

The Legislature of Rockland County



MICHAEL M. GRANT
Legislator - District 2

Chair, Budget & Finance Committee
Vice-Chair, Government Operations Committee
2nd Vice Chair - Planning & Public Works Committee

AGENDA
BUDGET & FINANCE COMMITTEE
TUESDAY, SEPTEMBER 30, 2014
7:15 PM

ROLL CALL

ADOPTION OF MINUTES, AUGUST 26, 2014 AND SEPTEMBER 8, 2014

1. BONDS/PUBLIC WORKS MATTER:

1PPW) REF. #8293 - APPROVING ACCEPTANCE OF CONTINUATION GRANT IN THE AMOUNT OF \$1,971,000 (WITH A \$1,689,000 LOCAL SHARE WHICH DOES NOT INVOLVE THE EXPENDITURE OF COUNTY TAX DOLLARS) FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION FOR TAPPAN ZEE EXPRESS BUS SERVICE FOR THE PERIOD JANUARY 1, 2014 THROUGH DECEMBER 31, 2014 APPROPRIATING THE SUM OF \$306,000 FOR CAPITAL IMPROVEMENTS, AND AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE ALL INSTRUMENTS AND DOCUMENTS NECESSARY TO ACCEPT THIS GRANT [DEPARTMENT OF PUBLIC TRANSPORTATION] (\$1,971,000)
(D. SCHUETZ, ACTING COMMISSIONER, PUBLIC TRANSPORTATION)
DL#2014-02384 (PULLED IN PPW 6/24/14)

SUBJECT TO APPROVAL OF PPW

2PPW) REF. #6306 - ACCEPTING THE BID OF THE LOWEST RESPONSIBLE BIDDER AND APPROVING A CONTRACT IN EXCESS OF \$100,000 WITH HUSH MAINTENANCE CORP. FOR THE BUILDING L EMERGENCY GENERATOR REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$245,000 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE CAPITAL PROJECT NO. 2078 (DEPARTMENT OF GENERAL SERVICES - FACILITIES MANAGEMENT) (\$245,000)
(ROBERT H. GRUFFI, DIRECTOR DGS-FACILITIES MANAGEMENT)
DL#2014-03852

SUBJECT TO APPROVAL OF PPW

3PPW) REF. #6394 - APPROVING AN INTERMUNICIPAL AGREEMENT IN EXCESS OF \$100,000 BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF CLARKSTOWN FOR A TOTAL CONTRACT SUM NOT TO EXCEED \$715,000 (NO COUNTY TAX DOLLARS) FOR REIMBURSEMENT FOR THE MAINTENANCE AND CAPITAL IMPROVEMENTS OF PARK AND RIDE LOTS IN THE TOWN OF CLARKSTOWN FOR THE PERIOD FROM JANUARY 1, 2014 THROUGH DECEMBER 31, 2014 AND AUTHORIZING ITS EXECUTION BY THE COUNTY EXECUTIVE (DEPARTMENT OF PUBLIC TRANSPORTATION) (\$715,000)
(D. SCHUETZ, ACTING COMMISSIONER, PUBLIC TRANSPORTATION)
DL#2014-03739

SUBJECT TO APPROVAL OF PPW

4PPW) REF. #6394 - APPROVING PURCHASES IN EXCESS OF \$100,000 FROM CAVALIERE INDUSTRIES, INC. FOR COLD MILLING OPERATIONS FOR THE DEPARTMENT OF HIGHWAYS IN AN ADDITIONAL AMOUNT OF \$450,000 AND TO EXERCISE THE SECOND OPTION TERM FROM SEPTEMBER 17, 2014 THROUGH SEPTEMBER 16, 2015 FOR A TOTAL AMOUNT NOT TO EXCEED \$1,350,000 FOR THE PERIOD FROM SEPTEMBER 17, 2012 THROUGH SEPTEMBER 16, 2015 UNDER RFB-RC-2012-059 WITH ALL PURCHASES TO BE MADE BY FORMAL PURCHASE ORDER (DEPARTMENT OF GENERAL SERVICES - DIVISION OF PURCHASING) (\$1,350,000)
(PAUL J. BRENNAN, DIRECTOR DGS-PURCHASING)
DL#2014-03461

SUBJECT TO APPROVAL OF PPW

5PPW) REF. #5906 - ADJUSTMENT TO THE 2014 BUDGET TO RECORD REFINANCED BONDS HELD BY THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION ORIGINALLY ISSUED IN 2004 ON CAPITAL PROJECT 6150 WESTERN RAMAPO SEWER EXTENSION
(STEPHEN DEGROAT, COMMISSIONER FINANCE)
DL#2014-03533

SUBJECT TO APPROVAL OF PPW

2. GRANTS/DONATIONS:

2A) REF. #8024 - APPROVING ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$59,400 (NCTD) FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE TO BE USED FOR STOP-DWI CRACKDOWN ENFORCEMENT FOR THE PERIOD OCTOBER 1, 2014 THROUGH SEPTEMBER 30, 2015 AND AUTHORIZING EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE (STOP-DWI DEPARTMENT) (\$59,400)
(LESLIE CHERNIN - COORDINATOR, STOP-DWI)
DL#2014-03878

3. **BUDGET ITEMS:** NONE

4. **AUTHORIZATIONS:** NONE

5. CONTRACTS/AGREEMENTS:

5A) REF. #5327 - APPROVING INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SPRING VALLEY IN CONNECTION WITH A 2014 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD THAT WILL GO DIRECTLY TO THE VILLAGE OF SPRING VALLEY IN THE AMOUNT OF \$14,677 AND AUTHORIZING EXECUTION OF THE AGREEMENT BY THE COUNTY EXECUTIVE (OFFICE OF THE SHERIFF) (\$14,677)
(LOUIS FALCO, SHERIFF)
DL#2014-03738

5B) REF. #6704 - APPROVING LEASE AGREEMENT BETWEEN NATIONAL ENVIRONMENTAL COVERAGE CORPORATION AND THE COUNTY OF ROCKLAND IN AN AMOUNT NOT TO EXCEED \$50,000 (NCTD) FOR A PERIOD OF 60 MONTHS (FIVE YEARS) FROM AUGUST 1, 2014 TO JULY 31, 2019 AND AUTHORIZING EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE (OFFICE OF THE DISTRICT ATTORNEY) (\$50,000)
(THOMAS ZUGIBE, DISTRICT ATTORNEY)
DL#2014-03966

6. ALLOCATION/RECLASSIFICATION OF POSITIONS:

6A) REF. #8850 - RECLASSIFYING ONE POSITION IN THE ROCKLAND COUNTY
CLERK'S OFFICE
(JOAN M. SILVESTRI, COMMISSIONER, PERSONNEL)
DL#2014-03789

6B) REF. #4124 - ESTABLISHING ONE POSITION IN THE DEPARTMENT OF
PLANNING JOINT TASK FORCE ON WATER RESOURCES
MANAGEMENT
(HON. ALDEN H. WOLFE, HON. HARRIET D. CORNELL,
LEGISLATURE)
LG#3364

7. **BIDS:** NONE

8. **TRANSFER OF FUNDS/OTHERS:** NONE

9. **TAX ITEMS:** NONE

10. PUBLIC HEARINGS:

10A) REF. #9500 - SETTING A DATE FOR A PUBLIC HEARING
2015 ROCKLAND COUNTY BUDGET
(HON. MICHAEL M. GRANT, LEGISLATURE)
LG#3363

11. **LOCAL LAWS/HOME RULES:** NONE

12. PRESENTATIONS/DISCUSSIONS:

12A) REF. #7070 - DISCUSSION ITEM: IMPLICATIONS OF THE DEFICIT REDUCTION ACT OF
2012 (LOCAL LAW 10 OF 2012) ON THE PROPOSED 2015 BUDGET
(HON. ALDEN H. WOLFE, LEGISLATURE)

13. MISCELLANEOUS:

13A) REF. #7650 - REQUESTING THAT THE NEW YORK STATE LEGISLATURE ENACT
AND THE GOVERNOR APPROVE LEGISLATION MODIFYING THE
NEW YORK STATE CIVIL SERVICE LAW
(HON. HARRIET D. CORNELL, LEGISLATURE)
LG#3361

14. RECEIVE & FILE:

- 14A) REF. #5050 - RECEIVE AND FILE REPORTS AND MANAGEMENT LETTER OF KPMG LLP - ROCKLAND COUNTY INFIRMARY/SUMMIT PARK HOSPITAL - FISCAL YEARS ENDING DECEMBER 31, 2013 AND 2012
(HON. MICHAEL M. GRANT, LEGISLATURE)
LG#3362
- 14B) REF. #9481 - RECEIVE AND FILE REPORT AND MANAGEMENT LETTER OF O'CONNOR DAVIES LLP - COUNTY OF ROCKLAND COMPREHENSIVE ANNUAL FINANCIAL REPORT - FISCAL YEAR ENDING DECEMBER 31, 2013
(HON. MICHAEL M. GRANT, LEGISLATURE)
LG#3365

15. CORRESPONDENCE/REVIEW AND DISCUSSION:

NONE

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from the New York State Department of Transportation to help provide Tappan Zee Enhanced Express Bus Service during calendar year 2011; and

WHEREAS, The Legislature of Rockland County, by Resolution No. 215 of 2012, approved acceptance of a grant in the amount of \$1,905,000 (the local share being \$1,688,000) to help provide Tappan Zee Enhanced Express Bus Service during calendar year 2012; and

WHEREAS, The Legislature of Rockland County, by Resolution No. 353 of 2013, approved acceptance of a grant in the amount of \$1,905,000 (the local share being \$1,689,000) to help provide Tappan Zee Enhanced Express Bus Service during calendar year 2013; and

WHEREAS, The County Executive and the Legislature of Rockland County have been advised that the Department of Public Transportation has been awarded a continuation grant in the amount of \$1,971,000 from the New York State Department of Public Transportation (the local share being \$1,689,000) to help provide Tappan Zee Enhanced Express Bus Service during calendar year 2014; and

WHEREAS, The grant in the amount of \$1,971,000 consists of \$1,576,800 (80%) federal share and \$394,200 (20%) state share; and

WHEREAS, Based on the grant amount received in the years 2011, 2012 and 2013, \$1,905,000, the Department estimated \$1,332,000 (80%) federal share and the \$333,000 (20%) state share for the 2014 grant and included those amounts in the 2014 Adopted Budget of the Department of Public Transportation; and

WHEREAS, The actual 2014 grant received, \$1,971,000, requires a \$1,576,800 (80%) federal share and \$394,200 (20%) state share, therefore, the 2014 Adopted Budget of the Department of Public Transportation requires an amendment to appropriate the sum of \$306,000 in grant funds for capital improvements, \$244,800 (80%) in federal aid and \$61,200 (20%) in state aid, for a total local share of \$1,689,000 [\$1,332,000 plus \$244,800 equals \$1,576,800 (80%) federal share and \$333,000 plus \$61,200 equals \$394,200 (20%) state share]; and

WHEREAS, This grant is federally funded but administered by the State of New York, on a reimbursement basis; and

WHEREAS, Acceptance of this grant requires a local share of \$1,689,000 which does not involve the expenditure of County tax dollars because the local share will be met with farebox revenue, state, federal, and MTA special allocation funds; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature of Rockland County to approve "execution of all contracts in excess of \$100,000 entered into by the County;" and

WHEREAS, The Committee of the Legislature has met, considered and approved this resolution; now therefore be it

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RESOLVED, That the Legislature of Rockland County hereby approves acceptance of a continuation grant in the amount of \$1,971,000 from the New York State Department of Transportation to help provide Tappan Zee Enhanced Express Bus Service during calendar year 2014; and be it further

RESOLVED, That the County Executive is hereby authorized, pursuant to Local Law No. 18 of 1996, to execute all instruments and documents necessary to accept this grant, subject to the approval of the County Attorney; and be it further

RESOLVED, That the \$1,332,000 (80%) federal share and the \$333,000 (20%) state share are included in the 2014 Adopted Budget of the Department of Public Transportation; and be it further

RESOLVED, That the 2014 Adopted Budget of the Department of Public Transportation requires an amendment to appropriate the sum of \$306,000 in grant funds for capital improvements, \$244,800 (80%) in federal aid and \$61,200 (20%) in state aid, for a total local share of \$1,689,000, as follows:

Increase Expense Acct.:		
A-DOT-5630 E5410	Enhanced TAPPAN ZEE Express (TZX) Capital Improvements	\$306,000
Increase Revenue Acct.:		
A-DOT-5630 R4531	Federal Aid	\$244,800
A-DOT-5630 R3589	State Aid	61,200

;and be it further

RESOLVED, That acceptance of this grant requires a local share of \$1,689,000, which does not involve the expenditure of County tax dollars because the local share will be met with farebox revenue, state, federal, and MTA special allocation funds.

LHG:dc
2014-02384
6-9-14
r.6/17/14

Referral No.

RESOLVED, That the Legislature of Rockland County approves the contract in excess of \$100,000 with Hush Maintenance Corp., P.O. Box 189, West Haverstraw, New York 10993 for the Building L Emergency Generator Replacement under Capital Project No. 2078 pursuant to plans and specifications prepared by OLA Consulting Engineers, in an amount not to exceed \$245,000 and authorizes its execution by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That sufficient funding for this contract exists in Capital Project No. 2078.

TS: dc
2014-03852
9-9-14

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RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement in excess of \$100,000 with the Town of Clarkstown in a total contract sum not to exceed \$715,000 for maintenance and capital improvements of the Park and Ride lots within the Town, for the period from January 1, 2014 through December 31, 2014, and authorizing its execution by the County Executive, subject to the approval of the County Attorney, and be it further

RESOLVED, This agreement is 100% reimbursed by the New York State Department of Transportation and requires the expenditure of no County funds, and be it further

RESOLVED, Sufficient funding for this agreement exists in the adopted 2014 Budget of the Department of Public Transportation, \$350,000 from account E5060 and \$365,000 from E5410 subject to the acceptance of Supplemental Agreement No. 14 to New York State Department of Transportation Comptroller Contract No. C017296 which is pending before the Legislature of Rockland County.

LG:lo
2014-03739
9/2/14
r.9/15/14

Schedule A

Town of Clarkstown
Park & Ride Lot Maintenance and Capital Improvements

January 2014 to December 2014

The Town of Clarkstown will be reimbursed by NYSDOT through Rockland County for on-going maintenance as well as capital improvements at various Park & Ride Lot locations located within the Town of Clarkstown.

PARK & RIDE LOT MAINTENANCE LOCATIONS:

- | | |
|---------------------------------------|---------------------|
| 1) Exit 12: Route 303 P&R Lot 1 | (Owner-NYSDOT) |
| 2) Exit 12: Route 303 P&R Lot 2 | (TEMP CLOSED) |
| 3) Exit 14: East P&R Lot | (Owner -NYSDOT) |
| 4) Exit 14: West P&R Lot | (Owner-NYSDOT) |
| 5) Exit 14: North P&R Lot | (Owner-NYSDOT) |
| 6) Nanuet RR @ Fisher Ave P&R Lot | (Owner-COUNTY) |
| 7) Middletown Rd @ Exxon P&R Lot | (Owner-NYSDOT) |
| 8) Valley Cottage P&R Lot | (Owner-TOWN) |
| 9) Smith Street P&R Lot | (Owner-NYSDOT) |
| 10) Middletown Rd/PIP Exit 10 P&R Lot | (Owner-NYSDOT/PIPC) |
| 11) Route 304/Cavalry Dr P&R Lot | (Owner-NYSDOT) |

PARK & RIDE LOT CAPITAL IMPROVEMENTS AT THE FOLLOWING NYSDOT OWNED LOTS:

- | | |
|-----------------------------------|---------------------|
| Exit 12: Route 303 P&R Lot | (Owner-NYSDOT) |
| Exit 14: East P&R Lot | (Owner-NYSDOT) |
| Exit 14: West P&R Lot | (Owner-NYSDOT) |
| Middletown Rd/PIP Exit 10 P&R Lot | (Owner-NYSDOT/PIPC) |

WHEREAS, All purchases will be initiated by formal purchase order by the Director of Purchasing for specific projects as they are identified and selected by the Department of Highways; and

WHEREAS, Sufficient funding for these purchases is provided for in the 2014 Adopted Capital Budget, Capital Account No. 3401 - Three (3) Year Road Repaving Program, and the 2014 Budget of the Highway Department and is contingent upon 2015 budget appropriations; and

WHEREAS, Local Law No. 18 of 1996 provides for the Legislature to approve the "execution of all contracts in excess of \$100,000 entered into by the County"; and

WHEREAS, The _____ Committees of the Legislature have met, considered and approved this resolution; now therefore be it

RESOLVED, That the Legislature of Rockland County hereby approves the additional purchases in excess of \$100,000 from Cavaliere Industries, Inc., 226 Selleck Street, Suite C, Stamford, CT 06902 for cold milling operations for the Department of Highways under RFB-RC-2012-059 in an additional amount of \$450,000 and to exercise the second option term of the contract from September 17, 2014 through September 16, 2015 for a total amount not to exceed \$1,350,000 for the period from September 17, 2012 through September 16, 2015, and authorizes all purchases to be made by formal purchase order, subject to the approval of the Director of Purchasing; and be it further

RESOLVED, That sufficient funding for these purchases is provided for in the 2014 Adopted Capital Budget, Capital Account No. 3401 - Three (3) Year Road Repaving Program, and the 2014 Budget of the Highway Department and is contingent upon 2015 budget appropriations

TS:lo
2014-03461
9/11/14

Introduced by:

Referral No. 5906

5PPW
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**RESOLUTION NO. OF 2014
ADJUSTMENT TO THE 2014 BUDGET
TO RECORD REFINANCED BONDS HELD BY
THE NEW YORK STATE ENVIRONMENTAL FACILITIES
CORPORATION ORIGINALLY ISSUED IN 2004 ON CAPITAL
PROJECT 6150
WESTERN RAMAPO SEWER EXTENSION**

WHEREAS, The Commissioner of Finance/Budget Director has been informed by the New York State Environmental Facilities Corporation that they have refinanced existing bonds originally issued in 2004, and

WHEREAS, NYS EFC has passed those savings on to the Rockland County Sewer District #1 and have issued new debt payment schedules on the existing debt, and

WHEREAS, Although the event did not require any exchange of funds between the NYS EFC and the Rockland County Sewer District #1, generally accepted accounting standards require that this transaction be properly recorded, and

WHEREAS, A budget amendment is needed to properly record the event, therefore be it

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

DEBT SERVICE FUND -2014

Increase Appropriation Account

V-DSV-9991-E4091 Issuance Cost Refunding Bonds	\$ 196,719
V-DSV-9991-E4092 Payment Escrow Agent - Refunding Bonds	24,400,204
	\$ 24,596,923

Increase Estimated Revenue Account

V-DSV-9991-R2770 Unclassified Revenue	861,923
V-DSV-9991-R5791 Advanced Refunding Bonds	23,735,000
	\$ 24,596,923

AR:lo
2014-03533
9/3/14

RESOLVED, That this grant is funded by the State of New York Governor's Traffic Safety Committee but administered by the New York State STOP-DWI Foundation; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept this grant; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2014

Increase Approp. Acct. (Credit):

A-EXE-4250-GX05-E5060	Program Costs	59,400
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Increase Est. Rev. Acct. (Debit):

A-EXE-4250-GX05-R3380	Public Safety Grant(s)	59,400
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MB:lo
2014-03878
9/9/14

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WHEREAS, The Committees of the Legislature have met, considered and approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves an intermunicipal agreement between the County of Rockland and the Village of Spring Valley in connection with a 2014 Byrne Justice Assistance Grant (JAG) Program award in the amount of \$14,677 and authorizes execution of the agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That since said award amount will go directly to the Village of Spring Valley and not through the County of Rockland, a funding clause is not required on this resolution.

MB:lo
2014-03738
9/3/14
rev.9/19/14ga

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RESOLVED, That the Legislature of Rockland County hereby approves a lease agreement with National Environmental Coverage Corporation, 700 W. 47th Street, Ste 350, Kansas City, MO 64112 that is needed to cover the cost of storage space for 60 months (five years) from August 1, 2014 to July 31, 2019 for evidence and other confidential items associated with investigations, and authorizes execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That this agreement will come from funds within District Attorney Forfeiture Dept. FA03, Line E4500 and, therefore, no County tax dollars (NCTD) are required to execute this agreement.

MB:lo
2014-03966
9/15/14

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6A

Introduced by:

Referral No. 8850

**RESOLUTION NO. OF 2014
RECLASSIFYING ONE POSITION
IN THE ROCKLAND COUNTY CLERK'S OFFICE**

WHEREAS, The County Clerk has requested a classification review of one position in the Rockland County Clerk's Office; and

WHEREAS, The Department of Personnel has conducted such a review and has made an appropriate civil service classification; and

WHEREAS, The County Clerk is requesting no additional funds to implement this reclassification; and

WHEREAS, The Committee of this Legislature has met, reviewed and approved the implementation of this reclassification; now, therefore; be it

RESOLVED, That one position of Records Clerk, position #_____ (SG 8 - \$36,380 - \$43,576), be hereby established in the Rockland County Clerk's Office - 1410; and be it further

RESOLVED, That one position of Clerk, position #8827 (SG 5 - \$31,554 - \$37,995) be hereby concurrently abolished.

VWJ:lo
2014-03789
9/3/14

DRAFT

6B

Introduced by:
Hon. Alden H. Wolfe, Sponsor
Hon. Harriet D. Cornell, Sponsor

Referral No. 4124

RESOLUTION NO. OF 2014 ESTABLISHING ONE POSITION IN THE DEPARTMENT OF PLANNING JOINT TASK FORCE ON WATER RESOURCES MANAGEMENT

WHEREAS, 296 of 2014 disbanded the Rockland County Water Board and created a Task Force on Water Resources Management; and

WHEREAS, said resolution called for the establishment of a position to coordinate the activities and functions of the Rockland County Joint Task Force on Water Resources Management, in order to ensure a safe, long-term water supply for Rockland County that incorporates sustainability, demand-side principles and conservation; and

WHEREAS, the Department of Personnel has reviewed a job description for one position and has made an appropriate civil service classification; and

WHEREAS, no additional funds are being requested to establish this position; and

WHEREAS, the _____ Committee of the Legislature has met, considered and _____ approved this resolution, now, therefore be it

RESOLVED, that one position of Coordinator, Water Resources Management Task Force, position # _____ be hereby established in the Department of Planning – 8020; and be it further

RESOLVED, that the salary for the Coordinator, Water Resources Management Task Force shall be hereby set at \$65,000 per annum; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase and decrease the following accounts:

GENERAL (A) FUND (2014)

Increase Appropriation Accts:

A	PLN	8020	E1100	Salaries	10,710
A	PLN	8020	E1930	FICA	820
A	PLN	8020	E1980	MTA	40
					\$ 11,570

Decrease Appropriation Accts:

A	UNC	1990	E5050	Contingency	11,570
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WHEREAS, the current practice of New York State County Commissioners of Personnel is that they only ask for additional background information and documentation from those individuals who state on the application form that they have been convicted of a crime; and

WHEREAS, in order to save time and money, the Civil Service Law of the State of New York essentially compels potential applicants for municipal employment within a county to provide information concerning prior criminal convictions before they have even had an initial, face-to-face interview with a municipality's hiring authority; and

WHEREAS, the "ban the box" resolution is a reasonable attempt to level the playing field before an initial interview whereby all applicants can be evaluated and compared based on qualifications other than criminal history, and applicants with criminal records will have the opportunity to be fairly evaluated on objective factors as well as personality and demeanor prior to a prospective employer knowing about a criminal background; and

WHEREAS, the cities of the State of New York have the ability to first interview potential applicants and only then conduct the background evaluation of any applicant with a criminal history, while the counties do not have this ability, and it is necessary at this time for the New York State Civil Service Law to address this inequity; and

WHEREAS, in the counties of the State of New York, current Civil Service hiring procedures require the county to provide when requested a certified list of eligible applicants for a specific position in one of the county's municipalities; the list from the local Commissioner of Personnel contains the number of people that the municipality is seeking to employ plus three additional eligible candidates; and

WHEREAS, it should be noted that if the county adopts a "ban the box" resolution, every municipal hiring authority using the county as the civil service processor for qualifying potential employees would have to wait until after an applicant's interview before inquiring into the applicant's criminal history. If the applicant is on a list of eight names for five potential openings and the municipality interviews all eight applicants, it would only be after those interviews that a criminal history would be discovered and subject to an additional round of investigation and evaluation; and

WHEREAS, under existing Civil Service Law the Commissioner of Personnel is required to qualify all applicants for municipal civil service employment. Given the above-described scenario and the fact that a certified eligible list is only good for 30 days, the Commissioner of Personnel in the majority of applications would not have the time or ability to garner and evaluate the record of conviction(s) and the possible representations of pardons or release from civil disabilities or other relevant information applicants with criminal history would want to be considered as part of the qualification process. Rather; it is likely that the hiring authority at that point would simply hire one of the other eligible candidates from the list; and

WHEREAS, it is respectfully requested that the New York State Civil Service Commission, the New York State Legislature and Governor of the State of New York

address the inequity that in practice permits only cities to remove the box requiring disclosure of criminal history at the initial application stage and inquire into and investigate criminal convictions only after the first interview; and

WHEREAS, the _____ Committee has met, considered and by a _____ vote, approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby requests the New York State Civil Service Commission, the New York State Legislature and the Governor of the State of New York to review and develop acceptable and reasonable civil service hiring procedures by which applicants for municipal employment within a county with a criminal history may be granted a face to face interview prior to disclosing their criminal history to the employer and thereby receive a genuine equal opportunity for municipal employment; and be it further

RESOLVED, that the new process shall consist of a system wherein applicants need not disclose their criminal history prior to the initial interview, yet are still afforded an equal chance of employment despite the additional time needed to conduct the background investigation, perhaps by increasing the amount of time that a certified eligible list may be used to allow time for the background check for viable candidates; and be it further

RESOLVED, That the Clerk to the Legislature be and he is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, and Hon. James G. Skoufis, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG3361

RM/cs

9/18/14

9/22/14

9/22/14 ELY

