

# ORANGE COUNTY LEGISLATURE

**Committee:** Rules, Enactments and Intergovernmental Relations

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 1**

## RESOLUTION NO. OF 2014

### RESOLUTION FIXING DATE, TIME AND PLACE OF MEETING TO ORGANIZE THE COUNTY LEGISLATURE IN 2015, PURSUANT TO SECTION 151 OF THE COUNTY LAW.

**WHEREAS**, Section 151 of the County Law provides that the members of the Board of Supervisors shall organize the board and select a chairman on or before the eighth day of January in each year, and Section 2.05 of the Administrative Code for the County of Orange provides that the County Legislature, by resolution adopted at its regular meeting in December of each year, shall designate the date, time and place of its organizational meeting to be conducted not later than the eighth day of January next following.

**RESOLVED**, that a meeting to organize the County Legislature of the County of Orange for 2015 shall be held on the 6th day of January, 2015, at 3:30 p.m., (snow date January 7, 2015 at 3:30 p.m.) at the Emergency Services Center Auditorium, 22 Wells Farm Road, in the Town of Goshen, New York.

**FURTHER RESOLVED**, that the Clerk of this Legislature shall serve upon each member of said County Legislature a notice stating the date, time and place of such meeting, and that a chairman will then be selected. Said notice shall be in writing, and shall be served by mail addressed to each member of the County Legislature at his/her last known post office address at least forty-eight hours before the date of said meeting.

# ORANGE COUNTY LEGISLATURE

**Committees:** Rules, Enactments and Intergovernmental Relations; Physical Services; Ways and Means

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 2**

## LOCAL LAW INTRODUCTORY NO. 13 OF 2014

**A LOCAL LAW RELATING TO THE SALE/LEASE OF CERTAIN COUNTY REAL PROPERTY KNOWN AS THE "ORANGE COUNTY GOVERNMENT CENTER" LOCATED AT 255 MAIN**

**STREET, VILLAGE OF GOSHEN, NEW YORK; SUPERSEDING NEW YORK STATE COUNTY LAW SECTION 215 (4) AND (6).**

**BE IT ENACTED**, by the County Legislature of the County of Orange of the State of New York, as follows:

**SECTION ONE. Purpose.**

The purposes of this Local Law are: 1) to authorize the sale/lease of certain real property owned by the County of Orange, known and referred to as the Orange County Government Center located at 255 Main Street, Village of Goshen, New York and more particularly described in Schedule "A" attached hereto ("the Property"); 2) to supersede New York State County Law Section 215(4) that provides for leasing of real property for a term not to exceed 5 years and Section 215 (6) that provides for property not needed for County purposes be sold only to the highest responsible bidder after advertisement. The effect of this enactment will be to allow for the lease of said property for a term in excess of 5 years and/or sale of the property and for the property to be sold at fair market value to the party making the offer deemed in the County's best interests by the Legislature.

**SECTION TWO. Sale/Lease to Highest Bidder After Advertisement Not Required.**

(a) The Orange County Government Center ("the Property"), may be sold or leased for fair and adequate consideration to the party presenting the offer deemed in the best interests of the County as determined by a Resolution adopted by the County Legislature. Sale or lease to the party making the highest bid or offer is not required.

(b) Nothing shall preclude, upon the receipt of offers/bids to purchase or lease the property, the same from being negotiated into a final agreement prior to the adoption of a resolution authorizing the sale or lease of the property by the County Legislature<sup>1</sup>.

**SECTION THREE. Expiration of Authorization to sell or lease.**

The authorization for the County Legislature to adopt the Resolution provided for in Section Two shall be deemed to have expired thirty days from the effective date of this local law or February 5, 2015, whichever comes later.<sup>2</sup>

**SECTION FOUR. Supersedure of New York State County Law Section 215(6).**

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<sup>1</sup>THIS FOOTNOTE IS AN EXPRESSION OF LEGISLATIVE INTENT NOT INTENDED TO BE TEXT INCLUDED IN THE ACTUAL LOCAL LAW: The Legislature recognizes that a Request for Proposals relating to the sale or lease of the property is currently available to the public. The intent of this provision (b) is to clarify that proposals may be negotiated after receipt of such bids (presently scheduled for December 5, 2014), subject to the final approval of the County Legislature in the Resolution to be described in Section 3, prior to the County Executive executing necessary documents.

<sup>2</sup> THIS FOOTNOTE IS AN EXPRESSION OF LEGISLATIVE INTENT NOT INTENDED TO BE TEXT INCLUDED IN THE ACTUAL LOCAL LAW: The local law is subject to permissive referendum. Therefore, 45 days must lapse from the date the County Executive signs the local law (or the Legislature overrides a veto of the same) for the Legislature to pass the Resolution authorized herein. Accordingly, if, for example, the Legislature passed the local law on December 6, 2014, and the County Executive held a hearing on the same on or about December 28, 2014 and signed it that day, the local law could not be filed with the Secretary of State and therefore effective, (presuming no petition to force a referenda occurs), until 45 days thereafter (on/about February 11, 2015).

This Local Law shall supersede New York State County Law Sections 215 (4) and 215(6) to the extent that it is inconsistent therewith.

### **SECTION FIVE. Separability.**

If any clause, subdivision, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **SECTION SIX. Effective Date.**

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

### **Schedule "A"**

That portion of land consisting of "Lot 1" on the map annexed hereto, the structures commonly known as Divisions 1, 2, and 3 of the Orange County Government Center located at 255-275 Main Street, Goshen, NY 10924, such land to be more particularly described in a metes and bounds description for the property as described below generally depicted on the annexed map as Lot 1 and shown as a portion of part of V/O Goshen tax map number 106-3-14.2; suffixed off by the assessor to 106-3-14.2-1.

All that certain plot, piece or parcel of land, situate, lying and being in the Village of Goshen, County of Orange, State of New York, and shown as Lot #1 on a plan entitled "Proposed Minor Subdivision, Lands of the County of Orange, Orange County Government Center", dated July 03, 2014 and on file in the office of the Orange County Department of Public Works. Said Lot #1 being more accurately bounded and described as follows:

**BEGINNING** at a point in the northerly right-of-way line of Main Street (N.Y.S. Route 207), said point of beginning being located S 50°35'00" W 203.56 feet from the intersection of the northerly right-of-way of Main Street and the westerly right-of-way line of Scotchtown Avenue;

**THENCE** from said point of beginning and continuing along the northerly right-of-way line of Main Street, S 50°35'00" W 498.19 feet to a point located N 50°35'00" E 437.67 feet along the northerly right-of-way of Main Street from its intersection with the easterly right-of-way line of Erie Street;

**THENCE** passing through the lands of the County of Orange, along the line of Lot #2, following in part along the projection of the face of curb, and along the face of curb, of the existing parking lot southwest of the Government Center building, N 39°29'44" W 225.29 feet; Thence continuing along the existing face of curb on the following six (6) courses and distances: 1) S 50°30'16" W 17.95

feet; 2) N 39°29'44" W 36.02 feet; 3) N 50°30'16" E 17.95 feet; 4) N 39°29'44" W 84.27 feet; 5) S 50°30'16" W 18.25 feet; and 6) N 39°29'44" W 31.72 feet;

**THENCE** continuing through the lands of the County of Orange, along the line of Lot #2, following in part along the projection of the face of curb, and along the face of curb, of the existing parking lot northwest of the Government Center building, on the following three (3) courses and distances: 1) N 50°30'16" E 35.46 feet; 2) S 39°29'44" E 5.99 feet and 3) N 50°41'46" E along said face of curb and the projection thereof, 404.48 feet;

**THENCE** continuing through the lands of the County of Orange, along the line of Lot #2, S 39°17'51" E 78.07 feet to the face of the exterior brick wall of the existing Government Center building; Thence passing along and through the walls of the existing Government Center building on the following four (4) courses and distances: 1) N 50°42'09" E 5.00 feet; 2) S 39°17'51" E 15.49 feet; 3) N 50°42'09" E 15.76 feet and 4) S 39°17'51" E 6.79 feet to a point in the exterior brick wall of the Government Center building;

**THENCE** continuing through the lands of the County of Orange, along the line of Lot #2, on the remaining two (2) courses and distances: 1) N 50°42'09" E 57.02 feet and 2) S 39°17'51" E 270.03 feet to the point or place of beginning.

**CONTAINING** 178,727 square feet or 4.103 ± acres

Excepting and reserving a Utility Easement to the County of Orange, from the above described parcel, for the purpose of allowing the County to access the existing loading dock and Fire Pump Room which service the Courthouse. Location of said Utility Easement is shown on the aforementioned proposed subdivision plan.

## **ORANGE COUNTY LEGISLATURE**

**Committees:** Rules, Enactments and Intergovernmental Relations; Public Safety and Emergency Services

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 3**

**LOCAL LAW INTRODUCTORY NO. 14 OF 2014**

**A LOCAL LAW OF THE COUNTY OF ORANGE, NEW YORK KNOWN AS THE "ORANGE COUNTY ASSET FORFEITURE LAW."**

## Section 1: Title and Legislative Findings

1. This Local Law shall be known as the Orange County Asset Forfeiture Law.
2. The Orange County Legislature finds that misdemeanor drug activity that occurs in Orange County places an extraordinary burden on the government of Orange County, and thereby its citizens, to hire personnel to enforce the laws and to prosecute offenders; and to fund facilities for incarceration of criminals, both convicted and awaiting disposition of their cases, and to hire staff to manage such facilities.
3. The Orange County Legislature further finds that criminal activity associated with misdemeanor drug activity poses a serious threat to the health, safety, and welfare of county residents.
4. The Orange County Legislature further finds that, although fines and jail sentences may deter some offenders, a stronger deterrent is necessary to protect the public, and that civil forfeiture of assets of misdemeanor drug offenders will send a stern message that such criminal activity will not be tolerated in Orange County.
5. The Orange County Legislature further finds that state-level asset forfeiture statutes are inadequate to completely address the above concerns in Orange County, and that a local law providing for the forfeiture of assets of misdemeanor drug offenders is necessary to do so.

## Section 2: Definitions

As used in this Local Law:

1. "Property" means and includes: personal property, money, negotiable instruments, securities, or anything of value or any interest in a thing of value.
2. "Proceeds of a crime" means any property obtained through the commission of a crime, or through the commission of any criminal transaction of which a crime is a part, and includes any appreciation in value of such property.
3. "Substituted proceeds of a crime" means any property obtained by the sale or exchange of proceeds of a crime, and any gain realized by such sale or exchange.
4. "Instrumentality of a crime" means any property, other than real property and any buildings, fixtures, appurtenances, and improvements thereon, whose use contributes directly and materially to the commission of a crime, or to the commission of any criminal transaction of which a crime is a part.
5. "Crime" means any misdemeanor defined in Article 220 or Article 221 of the Penal Law of the State of New York.
6. "Court" means a superior court, as defined in subdivision two of section 10.10 of the Criminal Procedure Law of the State of New York.

7. "Defendant" means a person against whom a forfeiture action is commenced and includes a "criminal defendant" and a "non-criminal defendant."

8. "Criminal defendant" means a person who has criminal liability for a crime as defined in subdivision five hereof. For purposes of this Local Law, a person has criminal liability when the person has been convicted of a crime.

9. "Non-criminal defendant" means a person, other than a criminal defendant, who possesses an interest in the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

10. "Claiming agent" means and shall include any New York State, Orange County, or local police agency having jurisdiction in Orange County.

11. "Fair consideration" means fair consideration is given for property, or obligation, (a) when in exchange for such property, or obligation, as a fair equivalent therefor, and in good faith, property is conveyed or an antecedent debt is satisfied, or (b) when such property, or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared with the value of the property, or obligation obtained.

12. "District Attorney" means the District Attorney of the County of Orange and any of his or her assistant district attorneys, or any County or Municipal Attorney that the District Attorney of the County of Orange designates to bring actions under this Local Law.

### Section 3. Forfeiture actions

1. (a) A civil action may be commenced in a court by the District Attorney against a criminal defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime, or to recover a money judgment in an amount equivalent in value to the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime. A civil action may be commenced in a court against a non-criminal defendant to recover the property which constitutes the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime, provided, however, that a judgment of forfeiture predicated upon clause (A) of subparagraph (iii) of paragraph (b) of subdivision three hereof shall be limited to the amount of any property obtained as a result of the criminal transaction of which the crime is a part, and includes any appreciation in value of such property. Any action under this Local Law must be commenced within five years of the commission of the crime and shall be civil, remedial, and in personam in nature and shall not be deemed to be a penalty or criminal forfeiture for any purpose. Except as otherwise specifically provided by statute, proceedings under this Local Law shall be governed by the Civil Practice Law and Rules of the State of New York. An action under this Local Law is not a criminal proceeding and may not be deemed to be a previous prosecution under article forty of the Criminal Procedure Law of the State of New York.

(b) An action pursuant to this Local Law must be grounded upon a conviction of a crime, or upon criminal activity arising from a common scheme or plan of which such a conviction is a part, or upon a count of an indictment or information alleging a crime that was dismissed at the time of a plea of guilty in satisfaction of such count. A court may not grant forfeiture until such conviction has

occurred. However, an action may be commenced, and a court may grant a provisional remedy provided under this Local Law, prior to such conviction having occurred. An action under this paragraph must be dismissed at any time after sixty days of the commencement of the action unless the conviction upon which the action is grounded has occurred, or an indictment or information upon which the asserted conviction is to be based is pending in a court. An action shall be stayed during the pendency of a criminal action which is related to it; provided, however, that such stay shall not prevent the granting or continuance of any provisional remedy provided under this Local Law or any other provisions of law.

2. All defendants in a forfeiture action brought pursuant to this Local Law shall have the right to trial by jury on any issue of fact.

3. In a forfeiture action pursuant to this Local Law the following burdens of proof shall apply:

(a) In a forfeiture action commenced by a District Attorney against a criminal defendant, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture.

(b) In a forfeiture action commenced by a District Attorney against a non-criminal defendant:

(i) if the action relates to the proceeds of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew or should have known that the proceeds were obtained through the commission of a crime, or (B) knowingly obtained his or her interest in the proceeds to avoid forfeiture.

(ii) if the action relates to the substituted proceeds of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the property sold or exchanged to obtain an interest in the substituted proceeds was obtained through the commission of a crime, or (B) knowingly obtained his or her interest in the substituted proceeds to avoid forfeiture.

(iii) if the action relates to an instrumentality of a crime, the burden shall be upon the District Attorney to prove by a preponderance of the evidence the facts necessary to establish a claim for forfeiture and that the non-criminal defendant either (A) knew that the instrumentality was or would be used in the commission of a crime or (B) knowingly obtained his or her interest in the instrumentality to avoid forfeiture.

(c) In a forfeiture action commenced by a District Attorney against a non-criminal defendant the following rebuttable presumptions shall apply:

(i) a non-criminal defendant who did not pay fair consideration for the proceeds of a crime, the substituted proceeds of a crime, or the instrumentality of a crime shall be presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(ii) a non-criminal defendant who obtains an interest in the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime with knowledge of an order of provisional remedy relating

to said property issued pursuant to this Local Law, shall be presumed to know that such property was the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime.

(iii) a non-criminal defendant who the District Attorney proves by clear and convincing evidence has criminal liability under section 20.00 of the Penal Law of the State of New York for the crime of conviction or for criminal activity arising from a common scheme or plan of which such crime is a part and who possesses an interest in the proceeds, the substituted proceeds, or an instrumentality of such criminal activity is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(iv) a non-criminal defendant who participated in or was aware of a scheme to conceal or disguise the manner in which said non-criminal defendant obtained his or her interest in the proceeds of a crime, substituted proceeds of a crime, or an instrumentality of a crime is presumed to know that such property was the proceeds of a crime, the substituted proceeds of a crime, or an instrumentality of a crime.

(d) In all forfeiture actions, the following rebuttable presumption shall apply: all currency or negotiable instruments payable to the bearer shall be presumed to be the proceeds of a crime when such currency or negotiable instruments are found in close proximity to any quantity of a controlled substance or marihuana unlawfully possessed in a room, other than a public place, under circumstances evincing an intent to unlawfully mix, compound, distribute, package or otherwise prepare for sale such controlled substance or marihuana.

(e) The presumption set forth pursuant to paragraph (d) of this subdivision shall be rebutted by credible and reliable evidence which tends to show that such currency or negotiable instrument payable to the bearer is not the proceeds of a crime. In an action tried before a jury, the jury shall be so instructed. Any sworn testimony of a defendant offered to rebut the presumption and any other evidence which is obtained as a result of such testimony, shall be inadmissible in any subsequent proceeding relating to the forfeiture action, or in any other civil or criminal action, except in a prosecution for a violation of article two hundred ten of the Penal Law of the State of New York. In an action tried before a jury, at the commencement of the trial, or at such other time as the court reasonably directs, the District Attorney shall provide notice to the court and to the defendant of its intent to request that the court charge such presumption.

4. The court in which a forfeiture action is pending may dismiss said action in the interests of justice upon its own motion or upon an application as provided for herein.

(a) At any time during the pendency of a forfeiture action, the District Attorney who instituted the action, or a defendant may (i) apply for an order dismissing the complaint and terminating the forfeiture action in the interest of justice, or (ii) may apply for an order limiting the forfeiture to an amount equivalent in value to the value of property constituting the proceeds or substituted proceeds of a crime in the interest of justice.

(b) Such application for the relief provided in paragraph (a) hereof must be made in writing and upon notice to all parties. The court may, in its discretion, direct that notice be given to any other person having an interest in the property.

(c) An application for the relief provided for in paragraph (a) hereof must be brought exclusively in the superior court in which the forfeiture action is pending.

(d) The court may grant the relief provided in paragraph (a) hereof if it finds that such relief is warranted by the existence of some compelling factor, consideration or circumstance demonstrating that forfeiture of the property or any part thereof, would not serve the ends of justice. Among the factors, considerations and circumstances the court may consider, among others, are:

- (i) the seriousness and circumstances of the crime to which the property is connected relative to the impact of forfeiture of property upon the person who committed the crime; or
- (ii) the adverse impact of a forfeiture of property upon innocent persons; or
- (iii) in the case of an action relating to an instrumentality, whether the value of the instrumentality substantially exceeds the value of the property constituting the proceeds or substituted proceeds of a crime.

(e) The court must issue a written decision stating the basis for an order issued pursuant to this subdivision.

5. An action for forfeiture shall be commenced by service pursuant to the Civil Practice Law and Rules of the State of New York of a summons with notice or summons and verified complaint. No person shall forfeit any right, title, or interest in any property who is not a defendant in the action.

6. On the motion of any party to the forfeiture action, and for good cause shown, a court may seal any papers, including those pertaining to any provisional remedy, which relate to the forfeiture action until such time as the property which is the subject of the forfeiture action has been levied upon. A motion to seal such papers may be made ex parte and in camera.

7. Remission. In addition to any other relief provided under this Local Law, at any time within one year after the entry of a judgment of forfeiture, any person claiming an interest in the property subject to forfeiture who did not receive actual notice of the forfeiture action may petition the judge before whom the forfeiture action was held for a remission or mitigation of the forfeiture and restoration of the property or the proceeds of any sale resulting from the forfeiture, or such part thereof, as may be claimed by him. The court may restore said property upon such terms and conditions as it deems reasonable and just if (i) the petitioner establishes that he or she was without actual knowledge of the forfeiture action or any related proceeding for a provisional remedy and did not know or should not have known that the forfeited property was connected to a crime or conveyed to avoid forfeiture and (ii) the court determines that restoration of the property would serve the ends of justice.

8. The total amount that may be recovered by the District Attorney against all criminal defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against criminal defendants for the value of the proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the same proceeds of the same crime or the same substituted proceeds of the same crime recovered against all non-criminal defendants. Any such

recovery for the value of an instrumentality of a crime shall be reduced by an amount which equals the value of the same instrumentality recovered against any non-criminal defendant.

The total amount that may be recovered against all non-criminal defendants in a forfeiture action or actions involving the same crime shall not exceed the value of the proceeds of the crime or the substituted proceeds of the crime, whichever amount is greater, and, in addition, the value of any forfeited instrumentality used in the crime. Any such recovery against non-criminal defendants for the value of the proceeds of the crime or substituted proceeds of the crime shall be reduced by an amount which equals the value of the proceeds of the crime or substituted proceeds of the crime recovered against all criminal defendants. A judgment against a non-criminal defendant pursuant to clause (A) of subparagraph (iii) of paragraph (b) of subdivision three of this section shall be limited to the amount of any property obtained as a result of the criminal transaction of which the crime is a part, and including any appreciation in value of such property. Any recovery for the value of an instrumentality of the crime shall be reduced by an amount equal to the value of the same instrumentality recovered against any criminal defendant.

9. Any defendant in a forfeiture action who knowingly and intentionally conceals, destroys, dissipates, alters, removes from the jurisdiction, or otherwise disposes of, property specified in a provisional remedy ordered by the court or in a judgment of forfeiture in knowing contempt of said order or judgment shall be subject to criminal liability and sanctions under sections 80.05 and 215.80 of the penal law.

10. Any stipulation or settlement agreement between the parties to a forfeiture action shall be filed with the clerk of the court in which the forfeiture action is pending.

11. Property acquired in good faith by an attorney as payment for the reasonable and bona fide fees for legal services or reimbursement of reasonable and bona fide expenses related to the representation of a defendant in connection with a civil or criminal forfeiture proceeding or a related criminal matter, shall be exempt from a judgment of forfeiture. For purposes of this subdivision and subdivision four of section one thousand three hundred twelve of the Civil Practice Law and Rules of the State of New York, "bona fide" means that the attorney who acquired such property had no reasonable basis to believe that the fee transaction was a fraudulent or sham transaction designed to shield property from forfeiture, hide its existence from governmental investigative agencies, or was conducted for any purpose other than for legitimate legal representation.

#### Section 4. Subpoena duces tecum

1. At any time before an action pursuant to this Local Law is commenced, the District Attorney may apply without notice for the issuance of a subpoena duces tecum.

2. The issuance of a subpoena under this section will be governed by the procedure set forth in Section 1311-a of the Civil Practice Law and Rules of the State of New York.

#### Section 5: Provisional remedies.

1. The provisional remedies of attachment, injunction, receivership, and notice of pendency shall be available in all actions to recover property or for a money judgment under this Local Law.

2. The granting of provisional remedies under this Local Law will be governed by the procedures set forth in Sections 1312 through 1348 of the Civil Practice Law and Rules of the State of New York.

#### Section 6: Disposal of property

1. The District Attorney, after a judicial determination or a stipulated agreement of forfeiture, shall have the discretion, where the property is a vehicle, to either retain the property for the use of the District Attorney's Office or a claiming agent, or, by a public notice of at least five days, sell such forfeited vehicle at public sale, provided, however, where such vehicle is subject to a perfected lien, such vehicle may not be retained for official use unless all such liens on the vehicle to be retained have been or will be satisfied.

2. After deduction of any expenses incurred during the investigation or prosecution of the criminal transaction upon which a forfeiture action under this Local Law is predicated, and after payment of any remaining unpaid amounts ordered to be paid by a defendant in any other action or proceeding as restitution, reparations, or damages to a victim of the crime, which crime constitutes the basis upon which forfeiture was effected under this Local Law, the net proceeds of any forfeiture under this Local Law shall be collected by the District Attorney and shall be deposited in a trust account to be maintained by the District Attorney, who shall distribute forthwith directly from that account as follows:

(a) Twenty-nine and one-half percent (29 ½ %) of all funds realized through forfeiture to the District Attorney's Office in satisfaction of actual costs incurred for protecting, maintaining, and forfeiting the property, including that portion of the salaries of attorney, investigative, and clerical personnel devoted thereto, and for law enforcement use in the investigation and prosecution of criminal offenses;

(b) Forty-one percent (41%) of all funds realized through forfeiture to the claiming agent in satisfaction of actual costs incurred for protecting, maintaining, and storing the property, including that portion of the salaries of investigative and clerical personnel devoted thereto, and for law enforcement use in the investigation of criminal offenses, said funds to be deposited into the claiming agent's general forfeiture account in accordance with said agency's normal accounting procedures;

(c) Twenty-nine and one-half percent (29 ½ %) of all funds realized through forfeiture to the general fund of the County of Orange.

3. All moneys distributed to a claiming agent and to the District Attorney's Office pursuant to subsection two of this section shall be used to enhance law enforcement efforts and not in supplantation of ordinary budgetary costs including salaries of personnel, and expenses of the District Attorney's Office or a claiming agent.

4. **In June and December of each year**, the District Attorney will provide the Legislature with a report, detailing the District Attorney's forfeiture activities under this Local Law. Such report will include:

(a) A breakdown of charges that forfeiture is based on, including any felony charges that are also involved in cases where forfeiture is had for a crime under this Local Law;

(b) A breakdown of deductions from forfeiture proceeds taken pursuant to subdivision two of this section;

(c) A breakdown of the allocation of forfeiture proceeds between agencies as described in subdivision two of this section;

(d) A list of any cases for which forfeiture was had under this Local Law, which cases were later reversed by an appellate court.

#### Section 7. Rules of procedure

The Civil Practice Law and Rules of the State of New York shall govern the procedure in proceedings and actions commenced under this Local Law, except where the procedure is regulated by any inconsistent provisions herein.

#### Section 8. Application

1. If any provision of this Local Law or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined (i) in its operation of the provision, or (ii) in its application to the person or circumstance directly involved in the controversy in which such judgment shall have been rendered.

2. The provisions of this Local Law shall be interpreted, as much as applicable, consistently with the corresponding provisions of article 13-A of the Civil Practice Law and Rules of the State of New York.

#### **Section 9. Expiration of Local Law**

**This Local Law shall expire on the thirty-first day of July, two thousand and sixteen, unless the Orange County Legislature extends it by the adoption of a local law.**

#### Section 10. Effective Date.

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.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**RESOLUTION NO.            OF 2014**

**RESOLUTION OF THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, PURSUANT TO THE NEW YORK STATE CONSTITUTION ARTICLE IX AND MUNICIPAL HOME RULE LAW SECTION 40, SENDING A HOME RULE REQUEST TO THE NEW YORK STATE LEGISLATURE SEEKING ENACTMENT OF A SENATE BILL AND AN ASSEMBLY BILL FOR A SPECIAL LAW, PURSUANT TO NEW YORK STATE TAX LAW SECTION 1210, EXTENDING AND INCREASING THE THREE-QUARTERS OF ONE PERCENT INCREASE TO THE SALES TAX RATE TO A ONE PERCENT INCREASE TO THE SALES TAX RATE.**

**WHEREAS**, Article IX of the New York State Constitution and Section 40 of the Municipal Home Rule Law provide for the enactment of special laws by the New York State Legislature initiated by a Home Rule Request from a local municipality; and

**WHEREAS**, the Legislature of Orange County and the County Executive wish to send a Home Rule Request as to enactment of special legislation affecting N.Y.S. Tax Law Section 1210, et seq.; and

**WHEREAS**, the Legislature, by Resolution No. 192 of 2013, did previously impose an additional three-quarters of one percent (3/4%) use and compensating use tax for the period beginning December 1, 2013 and ending November 30, 2015, pursuant to legislative authority granted by the Legislature of the State of New York by its enactment of L.2004, c.22, Section 1 and Section 2, amending Section 1210 of the Tax Law; and

**WHEREAS**, the authority to impose the aforesaid sales and compensating use tax increase expires on November 30, 2015; and

**WHEREAS**, the Orange County Legislature and the County Executive find that it is absolutely necessary to extend and increase the sale tax rate from the three-quarters of one percent (3/4%) increase to a one (1%) percent sales tax rate for the period beginning March 1, 2015 and ending February 28, 2017 so as to provide revenue to meet the ever-increasing costs associated with the required and/or mandated, and severely under-funded programs, including but not limited to: probation services, the Assigned Counsel program, Medicaid, employee pension plans, and health care costs; and

**WHEREAS**, it is hereby determined that a necessity exists for such legislation in that the County of Orange does not have the power to enact such legislation by Local Law;

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that we, the Orange County Legislature do hereby authorize the Clerk of the Orange County Legislature, on its behalf, to send a Home Rule Request pursuant to Article IX of the New York State Constitution and Section 40 of the Municipal Home Rule Law by the New York State Legislature so as to enact a Senate Bill and Assembly Bill for a Special Law authorizing and

empowering the Orange County Legislature to adopt and amend Local Laws and Resolutions to extend the imposition of taxes pursuant to New York State Tax Law Section 1210 at a rate which is one percent (1%) additional to the three percent (3%) rate otherwise authorized in said statutes as made and provided, for the period beginning March 1, 2015 and ending February 28, 2017.

## ORANGE COUNTY LEGISLATURE

**Committee: Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 5**

### RESOLUTION NO.            OF 2014

#### **RESOLUTION AUTHORIZING THE COMMISSIONER OF FINANCE FOR THE COUNTY OF ORANGE TO MAKE REFUNDS OR CORRECTIONS OF TAXES IN THE AMOUNT OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) OR LESS.**

**WHEREAS**, Chapter 515 of the Laws of 1997 amended Sections 554 and 556 of the New York State Real Property Tax Law ("RPTL") to allow the County Legislature to delegate to an authorized County official, the power to exercise the power of such Legislation to perform the subject duties relating to the correction of errors on tax rolls applicable to refunds of no more than Twenty-five Hundred Dollars (\$2,500.00); and

**WHEREAS**, the adoption of this Resolution delegating such power to the Orange County Commissioner of Finance will result in increased efficiency and more prompt administration of such duties.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, that pursuant to Sections 554 and 556 of the New York State Real Property Tax Law, the Orange County Legislature hereby authorizes the Commissioner of Finance for the County of Orange to perform the subject duties relating to corrections of errors on tax rolls and refunds of taxes relating thereto, in all cases where the recommended refund and/or correction is Twenty-five Hundred Dollars (\$2,500.00) or less, as provided in said sections; and it is further

**RESOLVED**, that this Resolution shall take effect on January 1, 2015, as provided in said law.

## ORANGE COUNTY LEGISLATURE

**Committee: Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**RESOLUTION NO.      OF 2014**

**RESOLUTION AUTHORIZING THE PRIVATE SALE AND CONVEYANCE OF CERTAIN COUNTY OWNED LANDS ACQUIRED BY REASON OF A FAILURE TO REDEEM SAID LANDS FROM A TAX SALE TO ORANGE COUNTY, PURSUANT TO SECTION 1018(4) OF THE REAL PROPERTY TAX LAW AND ORANGE COUNTY AMENDED LOCAL LAW NO. 2 OF 2010.**

**WHEREAS**, this Legislature has enacted Local Law No. 9 of 1979 (as last amended by Local Law No. 2 of 2010), authorizing the sale of certain lands owned by the County by reason of default in taxes and a subsequent failure to redeem from a resulting tax sale to Orange County; and

**WHEREAS**, the parcels not sold at said sale were to be offered at a private sale, subject to the confirmation of this Legislature; and

**WHEREAS**, offers for several said parcels have been accepted by the Commissioner of Finance; and

**WHEREAS**, the Commissioner of Finance has recommended that the sales be confirmed by this Legislature.

**NOW, THEREFORE**, it is hereby

**RESOLVED AS FOLLOWS:**

1. That the parcels hereinafter listed be sold to the offering parties, upon receipt by the Commissioner of Finance of Orange County of the amounts set forth in either cash or good certified check by 5:00 p.m., January 5, 2015, as indicated below.

2. That upon the receipt of said sums, the County Executive is hereby authorized to execute a Quitclaim Deed of Conveyance of the properties listed below and deliver the same to the offering party.

<b><u>PARCEL</u></b>	<b><u>BIDDER</u></b>	<b><u>AMOUNT OF BID NET TO COUNTY</u></b>
Chester 8-1-27	Evan Vislocky 23 Eagle Street Monroe, NY 10950	\$ 750.00
Warwick 11-1-14.1	Crestwood Trail, Inc. 10 Overlook Drive Sloatsburg, NY 10974	\$65,000.00

Woodbury  
205-4-10

William J. Sgambati  
288 Ridge Road  
Highland Mills, NY 10930

\$ 2,600.00

Woodbury  
205-4-13

William J. Sgambati  
288 Ridge Road  
Highland Mills, NY 10930

\$ 1,800.00

## ORANGE COUNTY LEGISLATURE

**Committee:** Physical Services

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 7**

### RESOLUTION NO. OF 2014

**RESOLUTION OF THE ORANGE COUNTY LEGISLATURE ASSUMING LEAD AGENCY STATUS UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE BLACKBURNE PARK DEVELOPMENT PLAN, CLASSIFYING THE ACTION AS A TYPE I ACTION AND DETERMINING THAT THE ACTION WILL NOT HAVE ANY SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT.**

**WHEREAS**, Orange County intends to begin the construction of a horse and farm center consisting of outdoor and indoor arenas, horse stalls, trails, parking facilities and appurtenances located at the existing facility known as Blackburne Farm in the Town of Hamptonburgh; and

**WHEREAS**, in compliance with the State Environmental Quality Review Act (SEQRA), and the regulations promulgated thereto, an Environmental Assessment Form ("EAF"), has been completed and in accordance with the findings of Part 1, 2 and 3 of the Environmental Assessment Form ("EAF"), it is determined that the project will not result in any significant adverse environmental impact.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the Orange County Legislature declares itself Lead Agency concerning the construction of a horse and farm center at Blackburne Farm in the Town of Hamptonburgh; and
2. Makes a determination, pursuant to 6 NYCRR Section 617.6 that the proposed action is a Type I action; and

3. Determines in accordance with the Findings of Parts 1, 2 and 3 of the Environmental Assessment Form ("EAF") that the project will have no significant adverse environmental impact.

## **ORANGE COUNTY LEGISLATURE**

**Committees: Physical Services; Ways and Means**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 8**

**RESOLUTION NO. OF 2014**

**BOND RESOLUTION DATED DECEMBER 4, 2014**

**BOND RESOLUTION OF THE COUNTY OF ORANGE, NEW YORK, AUTHORIZING ADDITIONAL FINANCING FOR PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES NECESSARY FOR PLANNING REHABILITATION OF THE GLENMERE LAKE DAM LOCATED IN THE TOWNS OF WARWICK AND CHESTER, STATING THE ESTIMATED MAXIMUM COST OF SUCH PROJECT IS \$325,000, APPROPRIATING \$75,000 THEREFOR, IN ADDITION TO THE \$250,000 PREVIOUSLY APPROPRIATED; AND AUTHORIZING THE ISSUANCE OF \$75,000 BONDS OF THE COUNTY TO FINANCE SAID ADDITIONAL APPROPRIATION.**

**RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE, NEW YORK** (by the affirmative vote of not less than two thirds of the voting strength of said Legislature), **AS FOLLOWS:**

Section 1. The County of Orange, New York (herein called "County"), is hereby authorized to continue capital project No. 441 for the Department of Public Works consisting of the preparation of surveys, preliminary and detailed plans, specifications and estimates necessary for planning improvements to Glenmere Lake Dam located in the Towns of Warwick and Chester, including engineering services, all as more particularly described in the County's 2014 Capital Plan, as amended. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$325,000, and \$75,000 is hereby appropriated therefor, in addition to the \$75,000 previously appropriated pursuant to Resolution No. 264 of 2013 (the "Previously Appropriated Funds"). The plan of financing includes the expenditure of the Previously Appropriated Funds and the issuance of \$75,000 bonds of the County herein authorized and any bond anticipation notes issued in anticipation of the sale of such bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the County to pay the principal of and interest on said bonds and notes.

Section 2. Bonds of the County in the principal amount of \$75,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The period of probable usefulness of said specific object or purpose for which said \$75,000 bonds herein authorized are to be issued, within the limitations of Section 11.00 a. 62(2<sup>nd</sup>) of the Law, is five (5) years.

Section 4. The County intends to finance, and the Commissioner of Finance of the County is hereby authorized to advance such amounts as are necessary to pay the costs of the specific object or purpose described in Section 1 hereof prior to the issuance of the bonds or bond anticipation notes authorized out of any available funds of the County, on an interim basis, which amounts are reasonably expected to be reimbursed with the proceeds of debt to be incurred by the County, pursuant to this Resolution, in the total amount of bonds herein authorized. This Resolution is a declaration of official intent adopted pursuant to the requirements of Treasury Regulation Section 1.150-2.

Section 5. Each of the bonds authorized by this Resolution and any bond anticipation notes issued in anticipation of the sale thereof shall contain the recital of validity prescribed by Section 52.00 of said Local Finance Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the County of Orange, payable as to both principal and interest by general tax upon all the taxable real property within the County. The faith and credit of the County are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds or the renewals of said notes, and provision shall be made annually in the budgets of the County by appropriation for (a) the amortization and redemption of the notes and bonds to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 6. The validity of the bonds authorized by this Resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the County is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of this Resolution, or a summary hereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the Constitution.

Section 7. The Clerk of the Orange County Legislature is hereby directed to publish the foregoing bond resolution in summary, in The Sentinel, Vails Gate, New York; Warwick Advertiser-Photo News, Chester, New York; News of the Highlands, Inc., Cornwall, New York; The Gazette, Middletown, New York; Times Community Newspapers, Newburgh, New York; and the Hudson Valley Press, Newburgh, New York; the official newspapers of the County for such publication, together with

a notice in substantially the form prescribed in Section 81.00 of the Local Finance Law of the State of New York.

Section 8. This Resolution shall take effect immediately.

## ORANGE COUNTY LEGISLATURE

**Committee:** Public Safety and Emergency Services  
**Sponsors:**  
**Co-Sponsors:**

**Agenda No. 9**

### RESOLUTION NO. OF 2014

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DISTRICT ATTORNEY'S OFFICE, TO ACCEPT GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF CRIMINAL JUSTICE SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Criminal Justice Services has offered grant funds in the amount of \$75,000.00 for the Domestic Violence Grant. The source of the funds is New York State funds. The funds of the Domestic Violence Grant will be used to fund the salary of an Assistant District Attorney for handling domestic violence cases. The term of the grant runs from October 1, 2014 through September 30, 2015; and

**WHEREAS**, this Legislature does wish to accept said grant funds for the Orange County District Attorney's Office as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Orange County District Attorney, be and hereby is authorized to accept grant funds from the New York State Department of Criminal Justice Services in the amount of \$75,000.00 for the Domestic Violence Grant as stated above.
2. That the 2014 budget for the District Attorney's Office is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010 116501 433891 State Aid \$75,000.00

**Expense:**

1010 116501 560110 Salaries \$75,000.00

**ORANGE COUNTY LEGISLATURE**

**Committee: Public Safety and Emergency Services**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 10**

**RESOLUTION NO. OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF PROBATION, TO ACCEPT FUNDS FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES THROUGH THE GOVERNOR'S TRAFFIC SAFETY COMMITTEE, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Division of Criminal Justice Services has offered a Governor's Traffic Safety Committee (GTSC) Ignition Interlock Device Monitoring award in the amount of \$82,350.00 to support probation supervision monitoring services. The award will be for the contract period of October 1, 2014 through September 30, 2015; and

**WHEREAS**, this Legislature does wish to accept said funds for the Department of Probation as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Probation, be and hereby is authorized to accept funds from the New York State Division of Criminal Justice Services in the amount of \$82,350.00 for the Governor's Traffic Safety Committee (GTSC) Ignition Interlock Device Monitoring award as indicated above.

2. That the 2014 budget for the Department of Probation is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010 314003 430891 State Aid \$82,350.00

**Expense:**

1010 314003 583800 Specialty Equipment \$82,350.00

**ORANGE COUNTY LEGISLATURE**

**Committee: Public Safety and Emergency Services**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 11**

**RESOLUTION NO. OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY SHERIFF'S OFFICE, TO ACCEPT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Homeland Security and Emergency Services has offered funds in the amount of \$60,000.00 for the FY 14 Explosive Detection Canine Team Grant Program. Said funds will provide sustainment, maintenance and enhancement of our explosive detection canine teams through equipment, training, exercise and planning. The term of the grant runs from October 2, 2014 through August 31, 2016; and

**WHEREAS**, this Legislature does wish to accept said funds for the Orange County Sheriff's Office as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Orange County Sheriff, be and hereby is authorized to accept funds from the New York State Department of Homeland Security and Emergency Services in the amount of \$60,000.00 for the FT 14 Explosive Detection Canine Team Grant Program as indicated above.

2. That the 2014 budget for the Orange County Sheriff's Office is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010 311033 430891 Other General Gov't \$60,000.00

**Expense:**

1010 311033 585012 Specialty Equipment \$60,000.00

**ORANGE COUNTY LEGISLATURE**

**Committee: Public Safety and Emergency Services**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 12**

**RESOLUTION NO. OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY SHERIFF'S OFFICE, TO ACCEPT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY SERVICES, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Homeland Security and Emergency Services has offered funds in the amount of \$98,590.00 for the FY 14 Tactical Team Targeted Grant Program (TTGP). Said funds will allow continued improvement and development of our regional Special Operations Group through equipment, training, exercise and planning. The term of the grant runs from October 16, 2014 through August 31, 2016; and

**WHEREAS**, this Legislature does wish to accept said funds for the Orange County Sheriff's Office as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Orange County Sheriff, be and hereby is authorized to accept funds from the New York State Department of Homeland Security and Emergency Services in the amount of \$98,590.00 for the FT 14 Tactical Team Targeted Grant Program (TTGP) as indicated above.

2. That the 2014 budget for the Orange County Sheriff's Office is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this Resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	311033	430891	Other General Gov't	\$98,590.00
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**Expense:**

1010	311033	585012	Specialty Equipment	\$98,590.00
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**ORANGE COUNTY LEGISLATURE**

**Committee:** Health and Mental Health

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 13**

**RESOLUTION NO.                      OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO AMEND RESOLUTION NO. 200 OF 2014 TO REFLECT A CHANGE OF THE TERM OF THE GRANT PERIOD, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW.**

**WHEREAS**, by Resolution No. 200 of 2014, this Legislature did accept supplemental grant funds from the New York State Department of Health in the amount of \$27,193.00 for the Maternal and Infant Community Health Collaborative program for the term of October 1, 2013 through September 30, 2014. However, the Orange County Department of Health has indicated that the term of the grant should be from October 1, 2014 through March 31, 2015.

**WHEREAS**, this Legislature does wish to accept said supplemental grant funds for the Department of Health for the period of October 1, 2014 through March 31, 2015 as indicated above.

**NOW, THEREFORE,** it is hereby

**RESOLVED,** as follows:

1. That Resolution No. 200 of 2014 is hereby amended to reflect the acceptance of the supplemental grant funds from the New York State Department of Health in the amount of \$27,193.00 for the term of October 1, 2014 through March 31, 2015.

2. That that the budget for the Orange County Department of Health is hereby amended and supplemented to reflect acceptance for the Maternal and Infant Community Health Collaborative program for the term of October 1, 2014 through March 31, 2015 as indicated above.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

## **ORANGE COUNTY LEGISLATURE**

**Committee: Health and Mental Health**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 14**

**RESOLUTION NO.            OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS,** the New York State Department of Health has offered grant funds in the amount of \$207,166.00 for the Lead Poisoning Prevention Program in order to provide funding for outreach, education and case management to benefit lead-burdened and lead-poisoned children/families in Orange County. The term of the grant runs from October 1, 2014 through September 30, 2015; and

**WHEREAS,** this Legislature does wish to accept and appropriate said grant funds for the Department of Health as indicated above.

**NOW, THEREFORE,** it is hereby

**RESOLVED,** as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate grant funds from the New York State Department of Health in the amount of \$207,166.00 for the Lead Poisoning Prevention Program as indicated above.

2. That in furtherance of this resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. That the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2014 budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	401018	434721	Special Health Programs - LPPP	\$207,166.00
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**Expenses:**

1010	401018	560110	Permanent Base Salary	\$131,482.00
			Fringe Benefits	\$ 68,612.00
1010	401018	586100	Employee Retirement System	\$26,863.00
1010	401018	586300	Social Security/FICA	\$ 9,750.00
1010	401018	586400	Worker's Compensation	\$ 7,176.00
1010	401018	586500	Unemployment Insurance	\$ 261.00
1010	401018	586600	Hospital Insurance	\$22,407.00
1010	401018	586650	Dental Insurance	\$ 1,704.00
1010	401018	586660	Vision Insurance	\$ 124.00
1010	401018	586700	Disability Insurance	\$ 279.00
1010	401018	586800	EAP	\$ 48.00
1010	401018	571820	Contracted Services	\$ 2,000.00
1010	401018	573100	Office Supplies	\$ 775.00
1010	401018	573140	Postage	\$ 200.00
1010	401018	575180	Equipment Lease	\$ 200.00
1010	401018	576340	Telephone	\$ 1,397.00
1010	401018	576760	Mileage	\$ 2,000.00

1010 401018 576820	Specialty Payments (Blood Testing)	\$ 500.00
	Total Lead Poisoning Prevention Program	\$207,166.00

## ORANGE COUNTY LEGISLATURE

**Committee:** Health and Mental Health

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 15**

### RESOLUTION NO. OF 2014

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE SUPPLEMENTAL FUNDING FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered supplemental funds in the amount of \$1,500.00 for the Children with Special Health Care Needs program in order to provide funding for the implementation of programs that assist families of children with health-related needs in accessing appropriate community resources. The term of the grant runs from April 1, 2014 through March 31, 2015; and

**WHEREAS**, this Legislature does wish to accept and appropriate the supplemental funding from the New York State Department of Health for the Children with Special Health Care Needs program as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate the supplemental funding from the New York State Department of Health in the amount of \$1,500.00 for the Children with Special Health Care Needs program as indicated above.

2. That in furtherance of this resolution, the acceptance of said funds is contingent upon the County's right to review the status and the results to date of the program at all reasonable times.

3. That the retention of services to be provided by Orange County and funded by this subject grant shall terminate absolutely upon the exhaustion of the availability of said grant monies, and that no additional obligation to provide for employment or for the continuance of said services at the expense of the County shall be implicitly or explicitly required.

4. That acceptance of said state aid is contingent upon the County's right to withdraw from the program should the County be dissatisfied with its results.

5. That the 2014 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

6. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	401018	434721	Special Health Program - CSHCN	\$1,500.00
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**Expense:**

1010	401018	571500	Employee Cons Chargeback	\$1,500.00
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**ORANGE COUNTY LEGISLATURE**

**Committee:** Health and Mental Health

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 16**

**RESOLUTION NO.                      OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE SUPPLEMENTAL FUNDING FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered supplemental funds in the amount of \$2,549.00 for the reimbursement of rabies expenses for the period of April 1, 2014 to March 31, 2015; and

**WHEREAS**, this Legislature does wish to accept and appropriate said supplemental funding from the New York State Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate supplemental funding from the New York State Department of Health in the amount of \$2,549.00 for the reimbursement of rabies expenses as indicated above.

2. That the 2014 budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010 401020 434721 Special Health Programs - Rabies Control - Human \$2,549.00

**Expenses:**

1010 401020 574490 Diagnosis/Treatment \$2,549.00

**ORANGE COUNTY LEGISLATURE**

**Committee:** Health and Mental Health

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 17**

**RESOLUTION NO. OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE SUPPLEMENTAL GRANT FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered supplemental grant funds in the amount of \$15,081.00 for the Immunization Action Program. This grant provides funding for professional and clerical staff to support ongoing immunization initiatives. The grant has supported extra activities which have been instrumental in achieving a 90% immunization rate for Department clinics. This achievement has earned Orange County a certificate of excellence from NYSDOH. The term of the grant runs from April 1, 2014 through March 31, 2015; and

**WHEREAS**, this Legislature does wish to accept and appropriate said supplemental grant funds for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate supplemental grant funds from the New York State Department of Health in the amount of \$15,081.00 for the Immunization Action Program as indicated below.

2. That the 2014 budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.

3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	401018	434721	State Aid - Immunization Action Plan	\$15,081.00
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**Expenses:**

1010	401018	560110	Permanent Base Salary	\$ 9,625.00
			Fringe Benefits	\$ 5,456.00
1010	401018	586100	ERS	\$2,413.00
1010	401018	586600	Hospital Insurance	\$2,197.00
1010	401018	586300	Social Security	\$ 737.00
1010	401018	586500	Unemployment	\$ 19.00
1010	401018	586650	Dental Insurance	\$ 68.00
1010	401018	586660	Vision Insurance	\$ 6.00
1010	401018	586800	EAP	\$ 2.00
1010	401018	586700	Disability	\$ 14.00
			Total Immunization Action Plan	\$15,081.00

**ORANGE COUNTY LEGISLATURE**

**Committee:** Health and Mental Health

**Sponsors:**

**Co-Sponsors:**

**RESOLUTION NO.                      OF 2014**

**RESOLUTION AUTHORIZING THE COUNTY EXECUTIVE, IN CONJUNCTION WITH THE ORANGE COUNTY DEPARTMENT OF HEALTH, TO ACCEPT AND APPROPRIATE FUNDS FROM THE NEW YORK STATE DEPARTMENT OF HEALTH, PURSUANT TO SECTION 99-h OF THE GENERAL MUNICIPAL LAW AND SECTION 4.09 OF THE ORANGE COUNTY CHARTER.**

**WHEREAS**, the New York State Department of Health has offered funds in the amount of \$154,750.00 for the Early Intervention Administration Reimbursement grant. The purpose of this grant is to provide support for the administrative functions of the state-mandated Early Intervention Program in Orange County. The term of the grant runs from October 1, 2014 through September 30, 2015; and

**WHEREAS**, this Legislature does wish to accept and appropriate said funds for the Department of Health as indicated above.

**NOW, THEREFORE**, it is hereby

**RESOLVED**, as follows:

1. That the County Executive, in conjunction with the Commissioner of Health, be and hereby is authorized to accept and appropriate funds from the New York State Department of Health in the amount of \$154,750.00 for the Early Intervention Administration Reimbursement grant as indicated above.
2. That the 2014 Budget for the Department of Health is hereby amended and supplemented as shown below, and the Commissioner of Finance, together with the Director of Budget, be and hereby is authorized to make such amendment and supplementation forthwith.
3. That the County Executive be and hereby is authorized to execute all necessary documents and assurances necessary to carry out the purposes of this resolution subject to the review thereof by the County Attorney for purposes of form and content.

**Revenue:**

1010	401018	434721	Special Health Programs - EIAR	\$154,750.00
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**Expenses:**

1010	401018	560110	Permanent Base Salary	\$ 71,772.00
			Fringe Benefits	\$ 45,327.00
1010	401018	586100	ERS	\$14,676.00
1010	401018	586300	Social Security	\$ 5,427.00
1010	401018	586400	Workers' Comp.	\$ 3,230.00
1010	401018	586500	Unemployment Insurance	\$ 144.00
1010	401018	586600	Health Insurance	\$21,178.00

1010	401018	586650	Dental Insurance	\$	509.00
1010	401018	586660	Vision Insurance	\$	46.00
1010	401018	586700	Employer Disability	\$	104.00
1010	401018	586800	EAP Charges	\$	13.00
1010	401018	571490	Temporary Clerical Assistant	\$	1,500.00
1010	401018	576760	County Mileage Reimbursement	\$	16,086.00
1010	401018	576770	Special Travel	\$	2,500.00
1010	401018	576340	Telephone	\$	1,000.00
1010	401018	573100	Office Supplies	\$	4,632.00
1010	401018	573140	Postage	\$	3,500.00
1010	401018	577080	Printing	\$	850.00
1010	401018	585003	Invent'd Lg. Office Equip.	\$	5,535.00
1010	401018	580500	Chairs	\$	1,602.00
1010	401018	580130	Sm. Office Equip.	\$	446.00
			Total EIAR		\$154,750.00

## ORANGE COUNTY LEGISLATURE

**Committees: Personnel and Compensation; Health and Mental Health**

**Sponsors:**

**Co-Sponsors:**

**Agenda No. 19**

**ACT NO.      OF 2014**

**AN ACT AMENDING THE APPROPRIATE ORANGE COUNTY EMPLOYMENT SCHEDULES TO CREATE ONE (1) "PUBLIC HEALTH INVESTIGATOR (VENEREAL DISEASE)" POSITION AT THE ORANGE COUNTY DEPARTMENT OF HEALTH, PURSUANT TO SECTION 2.02(I) OF THE ORANGE COUNTY CHARTER.**

**Section 1:** Act No. 22 of 1971, an Act approving Orange County title and grade listing, alphabetical title, grade and jurisdictional listing; and allocation listing, as last amended by Act No. 1 of 2009, is hereby further amended as follows:

**Add to Allocation Listing for Orange County Department of Health:**

Public Health Investigator (Venereal Disease), Grade 14

**Section 2:** This position is created upon funding from a grant, and the position shall be automatically abolished upon cancellation of such funding.

**Section 3:** This Act shall take effect January 1, 2015.