Intro. Res. No.1250-2013 Laid on Table 3/19/2013
Introduced by Legislators Kennedy, Horsley, Schneiderman, Muratore, Nowick and Gregory

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

* * * *

§ 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 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.

* * * *

§ 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 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

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 6/05/13 Scrivener's Error Should read 7/5/13

VETO OVERRIDE NOT ADOPTED ON JULY 30, 2013 Clerk of the Legislature

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 June 4, 2013 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. 1750 Res. No. 443 June 4, 2013

Motion:
Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Albert J. KRUPSKI	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING	✓				
4	Thomas MURATORE	✓				
5	Kara HAHN		✓			
6	Sarah S. ANKER		✓			
7	Rob CALARCO	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA		✓			
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
15	DuWayne GREGORY	✓				
16	Steven H. STERN	✓				
17	Lou D'AMARO	✓				
18	William SPENCER	✓				
14	Wayne R. HORSLEY, D.P.O.	✓				
8	William J. LINDSAY, P.O.		✓			
	Totals	14	4	—	—	—

MOTION
X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED
X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube

Tim Laube, Clerk of the Legislature

COUNTY OF SUFFOLK

OFFICE OF THE COUNTY EXECUTIVE

Steven Bellone
SUFFOLK COUNTY EXECUTIVE

July 5, 2013

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

RESOLUTION NO. 443-2013, A LOCAL LAW TO ENHANCE AND IMPROVE SUFFOLK COUNTY'S E-911 SERVICE

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning **RESOLUTION NO. 443-2013, A LOCAL LAW TO ENHANCE AND IMPROVE SUFFOLK COUNTY'S E-911 SERVICE;** vetoed. While certain components of this legislation are well intentioned I cannot sign a bill that adds to our deficit without signifying how it would be paid for.

My veto of this legislation is in no way a commentary of the valuable work done by our non-county Public Safety Answering Points (PSAPs), it is simply reflective of the fact that when we are in a deficit, I cannot support any legislation which does not contain an offset. If the sponsor had wanted to show a true appreciation for the work done by our PSAPs and their relative importance, he would have shown it by offsetting this expense rather than simply adding to the deficit haphazardly.

It is discordant that the sponsor of this legislation which mandates increasing our deficit is also the sponsor of another piece of legislation which purports to increase the County Executive's authority to withhold funds from other outside contract agencies.

I strongly support the Stern Rule (Local Law 6-2010) which was unanimously supported by the Suffolk County Legislature. The Legislative intent of that law stated that "stronger legislation is required to prevent mid-year revenue reductions that have the potential to damage the County finances and bond rating. Therefore, the purpose of this local law is to require that any proposed mid-year reduction or elimination of County revenue be offset by corresponding cuts in appropriations and/or increases in other revenues." Resolution 443-2013 exploits a loophole in

that law by pushing the expense to future years without identifying an offset. This is a dangerous loophole and I will be introducing legislation within the next several weeks to close it.

According to the Fiscal Impact Statement attached to this legislation, there is a $1.8 million fiscal impact over five years. The statement notes that this transfer would end up "resulting in a tax increase if an offset cannot be identified."

In addition, the recently adopted New York State budget has eliminated wireless reimbursement funding that Suffolk County has received annually since 2002. This will result in an additional shortfall of $730,000 of revenue starting with the 2014 budget.

There are portions of this legislation that I would like to see adopted; I agree with both the Comptroller and the Legislature that inter-municipal agreements between the County and the non-county (PSAPs) should be re-established. Furthermore, if the Comptroller and the Legislature believe that all surcharge revenues should be remitted to the Police Department, then I do not object.

I understand the great work done by PSAPs and the desire of the Legislature to fund that work. My hope is that the Legislature will uphold my veto and work with me to codify other portions of this legislation into a local law. Furthermore, if the Legislature wishes to demonstrate its support for prioritizing PSAPs with increased funds, the most appropriate time to do so will be in the 2014 Operating Budget process, with the understanding that in this time of fiscal crisis, whatever funds are added for this purpose must be balanced out somewhere else.

Thank you for your consideration.

Sincerely,

Steven Bellone
County Executive of Suffolk County

SB:tv

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Dennis Cohen, Esq., Chief Deputy County Executive
Dennis Brown, Esq., County Attorney
Frederick Pollert, Deputy County Executive for Finance and Management
Jon Schneider, Deputy County Executive for Intergovernmental Affairs
Thomas Melito, Deputy County Executive
Vanessa Baird-Streeter, Director of Communications
Connie Corso, Budget Director

Intro. Res. 1250 Res. No. 443-13 July 30, 2013

Motion:
Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
Krupski, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Albert J. KRUPSKI	✓				
2	Jay H. SCHNEIDERMAN	✓				
3	Kate M. BROWNING		✓			
4	Thomas MURATORE				✓	
5	Kara HAHN		✓			
6	Sarah S. ANKER		✓			
7	Rob CALARCO		✓			
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
11	Thomas F. BARRAGA		✓			
12	John M. KENNEDY, JR.	✓				
13	Lynne C. NOWICK	✓				
15	DuWayne GREGORY		✓			
16	Steven H. STERN		✓			
17	Lou D'AMARO		✓			
18	William SPENCER	✓				
14	Wayne R. HORSLEY, D.P.O.		✓			
8	William J. LINDSAY, P.O.	✓				
	Totals	8	9		1	

MOTION
____Approve
____Table:_____
____Send To Committee
____Table Subject To Call
____Lay On The Table
____Discharge
____Take Out of Order
____Reconsider
____Waive Rule ____
X Override Veto
____Close
____Recess
APPROVED___ FAILED X
No Motion___ No Second___

RESOLUTION DECLARED
____ADOPTED
____NOT ADOPTED

Roll Call X Voice Vote____

Tim Laube

Tim Laube, Clerk of the Legislature