of the equipment line in which funds were used to purchase necessary field equipment such as shovels, pest traps and calibration instruments; and

WHEREAS, there are sufficient funds within Fund 477 for the purpose of Water Quality Protection to additional cost for this program; and

WHEREAS, the County Executive's Office wishes to correct the error by transferring \$18,829 within the 2016 Operating Budget from 477-8038-1100 to 477-8038-4980-HSK1, now, therefore be it,

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

FROM:

Department of Economic Development and Planning (EDP)
Water Quality Improvement
477-EDP-8038

| OBJECT | OBJECT NAME | 2016 Adopted Budget | Increase/ Decrease | 2016 Modified Budget |
|--------|--------------------|---------------------------|-----------------------|----------------------------|
| 1100 | Permanent Salaries | \$521,592 | (\$18,829) | \$502,763 |

TO:

Department of Economic Development and Planning (EDP)
Water Quality Improvement
477-EDP-8038-4980

| XORG | OBJECT NAME | 2016 Adopted Budget | Increase/ Decrease | 2016 Modified Budget |
|------|----------------------------------------------------|---------------------------|-----------------------|----------------------------|
| HSK1 | CCE-Develop & Implement Agriculture Stewardship | \$211,824 | \$18,829 | \$230,653 |

and be it further

2nd RESOLVED, that the contract with Cornell Cooperative Extension be amended to reflect these additional funds.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 1. Type of Legislation | | |
| Resolution <u> X </u> Local Law _____ Charter Law _____ | | |
| 3. Title of Proposed Legislation: AMENDING THE ADOPTED 2016 OPERATING BUDGET TO TRANSFER FUNDS FROM BUDGET LINE 477-8038-1100 to BUDGET LINE 477-8038-4980-HSK1 FOR CORNELL COOPERATIVE EXTENSION'S AGRICULTURAL STEWARDSHIP PROGRAM | | |
| 4. Will the Proposed Legislation Have a Fiscal Impact? YES <u> </u> NO <u> X </u> | | |
| 5. If the answer to item 4 is "yes", on what will it impact? (Circle appropriate category) | | |
| County | Town | Economic Impact |
| Village | School District | Other (Specify): |
| Library District | Fire District | |
| 6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: 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 The correct funding for this project was recommended at the October 8, 2015 meeting of the WQPRP Review Committee. The Legislature, in a Budget Amendment, erroneously cut the funding by 10%. This resolution corrects this error by transferring \$18,829 within Fund 477 from permanent salaries to CCE-Develop & Implementation Agriculture Stewardship Program. | | |
| 9. Timing of Impact N/A | | |
| 10. Typed Name & Title of Preparer Sarah Lansdale Deputy County Exec and Commissioner of Economic Development & Planning | 11. Signature of Preparer  | 12. Date December 31, 2015 1/4/16 |

**2016 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT**

Title of Resolution: AMENDING THE ADOPTED 2016 OPERATING BUDGET TO TRANSFER FUNDS FROM BUDGET LINE 477-8038-1100 to BUDGET LINE 477-8038-4980-HSK1 FOR CORNELL COOPERATIVE EXTENSION'S AGRICULTURAL STEWARDSHIP PROGRAM

PURPOSE OR GENERAL IDEA OF BILL:

To transfer \$18,829 from Water Quality Fund 477 to the EDP Operating Budget for Cornell Cooperative Extension's Agricultural Stewardship program.

SUMMARY OF SPECIFIC PROVISIONS:

This resolution will correct an error that reduced the 2016 funding for this program by 10%.

JUSTIFICATION:

The correct funding for this project was recommended at the October 8, 2015 meeting of the WQPRP Review Committee. The Legislature, in a Budget Amendment, erroneously cut the funding by 10%. This resolution corrects this error by transferring \$18,829 to the proper 2016 Operating Budget line.

FISCAL IMPLICATIONS

None to the General Fund. All funding will come from the existing ¼% sales tax generated fund for water quality projects.

COUNTY OF SUFFOLK



STEVEN BELLONE
COUNTY EXECUTIVE

**DEPARTMENT OF ECONOMIC DEVELOPMENT
AND PLANNING**

JOANNE MINERI
DEPUTY COUNTY EXECUTIVE AND COMMISSIONER

December 31, 2015

Mr. Jon Schneider
Deputy County Executive
H. Lee Dennison Bldg. 12th Floor
Hauppauge, NY 11788-0099

Dear Mr. Schneider:

Enclosed for your consideration and submission is the proposed resolution pursuant to:

**AMENDING THE ADOPTED 2016 OPERATING BUDGET TO
TRANSFER FUNDS FROM BUDGET LINE 477-8038-1100 to
BUDGET LINE 477-8038-4980-HSK1 FOR CORNELL
COOPERATIVE EXTENSION'S AGRICULTURAL STEWARDSHIP
PROGRAM**

There are sufficient funds included in the 2016 Operating Budget Fund 477 to correct the erroneous reduction of the Agricultural Stewardship Program. The Suffolk County Water Quality Review Committee, at its October 8, 2015 meeting, approved \$230,653 in funding for this program. This resolution corrects an error implemented by the Legislature's budget amendment that cut 10% from this program. This resolution will restore the \$18,829 in funding that was cut in error.

After your examination, please place this on the Legislative Agenda. If you have any questions or concerns, please contact me.

Sincerely,

Sarah Lansdale
Director of Planning
Department of Economic Development and Planning

Enc.

LOCATION
H. LEE DENNISON BLDG. - 11th FLOOR
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

PHONE (631) 853-4800
FAX (631) 853-4767

REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE
County of Suffolk

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

Submitting Department
Department of Economic Development and Planning
H Lee Dennison Bldg., 4th Floor, Hauppauge

Department Contact Person:
Sarah Lansdale
853-5191

Suggestion Involves:

- Technical Amendment New Program
 Grant Award Contract (New ___ Rev. ___)
 Other – Water Quality Protection and Restoration Program (Fund 477)

Summary of Problem: The Legislature, in a Budget Amendment, erroneously cut the funding by 10%. This resolution corrects this error by transferring \$18,829 within Fund 477 from permanent salaries to CCE-Develop & Implementation Agriculture Stewardship Program

Proposed Changes in Present Statute: (Please specify section when possible.)

N/A

PLEASE FILL IN REVERSE SIDE OF FORM

SCIN FORM 175a (10/95) Prior editions of this form are obsolete.