

**RESOLUTION NO. 443 -2013, ADOPTING LOCAL LAW
NO. -2013, A LOCAL LAW TO ENHANCE AND IMPROVE
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 ENHANCE AND IMPROVE 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 ENHANCE AND IMPROVE 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.

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

Chapter 441. EMERGENCY TELEPHONE SYSTEM

Article I. Enhanced 911 System

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§ 441-2. Definitions.

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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.

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§ 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.

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§ 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 VOIP service in any fiscal year shall be allocated to Public Safety Answering Points, excluding the Suffolk County Police Department PSAP and the Department of Fire, Rescue and Emergency Services PSAP.

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§ 441-9. System operation and funding.

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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.

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Article II. Enhanced Wireless 911 Service

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§ 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.

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§ 441-16. Use of surcharge monies.

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C. No less than 20% of the surcharge monies remitted to the County of Suffolk in any fiscal year shall be allocated 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 2014.

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: June 4, 2013

****VETOED BY COUNTY EXECUTIVE ON JUNE 5, 2013****

(Scrivener's Error Should Read July 5, 2013)

Tim Laube Clerk of the Legislature

****VETO OVERRIDE NOT ADOPTED ON JULY 30, 2013****