

# ORANGE COUNTY LEGISLATURE

**Committees:** Health and Mental Health; Rules, Enactments and Intergovernmental Relations

**Sponsor:**

**Co-Sponsor:**

**Agenda No.**

**DRAFT**

**RESOLUTION NO. OF 2013**

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE CALLING ON GOVERNOR ANDREW M. CUOMO AND THE NEW YORK STATE LEGISLATURE TO AMEND CHAPTER 1 OF THE LAWS OF 2013, THE NY SAFE ACT, TO ADDRESS ISSUES RELATED TO COUNTY COSTS AND IMPLEMENTATION OF PROVISIONS RELATED TO MENTAL HEALTH, RECORD KEEPING, AND PUBLIC SAFETY.**

**WHEREAS**, Chapter 1 of the laws of 2013, known as the New York Secure Ammunition and Firearms Enforcement (NY SAFE) Act; and

**WHEREAS**, the lawful ownership of firearms is, and has been, a valued tradition in the United States, and the rights protected by the Second Amendment to the United States Constitution are exercised by many of our residents; and

**WHEREAS**, the enactment of the NY SAFE Act (Chapter 1 of the Laws of 2013) has engendered significant controversy over both the process by which it was enacted and certain provisions contained within it; and

**WHEREAS**, the expedited process in crafting the NY SAFE Act resulted in complex policy changes, many of which have been left up to interpretation; and

**WHEREAS**, this legislation has 60 sections, of which only three take effect immediately; and

**WHEREAS**, this new law requires the local director of community services (county Commissioner of Mental Health) or his or her designee to receive reports from all mental health professionals who believe that their patient is likely to engage in conduct that would result in serious harm to self or others; and

**WHEREAS**, such local director of community services or designee must investigate each report to confirm the identity and professional status of such mental health practitioner, and to determine whether they agree with the practitioner's assessment; and

**WHEREAS**, upon such agreement with a reporting mental health practitioner, the DCS or designee shall be required to file a report with the Division of Criminal Justice Services; and

**WHEREAS**, NYS Department of Health SPARCS hospitalization data indicate that over 210,000 psychiatric unit discharges occurred in the 2010 calendar year, which may now be reported to Directors of Community Services under the Mental Hygiene Law 9.46 standard; and

**WHEREAS**, the reporting of all or even a portion of such psychiatric admissions to DCS's annually would require county governments to increase staff and would significantly increase local costs; not including the numerous other cases that will be reported by mental health practitioners in non-hospital settings; and

**WHEREAS**, the requirement that county Directors of Community Services and their designees receive, investigate, and file reports pursuant to the new Mental Hygiene Law 9.46 would create an unfunded mandate and new costs for the counties who do not have the infrastructure or funds to implement; and

**WHEREAS**, this provision of the bill will be effective on March 16, 2013; and

**WHEREAS**, according to the New York State Association of County Clerks, NY SAFE also creates new requirements regarding pistol permits recertification which has been assigned to the State Police but will involve increased processing requirements for County Clerks offices where local applications are currently processed; and

**WHEREAS**, according to the New York State Sheriffs Association, NY SAFE will also increase requirements for Sheriffs who process and investigate permit application; and

**WHEREAS**, NY SAFE expressly states that no cost of this law shall be borne by the local governments, however many county departments will experience increased workload due to the new requirements the law creates.

**NOW, THEREFORE BE IT RESOLVED**, we, the Orange County Legislature strongly urges members of the New York State Legislature to hold public hearings to address the impact of this new law and the issue of gun violence in a way that will produce meaningful results; and

**BE IT FURTHER RESOLVED**, that Orange County Legislature call upon the members of the New York State Assembly and Senate and Governor Andrew M. Cuomo to work with counties to amend Chapter 1 of the laws of 2013 in order to address the reporting process under newly amended section 10B of the Penal Law.

**BE IT FURTHER RESOLVED**, that copies of this resolution shall be sent to Governor Cuomo, members of the State legislature whose districts include Orange County and all other deemed necessary and proper.

**LOCAL LAW INTRODUCTORY NO. \_\_\_\_ OF 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF 2009 AND FIXING THE COMPENSATION FOR THE CHAIRPERSON OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2014, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the Chairperson of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2014	\$ 49,684
2015	\$ 49,684
2016	\$ 49,684
2017	\$ 49,684

Section 2. The rate of annual compensation for the Chairperson of the Orange County Legislature, as set forth in Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. Local Law No. 5 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**LOCAL LAW INTRODUCTORY NO. \_\_\_\_ OF 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO. 8 OF 2009 AND FIXING THE COMPENSATION FOR THE COUNTY CLERK OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2014, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the County Clerk of Orange County without reference to other provisions of law is hereby established for the years indicated as follows:

2014	\$ 107,650
2015	\$ 107,650
2016	\$ 107,650
2017	\$ 107,650

Section 2. The rate of annual compensation for the County Clerk of Orange County, pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. Local Law No. 8 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**LOCAL LAW INTRODUCTORY NO. \_\_\_\_ OF 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2009 AND FIXING THE COMPENSATION FOR THE COUNTY EXECUTIVE OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2014, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the County Executive of Orange County without reference to other provisions of law is hereby established for the years indicated as follows:

2014	\$ 182,177
2015	\$ 182,177
2016	\$ 182,177
2017	\$ 182,177

Section 2. The rate of annual compensation for the County Executive of Orange County, pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. Local Law No. 7 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**LOCAL LAW INTRODUCTORY NO. OF 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO. 6 OF 2009 AND FIXING THE COMPENSATION FOR THE CHAIRPERSONS OF THE STATUTORY COMMITTEES OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2014, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the Chairpersons of the Statutory Committees of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2014	\$ 33,124
2015	\$ 33,124
2016	\$ 33,124
2017	\$ 33,124

Section 2. The rate of annual compensation for the Chairpersons of the Statutory Committees of the Orange County Legislature, pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. Local Law No. 6 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**LOCAL LAW INTRODUCTORY NO. OF 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO. 9 OF 2009 AND FIXING THE COMPENSATION FOR THE DISTRICT ATTORNEY OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2014, PURSUANT TO SECTION 183-a OF THE N.Y.S. JUDICIARY LAW.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. In accordance with N.Y.S. Judiciary Law § 183-a, the annual compensation for the District Attorney of Orange County is hereby established for the years indicated as follows:

2014	\$ 159,900
2015	\$ 159,900
2016	\$ 159,900
2017	\$ 159,900

Section 2. The rate of annual compensation for the District Attorney of Orange County, pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. Local Law No. 9 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**LOCAL LAW INTRODUCTORY NO. OF 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO. 4 OF 2009 AND FIXING THE COMPENSATION FOR THE LEGISLATORS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2014, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the members of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2014	\$ 29,811
2015	\$ 29,811
2016	\$ 29,811
2017	\$ 29,811

Section 2. The rate of annual compensation for each member of the Orange County Legislature, pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. Local Law No. 4 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

### **LOCAL LAW INTRODUCTORY NO. OF 2013**

### **A LOCAL LAW AMENDING LOCAL LAW NO. 18 OF 2009 FIXING THE COMPENSATION FOR THE MAJORITY AND MINORITY LEADERS OF THE ORANGE COUNTY LEGISLATURE TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2014, PURSUANT TO SECTION 2.02(s) OF THE ORANGE COUNTY CHARTER.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the Majority and Minority Leaders of the Orange County Legislature without reference to other provisions of law is hereby established for the years indicated as follows:

2014	\$ 36,436
2015	\$ 36,436
2016	\$ 36,436
2017	\$ 36,436

Section 2. The rate of annual compensation for the Majority and Minority Leaders of the Orange County Legislature, pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. In the event that there is a tie in the number of members in the two major political parties, as that term is defined by New York State Election Law Section 1-104(24), so that a Majority and Minority Leader cannot be determined, then the party leaders with the two highest numbers of members of the Legislature shall be entitled to compensation as provided in this Local Law.

Section 4. Local Law No. 18 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

**LOCAL LAW INTRODUCTORY NO. OF 2013**

**A LOCAL LAW AMENDING LOCAL LAW NO. 10 OF 2009 AND FIXING THE COMPENSATION FOR THE SHERIFF OF ORANGE COUNTY TO BE EFFECTIVE FOR THE TERM COMMENCING ON JANUARY 1, 2015, PURSUANT TO SECTION 201 OF THE N.Y.S. COUNTY LAW.**

Be it enacted by the County Legislature of the County of Orange, State of New York as follows:

Section 1. The annual compensation for the Sheriff of Orange County, without reference to other provisions of law, is hereby established for the years indicated as follows:

2015	\$ 119,988
2016	\$ 119,988
2017	\$ 119,988
2018	\$ 119,988

Section 2. The rate of annual compensation for the Sheriff of Orange County, pursuant to Section 1 hereof, shall commence as of January 1 of each year, respectively.

Section 3. Local Law No. 10 of 2009 is hereby amended.

Section 4. This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.