

Introduced by Presiding Officer, on request of the County Executive and Legislator Cilmi

**RESOLUTION NO. 285 -2011, AMENDING THE 2011 OPERATING BUDGET AND AUTHORIZING SUFFOLK COUNTY TO ENTER INTO AN AGREEMENT WITH THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ("SPCA")**

**WHEREAS**, the SPCA is a not-for-profit corporation formed pursuant to New York State Not-For-Profit Corporation Law, having filed its Certificate of Incorporation with New York State Division of Corporations on January 20, 1984, as a corporation for the prevention of cruelty to animals and is the only corporation for the prevention of cruelty to animals permitted to operate in Suffolk County; and

**WHEREAS**, New York County Law § 224 authorizes contracts between counties and societies to prevent animal cruelty; and

**WHEREAS**, the SPCA is endowed with certain special powers pursuant to New York State Not-For-Profit Law § 1403 (b), and New York State Agriculture and Markets Law § 371, including preferring complaints before any court, tribunal or magistrate with jurisdiction, for the violation of any law relating to or affecting the prevention of cruelty to animals, and assisting in the presentation of the law and facts to such in any proceeding therein; and

**WHEREAS**, the SPCA's officers and agents are designated as peace officers pursuant to Criminal Procedure Law § 2.10 (7), and they are charged with duties including issuing appearance tickets to, summoning or arresting, and bringing before a court or magistrate having jurisdiction, any person violating any provisions of Article 26 of the Agriculture and Markets Law, and such peace officers may also lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his or her presence; and

**WHEREAS**, it is in the best interests of Suffolk County to execute an agreement with the SPCA to provide funding for its liability insurance premiums up to \$25,000, in order that the SPCA may continue its law enforcement purposes in Suffolk County including the goals of investigating violations involving animal cruelty and enforcing such laws in the County, as set forth in Article III of Chapter 207 and § 550-4 of the Suffolk County Code; and

**WHEREAS**, sufficient funds are included in the 2011 Adopted Operating Budget to fund this agreement; now, therefore be it

**1<sup>st</sup> RESOLVED**, the County of Suffolk shall enter into an agreement with the SPCA in that Suffolk County will pay to the SPCA the sum of up to \$25,000 for its liability insurance premium, which is due on April 6, 2011; and be it further

**2<sup>nd</sup> RESOLVED**, that the 2011 Adopted Operating Budget be amended to reallocate funds as follows:

From:

001-3120-3310

Clothing and Accessories

-\$25,000

To:

001-3120-4980

Contracted Agencies

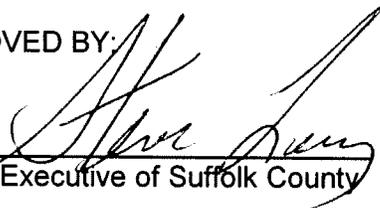
+\$25,000

and be it further

**3<sup>rd</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 N.Y.C.R.R.) 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.

DATED: **MAR 22 2011**

APPROVED BY:



County Executive of Suffolk County

Date:

**APR 04 2011**

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I,* TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on

March 22, 2011 and that the same is a true and correct transcript of said resolution and of the whole thereof.

*In Witness Whereof, I* have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

*Tim Laube*

---

Clerk of the Legislature

Intro. Res.

CH 1307

Res. No.

285

March 22, 2011

**Motion:**

Romaine, Schneiderman, Browning, Muratore,  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore,  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore,  
Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
6						
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17				

MOTION
<input checked="" type="checkbox"/> Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule ___
___ Override Veto
___ Close
___ Recess
APPROVED <input checked="" type="checkbox"/> FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_ Voice Vote