



Onondaga County Legislature

DEBORAH L. MATURO
Clerk

J. RYAN MCMAHON, II
Chairman

KATHERINE M. FRENCH
Deputy Clerk

401 Montgomery Street • Court House • Room 407 • Syracuse, New York 13202
Phone: 315.435.2070 Fax: 315.435.8434
www.ongov.net

OFFICE OF THE CLERK

RESOLUTION NOS. 1-3 January 6, 2015

Listed below are the resolutions to be presented to the County Legislature at the January Session. The meeting will be held at **1:00 p.m. on Tuesday, January 6, 2015.**

- A. CALL TO ORDER
- B. CALLING OF ROLL MEMBERS
- C. INVOCATION – **Mr. Shepard**
- D. SALUTE TO FLAG – **Mr. Jordan**
- E. READING OF MINUTES
- F. APPROVAL OF MINUTES
- G. PRESENTATION OF COMMUNICATIONS
 - 1. **Correspondence:**
 - a. 12-30-14 Memo from Chairman McMahon – Re: Appointment and Reappointment to the Board of Directors of the Onondaga County Civic Development Corporation (Ravi Raman, James W. Farrell)
 - b. 01-05-15 Letter from County Executive Mahoney – Re: Appointments to the Board of Directors of the Onondaga County Civic Development Corporation (Benjamin Dublin, Matthew Marko, Alison Miller)
 - 2. **Public Comment**
- H. REPORTS OF STANDING COMMITTEES
- I. REPORTS OF SPECIAL COMMITTEES
- J. CALL OF RESPECTIVE LEGISLATIVE DISTRICTS (District No. 13)

15TH DISTRICT – MR. MCMAHON

- 1. **NO. 1** Confirming Appointment and Reappointment by the Chairman of the Onondaga County Legislature to the Board of Directors of the Onondaga Civic Development Corporation (Ravi Raman, James W. Farrell) (16-1 Plochocki)
- 2. **NO. 2** Confirming Appointments by the County Executive to the Board of Directors of the Onondaga Civic Development Corporation (Benjamin Dublin, Alison Miller) (15-1 Holmquist -1Plochocki)
- 3. **NO. 3** Confirming the Joint Appointment to the Board of Directors of the Onondaga Civic Development Corporation (Matthew Marko) (16-1 Plochocki)

LOCAL LAWS:

- A. **PASSED** - A Local Law Authorizing Programs of External Repairs and Improvements to be Made on Privately-Owned Property within Onondaga County (Sponsored by Mr. McMahon) (16-1 Plochocki)
- B. **PULLED**
- C. **PASSED** - A Local Law Amending the Onondaga County Administrative Code in Relation to Procurement (Sponsored by Mr. Knapp) (16-1 Plochocki)
- D. **PASSED** - A Local Law Creating an Onondaga County Justice Center Oversight Committee (Sponsored by Mr. McMahon) (16-1 Plochocki)

E. ***PASSED*** - A Local Law Regarding the Onondaga County/Syracuse Commission on Human Rights (Sponsored by Mr. McMahon) (16-1 Plochocki)

K. UNFINISHED BUSINESS

L. ANNOUNCEMENTS FROM THE CHAIR

M. ADJOURNMENT

Respectfully submitted,

DEBORAH L. MATURO, Clerk
ONONDAGA COUNTY LEGISLATURE

ROLL CALL			JANUARY 6, 2015 SESSION
LEGISLATOR	PRESENT	ABSENT	
1. MAY	✓		<i>Public Comment - see attached list</i>
2. DOUGHERTY	✓		
3. CORL	✓		
4. TASSONE	✓		
5. RAPP	✓		
6. PLOCHOCKI		✓	
7. LIEDKA	✓		
8. RYAN	✓		
9. CHASE	✓		
10. HOLMQUIST	✓		
11. KILMARTIN	✓		
12. KNAPP	✓		
13. SHEPARD	✓		
14. JORDAN	✓		
16. WILLIAMS	✓		
17. ERVIN	✓		
15. MCMAHON	✓		
TOTAL	<i>16</i>	<i>1</i>	

January 6, 2015

1

Motion Made By Mr. McMahon, Mr. Holmquist

RESOLUTION NO. _____

CONFIRMING APPOINTMENT AND REAPPOINTMENT BY THE CHAIRMAN OF THE
ONONDAGA COUNTY LEGISLATURE TO THE BOARD OF DIRECTORS OF THE ONONDAGA
CIVIC DEVELOPMENT CORPORATION

WHEREAS, the Chairman of the Onondaga County Legislature has duly appointed and designated, subject to confirmation by the Onondaga County Legislature, the following individuals to serve as the Chairman's appointees to the Board of Directors of the Onondaga Civic Development Corporation:

APPOINTMENT:

Ravi Raman
606 Mallard Drive
Camillus, New York 13031

TERM EXPIRES:

October 6, 2015

REAPPOINTMENT:

James W. Farrell
403 Bass Street
Liverpool, New York 13088

TERM EXPIRES:

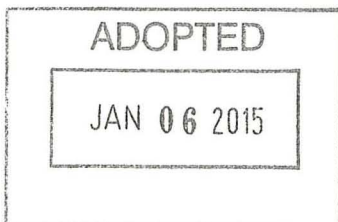
October 6, 2017

and

WHEREAS, it is the desire of this Legislature to confirm said appointment and reappointment; now, therefore be it

RESOLVED, that the Onondaga County Legislature does hereby confirm the appointments of the above individuals to serve as the Chairman's appointees to the Board of Directors to the Onondaga Civic Development Corporation.

OCDC 1.15
SS
kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
EXACT COPY OF LEGISLATION DULY ADOPTED BY THE
COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF January, 2015.

Deborah A. Matus

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

15 JAN -2 AM 10:56

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

/			JANUARY 6, 2015 SESSION	
LEGISLATOR	AYES:	NOES:	ABSENT	
11. KILMARTIN				
17. ERVIN				
13. SHEPARD				
14. JORDAN				
16. WILLIAMS				
1. MAY				
2. DOUGHERTY				
3. CORL				
4. TASSONE				
5. RAPP				
6. PLOCHOCKI	-----	-----	X	
7. LIEDKA				
8. RYAN				
9. CHASE				
10. HOLMQUIST				
12. KNAPP				
15. MR. CHAIRMAN				
TOTAL	16	0	1	

January 6, 2015

2

Motion Made By Mr. McMahon

RESOLUTION NO. _____

CONFIRMING APPOINTMENTS BY THE COUNTY EXECUTIVE TO THE BOARD OF
DIRECTORS OF THE ONONDAGA CIVIC DEVELOPMENT CORPORATION

WHEREAS, the Onondaga County Executive has duly appointed and designated, subject to confirmation by the Onondaga County Legislature, the following individuals to serve as the County Executive's appointees to the Board of Directors of the Onondaga Civic Development Corporation:

APPOINTMENT:

Benjamin Dublin
4467 Swissvale Drive
Manlius, New York 13104

TERM EXPIRES:

October 6, 2016

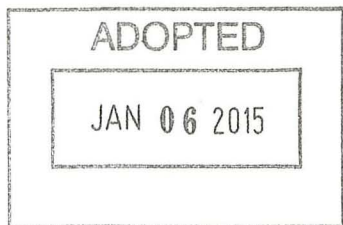
Alison Miller
1416 Thornton Heights Road
Skaneateles, New York 13152

October 6, 2015

WHEREAS, it is the desire of this Legislature to confirm said appointments; now, therefore be it

RESOLVED, that the Onondaga County Legislature does hereby confirm the appointment of the above individuals to serve as the County Executive appointee to the Board of Directors to the Onondaga Civic Development Corporation.

OCDC
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kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
EXACT COPY OF LEGISLATION DULY ADOPTED BY THE
COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF January, 2015.

Deborah A. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

15 JAN -6 AM 7:47

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

2

JANUARY 6, 2015
SESSION

LEGISLATOR	AYES:	NOES:	ABSENT	
11. KILMARTIN				
17. ERVIN				
13. SHEPARD				
14. JORDAN				
16. WILLIAMS				
1. MAY				
2. DOUGHERTY				
3. CORL				
4. TASSONE				
5. RAPP				
6. PLOCHOCKI	-----	-----	X	
7. LIEDKA				
8. RYAN				
9. CHASE				
10. HOLMQUIST		✓		
12. KNAPP				
15. MR. CHAIRMAN				
TOTAL	15	1	1	

January 6, 2015

3

Motion Made By Mr. McMahon

RESOLUTION NO. _____

CONFIRMING THE JOINT APPOINTMENT TO THE BOARD OF DIRECTORS OF THE
ONONDAGA CIVIC DEVELOPMENT CORPORATION

WHEREAS, the By-Laws of the Onondaga Civic Development Corporation provide for one individual to be jointly appointed to the Board of Directors of such corporation by the Onondaga County Executive and the Chair of the County Legislature, and the following individual has been duly appointed and designated, subject to confirmation by the Onondaga County Legislature, to serve as the joint appointee to the Board of Directors of the Onondaga Civic Development Corporation:

APPOINTMENT:

Matthew Marko
311 Deforest Road
Syracuse, New York 13214

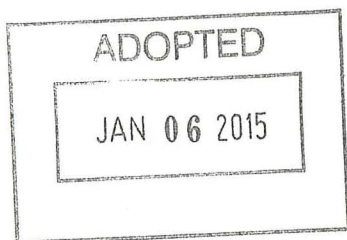
TERM EXPIRES:

October 6, 2015

WHEREAS, it is the desire of this Legislature to confirm said appointment; now, therefore be it

RESOLVED, that the Onondaga County Legislature does hereby confirm the appointment of the above individual to serve on the Board of Directors to the Onondaga Civic Development Corporation.

OCDC - joint.docx
KMB
kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
EXACT COPY OF LEGISLATION DULY ADOPTED BY THE
COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF January, 2015.

Deborah L. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

15 JAN -6 AM 8:47

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

3

JANUARY 6, 2015
SESSION

LEGISLATOR	AYES:	NOES:	ABSENT	
11. KILMARTIN				
17. ERVIN				
13. SHEPARD				
14. JORDAN				
16. WILLIAMS				
1. MAY				
2. DOUGHERTY				
3. CORL				
4. TASSONE				
5. RAPP				
6. PLOCHOCKI	-----	-----	X	
7. LIEDKA				
8. RYAN				
9. CHASE				
10. HOLMQUIST				
12. KNAPP				
15. MR. CHAIRMAN				
TOTAL	16	0	1	

A.

LOCAL LAW NO. ____ - 2015

A LOCAL LAW AUTHORIZING PROGRAMS OF EXTERNAL REPAIRS AND IMPROVEMENTS
TO BE MADE ON PRIVATELY-OWNED PROPERTY WITHIN ONONDAGA COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY AS
FOLLOWS:

Section 1. Purpose/Intent.

Well-kept and visually appealing properties greatly benefit county residents as a whole, in that such properties enhance the value of surrounding properties, promote development and investment in the communities within which such properties are situated, and contribute to developing civic responsibility and growth within neighborhoods.

To assist property owners in making repairs and improvements to their properties, the Onondaga County Neighborhood Initiative was created, consisting initially of an interest rate buy-down program and then establishing a revolving loan fund. (Local Law No. 10-2012, as amended) Following this progression, this Legislature finds it to be a County purpose to assist property owners within Onondaga County in making external repairs or improvements to their properties for the protection and enhancement of the physical and visual environment and protection of the property located within the County. Such County-sponsored programs would advance the County's goals of promoting community development and economic development to benefit its residents and taxpayers.

Section 2. Establishment.

This local law hereby authorizes programs through which external repairs and improvements may be performed on residential and commercial properties within Onondaga County. Any such programs shall be subject to annual appropriations made within the Onondaga County Budget. The County may assist property owners in making such repairs or improvements, provided that there is a documented public benefit to such repairs or improvements.

Section 3. Administration; Form of Assistance.

Programs authorized by this local law shall be administered by the appropriate division or office within the Office of the County Executive. Assistance under the programs authorized by this local law may be in the form of grants made to owners of residential and commercial properties.

The committee formed under Local Law No. 10-2012, as amended, may consider communities and neighborhoods within Onondaga County and may recommend that such communities and neighborhoods receive assistance through the programs authorized by this local law.

The programs shall be administered in a way that provides for a documented application process and a set of written criteria governing the way in which grants will be received, reviewed, and awarded. Such process and criteria shall be made publicly known.

Each property owner should participate in and contribute to making improvements, and a screening process shall be developed to determine the financial capacity of each property owner to make such contribution. In no event shall any repairs or improvements be made under this local law unless written permission is first obtained from any affected property owner.

Section 4. SEQR.

Documentation shall be retained showing that activities undertaken in connection with this local law are in compliance with the State Environmental Quality Review Act and have been subjected to the appropriate programmatic reviews.

Section 5. Effective Date.

This local law shall take effect upon filing in accordance with the Municipal Home Rule Law.

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KMB
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FILED WITH CLERK
ONON. CO. LEG.

Dec. 11, 2014
KMB

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND
EXACT COPY OF LEGISLATION DULY ADOPTED BY THE
COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF January, 2015.

Deborah A. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

14 DEC 22 AM 10:23

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

LOCAL LAW

A

JANUARY 6, 2015
SESSION

LEGISLATOR	AYES:	NOES:	ABSENT	
11. KILMARTIN	✓			
17. ERVIN	✓			
13. SHEPARD	✓			
14. JORDAN	✓			
16. WILLIAMS	✓			
1. MAY	✓			
2. DOUGHERTY	✓			
3. CORL	✓			
4. TASSONE	✓			
5. RAPP	✓			
6. PLOCHOCKI	-----	-----	X	
7. LIEDKA	✓			
8. RYAN	✓			
9. CHASE	✓			
10. HOLMQUIST	✓			
12. KNAPP	✓			
15. MR. CHAIRMAN	✓			
TOTAL	16	0	1	

C.

LOCAL LAW NO. _____ - 2015

A LOCAL LAW AMENDING THE ONONDAGA COUNTY ADMINISTRATIVE CODE IN
RELATION TO PROCUREMENT

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA,
AS FOLLOWS:

Section 1. Findings/Purpose. The Onondaga County Administrative Code shall be amended to allow the County to benefit from efficiencies to be gained through changes by New York State to the public contracting provisions of General Municipal Law. Such statutory changes permit a county to adopt a local law and elect to use a “best value” analysis in the context of awarding procurement contracts subject to the state’s municipal bidding requirements.

State Finance Law §163 defines the term “best value” as being “the basis for awarding contracts for services to the offerer which optimizes quality, cost and efficiency, among responsive and responsible offerers. Such basis shall reflect, wherever possible, objective and quantifiable analysis. Such basis may also identify a quantitative factor for offerers that are small businesses or certified minority-or women-owned business enterprises [as such terms are further defined within Executive Law] to be used in evaluation of offers for awarding of contracts for services.”

Section 2. Onondaga County, acting through the County Executive and the Director of Purchasing, may award contracts for certain goods and services on the basis of a best value offer as an alternative to awarding such contracts to the lowest responsible bidder, consistent with the bidding requirements of General Municipal Law §103.

In electing to award a contract on the basis of an offer determined to be the best value to Onondaga County, the Director of Purchasing shall provide for a documented process for each such contract, including maintenance of a procurement record regarding the specific evaluation criteria used, the manner in which offers were evaluated, and the offer selected to proceed to an awarded contract. The evaluation criteria shall be quantifiable, whenever possible, and shall be determined and documented in advance of the initial receipt of offers to the extent practicable.

Section 3. Section 6.17B of the Onondaga County Administrative Code, being Local Law No. 1 of 1975, as previously amended, hereby is amended to strike subsection (3) and to substitute the following language therefor:

Opening of Bids and Offers; Award; Rejection. The Purchasing Director, or the Purchasing Director’s designee, shall open such bids at the time and place specified and shall make a record of such bids in such form as may be prescribed. An award shall be made to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided herein; provided, however, that an award may be made for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8) on the basis of “best value”, as such term is defined in State Finance Law Section 163, to a responsive and responsible bidder or offerer after advertisement for sealed bids or offers, consistent with General Municipal Law Section 103. In the event of identical bids from responsible bidders or offerers furnishing security as aforesaid, an award may be made to any such bidder or offerer. The Purchasing Director, or the Purchasing Director’s designee may reject any and all said bids or offers and readvertise for new bids or offers in the manner hereinabove provided.

Section 4. Section 6.17C of the Onondaga County Administrative Code, being Local Law No. 1 of 1975, as previously amended, hereby is amended to strike such section in its entirety and to substitute the following language therefor:

The County Legislature, by the affirmative vote of at least two-thirds of its members, may resolve that there exists a need for reasons of efficiency and economy to standardize purchase and contract specifications for particular types of supplies, materials, equipment, and services. Such resolution shall contain a full explanation of the reasons for its adoption.

Any standardized contract awarded pursuant to this section in excess of the amount fixed pursuant to the provisions of Section 6.17A (1) of this Code may be awarded to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided herein; provided, however, that an award may be made for purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8) on the basis of "best value", as such term is defined in State Finance Law Section 163, to a responsive and responsible bidder or offerer after advertisement for sealed bids or offers, consistent with General Municipal Law Section 103.

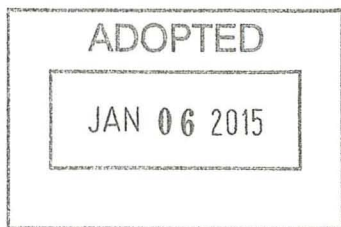
Section 5. Section 6.17B of the Onondaga County Administrative Code, being Local Law No. 1 of 1975, as previously amended, hereby is further amended to add a new subsection (6):

The terms "sealed bids" and "sealed offers", as such terms apply to purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Labor Law Article 8), shall include bids and offers submitted in an electronic format including submission of the statement of noncollusion required by General Municipal Law Section 103-d.

Section 6. Except as specifically amended herein, the Onondaga County Administrative Code, as previously amended, shall remain in full force and effect.

Section 7. This Local Law shall take effect immediately.

LL Purchase - Best Value.rtf
KMB
kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF January, 2015.

Deborah A. Matus

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

FILED WITH CLERK
ONON. CO. LEG.

December 12, 2014
Jmm

14 DEC 26 PM 12:58

RECEIVED
ONONDAGA COUNTY
LEGISLATURE

LOCAL LAW

C

JANUARY 6, 2015
SESSION

LEGISLATOR	AYES:	NOES:	ABSENT	
11. KILMARTIN	✓			
17. ERVIN	✓			
13. SHEPARD	✓			
14. JORDAN	✓			
16. WILLIAMS	✓			
1. MAY	✓			
2. DOUGHERTY	✓			
3. CORL	✓			
4. TASSONE	✓			
5. RAPP	✓			
6. PLOCHOCKI	-----	-----	X	
7. LIEDKA	✓			
8. RYAN	✓			
9. CHASE	✓			
10. HOLMQUIST	✓			
12. KNAPP	✓			
15. MR. CHAIRMAN	✓			
TOTAL	16	0	1	

D.

LOCAL LAW NO. ____-2015

A LOCAL LAW CREATING AN ONONDAGA COUNTY JUSTICE CENTER OVERSIGHT
COMMITTEE

BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF
ONONDAGA AS FOLLOWS:

Section 1. Purpose and Intent

Persons confined to the Onondaga County Justice Center ("Justice Center") are to be treated in a manner consistent with the United States Constitution, and all other laws, rules and regulations. To this end, a Special Legislative Committee shall be established by the Legislature to review incidents that occur in the Justice Center, as well as complaints from inmates and other interested parties, and, further, to make recommendations to the Onondaga County Sheriff ("Sheriff") and the Onondaga County Legislature based on such review. The Committee's review should assist the Legislature to effectively direct resources with the goal of promoting policy, practices and training to prevent future incidents within the Justice Center. Such committee is further intended to provide a mechanism for community members to assist the legislature in furthering this goal.

Section 2. Establishment and Jurisdiction

There shall be established an Onondaga County Justice Center Oversight Committee, independent of the Sheriff's Department. The Committee may investigate and review incidents, and receive, investigate and review complaints that derive from incidents that occur within the Justice Center, and may make recommendations as it deems appropriate to the Sheriff and the Onondaga County Legislature.

For the purposes of this law, the Committee shall have access to written reports, records, statements, reviews, audio and video recordings, policies, procedures and training materials of the Sheriff's Department that the Committee determines are necessary for review of a matter within the jurisdiction of the Committee in a manner consistent with law.

For the purposes of this law the Committee, and its Administrator, shall be granted reasonable access to the Justice Center and to inmates held within the Justice Center, or those inmates temporarily transferred to Jamesville Penitentiary who nevertheless remain under the custody of the Justice Center, and in a manner consistent with law and within reasonable safety procedures and policies of the Sheriff's Department.

Section 3. Definitions

For the purposes of this law, the terms listed herein shall have the following meanings:

- (a) an "incident" shall include, but not be limited to, situations involving:

Assault (including, but not limited to: inmate/inmate, inmate/personnel, inmate/visitor, personnel/inmate, visitor/inmate, inmate group/gang, and/or visitor assault as described in the Reportable Incident Manual of the New York State Commission of Corrections;

Sexual Offense (including, but not limited to: inmate/inmate, inmate/personnel, inmate/visitor, personnel/inmate, visitor/inmate sexual offenses as described in the Reportable Incident Manual of the New York State Commission of Corrections;

Serious Injury or death of a prisoner in custody;

Serious injury or death of Justice Center personnel on the job;

Inmate Suicide, Attempted Suicide or Self-Inflicted injury requiring medical treatment;

Inmate Accidental Injury requiring medical treatment;

Arson or other occurrence of fire within the Justice Center;

Hostage Situation;

Use of force against a prisoner by non-SERT personnel;

Use of force by SERT personnel if a serious injury or death should occur;

Medical emergency requiring response from facility medical personnel, response from emergency medical responders from outside the Justice Center, or emergency transport to a facility outside the Justice Center.

- (b) a “complaint” shall mean any written report that alleges harm caused to an inmate while in custody in the Justice Center, harmful conditions of confinement in the Justice Center, or misconduct by Justice Center personnel, including, but not limited to, allegations of the following:

Active Misconduct;

Passive Misconduct;

Denial of Medical Treatment related to an injury or to an acute or chronic condition;

Serious Injuries and Deaths in custody or arising directly from conditions or circumstances of custody;

Suicide and Suicide Attempts in Custody;

Truthfulness in Reporting;

Compliance with Policy Directives and Training;

Access to Medical Evaluation and Treatment;

Assessment, Treatment, and Accommodation for Prisoners with Disabilities;

Allegations that Statements or Actions Have Been Motived by Bias;

Use of Excessive Force;

Application of Excessive Penalties, including, but not limited to, Placement in or Extension of Placement in a Segregated Housing Unit or Lockdown Status for more than 10 days;

Unsanitary or Unsafe Housing Conditions;

Arbitrary or Willful Destruction or Denial of Permitted Personal Property;

Retaliation against an Inmate or Family Member subsequent to a Grievance or Complaint being made;

- (c) "Active Misconduct" shall mean behavior which is alleged by any individual to be inappropriately aggressive, abusive, injurious or intrusive, ranging from excessive physical force to harassment and slurs or insults.
- (d) "Passive Misconduct" shall mean a failure to intervene appropriately, including untimely response, refusal to provide information about how to file a grievance or complaint, refusal to provide forms required to do so, refusal to notify a superior officer of an inmate's request to file such a grievance or complaint, as well as refusal to provide information about how to seek medical attention or to provide forms required to do so.
- (e) "Serious Injury" shall mean a personal injury which results in one or more of the following: death; dismemberment; disfigurement that is more than superficial; a fracture; loss of or injury to a fetus; temporary or permanent loss of use of a body organ, member, function or system; or a medically determined injury or impairment of a non-permanent nature which either requires extended medical treatment or results in treatment by a medical professional outside the facility, or that prevents the injured person from performing significant material acts which constitute such person's usual and customary daily activities.
- (f) "Excessive force" shall be defined as physical force used against an inmate beyond that what is reasonably necessary to control, subdue, or restrain an inmate, or physical force used against an inmate beyond what is reasonably necessary to control an inmate after they have been placed in restraints.

Section 4. Committee Composition

- (a) The Committee shall be comprised of nine members, whose minimum age will be eighteen (18) years old at the time of their appointment. A "quorum" of the Committee shall consist of no less than five (5) members, however a vote on matters described in Sections 4, 6 and 7 shall require a simple majority of the entire Committee.

- (b) Members of the Committee shall be residents of Onondaga County and should reflect the County's demographically and geographically diverse community.
- (c) Members of the Committee or members of their immediate family shall not be employed by the Sheriff's Office or any local, state or federal law enforcement agency during the period of service on the Committee.
- (d) Members of the Committee shall not be members of the immediate family of any incumbent elected official of Onondaga County or the City of Syracuse.
- (e) No practicing attorney or member of his or her law firm, or the immediate family of an attorney or member of his or her family who represents a plaintiff or defendant in a Sheriff misconduct lawsuit initiated against the Onondaga County Sheriff's Office or the Sheriff, or a plaintiff or any family member of a plaintiff in such case, shall be a member of the Committee.
- (f) The members of the Committee shall serve without compensation for service on the Committee.

Section 5. Appointment; Term Limits, Vacancy, Removal

(a) Appointments

Appointments to the Committee shall be made as follows:

- (i) Six (6) members shall be recommended by the Chair of the County Legislature for appointment, and confirmed by majority vote of the County Legislature. Two (2) of those members shall have prior experience in law enforcement, and at least two shall be representatives from the Onondaga County community who have experience in civil rights and/or civil liberties issues or advocacy. At least one (1) of the six (6) members recommended for appointment by the Chair of the County Legislature shall be considered at the suggestion of the minority leader of the County Legislature.
- (ii) Two (2) members shall be recommended by the County Executive and confirmed by a majority vote of the County Legislature.
- (iii) One member shall be recommended by the Mayor of the City of Syracuse and confirmed by majority vote of the County Legislature.

(b) Notice of Vacancy

Within seven (7) to ten (10) business days, the Committee will provide written notice of Committee vacancies to the Chair of the Legislature as well as to the Majority and Minority Leaders of this body, to the County Executive, and to the Mayor of Syracuse. Within seven (7) to ten (10) subsequent business days, the Committee shall provide public notice of Committee vacancies for the purpose of giving qualified citizens an opportunity to apply for membership, both in the seating of the first full

Committee and for all subsequent Committee vacancies as they occur. "Public notice" shall mean information published in a conspicuous manner as to attract citizen attention and interest in the various media outlets, including but not limited to newspapers, television, radio or online.

(c) Removal of members

Upon good cause or a change in qualifications under Section 4, the Committee, by a simple majority vote of the entire Committee, may request that the Legislature act to remove a Committee member. Not later than five (5) business days after such Committee vote, the Committee shall provide written notice of such request to the Chair of the Legislature, with copies to the Majority and Minority Leaders of that body, as well as to the County Executive and the Mayor of Syracuse. Should a sitting member of the Committee, come under any of the categories in 4 (b) through 4 (e) above, that member shall promptly notify the Chair of the Committee.

(d) Terms

- (i) Members shall be appointed for three year terms. The initial members confirmed by the County Legislature shall have staggered terms as follows: for an initial one year term—one recommended by the County Executive and one by the Chair of the County Legislature; for an initial two year term—three recommended by the Chair of the County Legislature; and for an initial three year term—one recommended by the County Executive and two by the Chair of the County Legislature. Thereafter, appointments shall be made for a full three year term.
- (ii) A term shall start on January 1st of the first year of that term and shall end on December 31st of the last year of that term. If a person is appointed to complete the unexpired term of a former Committee member, the newly appointed Committee member shall be eligible to be appointed to serve two (2) successive three (3) year terms.
- (iii) In order to provide more people with an opportunity to participate on the Committee, members shall be limited to serving no longer than six consecutive years, but may be reappointed after a break in service of no less than twelve (12) months.
- (iv) Committee members shall continue to serve until their successors have been appointed.

Section 6. Committee Officers; Duties

- (a) The Committee shall elect a Committee Chair, Vice Chair and Secretary, and such election should occur at the Committee's inaugural meeting and annually thereafter. Such officers should serve in the position for a term of one year. In order to provide more people with an opportunity to participate on the Committee, an individual should not serve in such a position for more than two consecutive terms, but may be re-elected to such position after a break in service of no less than twelve months.
- (b) The duties of the Chair shall include, but not be limited to:

Facilitating Committee meetings;

Establishing sub-committees as necessary;

Working with the Administrator on all Committee matters; and

Any other duties as deemed necessary by the Committee.

- (c) The duties of the Vice Chair and Secretary shall be determined by the Committee at the first meeting.

Section 7. Committee Administration

- (a) The Committee shall receive administrative services from the Onondaga County/Syracuse Commission on Human Rights, and the Executive Director of such Commission is referred to as the “Administrator” within this local law. The Administrator may be assisted by such human rights specialists as may be employed by the County.

- (b) The Administrator shall respond to requests from the Committee, but may be called upon to respond to inquiries from the County Legislature and the County Executive.

- (c) The duties of the Administrator shall include, but not be limited to:

Maintaining the Committee files;

Representing the Committee in public settings, meetings and events, and, in consultation with the Committee Chair, in discussions with county officials;

Being available to individuals to provide information about the processes of complaint and incident review of the Committee;

Preparing the required Committee annual reports;

Conducting the investigations of incidents and complaints, in service to the Committee.

Creating and maintaining any such forms, documents, and processes that may be necessary to carry out the purpose of the Committee;

Summarizing the findings of complaint and incident investigations for presentation to the Committee and the County Legislature;

Communicating regularly with the Chair of the Committee, the Chair of the Onondaga County Legislature and the Chair of its Public Safety Committee;

Assisting the Committee with its public education efforts;

Any other tasks deemed necessary by the Committee.

- (g) Within the annual County budget adoption process and subject to appropriations, the Administrator will be provided with appropriate office space, phone and computer equipment, a dedicated phone number and voice mail, email account, and website hosting, as well as the essential supplies, budget with technical assistance necessary to establish and support the operations of the Committee.

Section 8. Committee Powers and Duties

(a) Meetings

The Committee shall meet as often as it deems necessary, but in any case not less than ten (10) times per year in the Chairman's Room, located in the Onondaga County Courthouse, 401 Montgomery Street, 4th Floor, Syracuse, NY 13202. Meetings shall be open to the public. Committee members may choose to enter into Executive Session to discuss the results of investigation into specific complaints or incidents, or to speak with related witnesses, when such closed session is convened consistent with Open Meetings Law and any other applicable laws.

(b) Training for Committee Members

The Committee shall educate and train its members and Administrator in a manner it deems appropriate. The Sheriff's Department is encouraged to assist the Administrator and Committee in orienting members of the Committee to the Justice Center facility and to its policies and procedures.

(c) Public Meetings and Information

The Committee and its Administrator may hold public meetings as it deems appropriate, but in any case not less than two (2) times per year, where such meetings shall invite public input or comment, and will provide education about the Committee process. At least one meeting shall be held within the City of Syracuse limits.

The Committee and its Administrator shall create and distribute one or more brochures or fliers describing the Committee's mission, contact information, how to submit a complaint, and the Committee's procedures to review incidents and complaints. The Committee shall also work with County officials to place similar information on an appropriate website location.

(d) Reports

The Committee and its Administrator will produce at least an annual written report that is published on the Committee website and is made available to the public in writing at meetings of the Committee or otherwise upon written request. Copies of these reports shall be provided to the County Executive, the Sheriff, the Chair of the County Legislature and the Chair of the County Legislature Public Safety Committee.

Additional copies of these reports will also be sent to the Mayor of the City of Syracuse and to the President, Majority and Minority leaders of the Syracuse Common Council. Within any such published reports, the Committee shall protect the confidentiality of those persons related to complaints, unless written consent is obtained from each such person. Confidentiality should include redaction of names and identifying individual characteristics, however reports will include summaries of aggregated demographic information where appropriate.

(e) Receipt of Complaints

- (i) The Committee and its Administrator shall create and maintain mechanisms for receiving, documenting, and responding to complaints.
- (ii) The Committee and its Administrator shall consider complaints submitted in writing by Justice Center inmates or other interested parties, including an inmate's legal representatives or family members, representatives of community groups, or County officials and employees working in the Justice Center.
- (iii) Complaints may be accepted by the Administrator at any time; however, the Committee may exercise its own discretion to refuse consideration of complaints that are two or more years old.
- (iv) Copies of all complaints accepted by the Administrator shall be sent to the Sheriff or his/her designee, and to the County Attorney, or his/her designee, within five (5) business days after receipt by the Administrator.
- (v) The Committee and its Administrator shall establish a standard complaint form with clear instructions for completion, including the provision of a notarized signature, and for submission of the form to the Committee and its Administrator. The Committee shall accept notarized complaints whether submitted using this complaint form or through other written format. The Committee may accept complaints transmitted via fax, mail, or email or received by hand-delivery, however the Administrator shall take steps to confirm the identity of a complainant who submits a complaint using a format other than the standardized complaint form created by the Committee.

(f) Investigation of Incidents & Complaints; Obtaining Documents & Materials for Use in Pursuing Such Investigations

- (i) The Committee and its Administrator shall create mechanisms for documenting the investigation of complaints it receives and incidents that are brought to its attention, and for reviewing the results of such investigations.
- (ii) The Committee and its Administrator shall immediately cease its investigation or review of a complaint or incident upon receipt of a written request from the County Attorney, which shall be based on the initiation of a lawsuit or receipt of a notice of claim by a related complainant as per Section 50-e of the General Municipal Law of New York State.
- (iii) The Committee or its Administrator shall pursue investigation of complaints received and of incidents that come to their attention, utilizing investigatory techniques including, but

not limited to, interviewing complainants and witnesses, examining recorded audio or video, and reviewing all policies, procedures and reports the Committee or its Administrator deems to be relevant.

- (iv) The Committee or its Administrator shall seek to obtain documents it deems relevant for use in its investigation and review of a complaint or incident, including but not limited to, recordings, including audio and visual formats, and written documents, including reports, records, statements, reviews, training materials, and policies and procedures of the Sheriff's Department. The Committee, its Chair or its Administrator shall make a formal written request for copies of such recordings and documents from the Sheriff or the designated records custodian for the Sheriff's Department, and such documents shall be disclosed in a manner consistent with law, where such laws include applicable provisions of the New York State Public Officers Law and Civil Rights Law Section 50-a.
- (v) The Committee shall comply with any statutory requirements for maintaining the confidentiality of documents and information received by the Committee in the course of its duties.

(g) Committee Recommendations

- (i) The Committee shall create a mechanism for reviewing incidents and complaints, considering the results of investigations and for making recommendations on policy, procedure, or training.
- (ii) Deliberations of the Committee necessary to make such recommendations shall be confidential and shall not be open to the public. Such deliberations shall not be recorded verbatim by any means or method.
- (iii) The Committee may make recommendations as deemed appropriate about policies, procedures, practices or other systematic concerns existing at the Justice Center. Such Committee recommendations may address matters of policy, procedure and training aimed to prevent future occurrences and to improve policies, procedures and training within the Justice Center and may seek to identify and make recommendations related to patterns and systemic issues.
- (iv) Within any such recommendations, the Committee shall protect the confidentiality of those persons related to complaints, unless written consent is obtained from such person. Confidentiality should include redaction of names and identifying individual characteristics, however recommendations can include summaries of aggregated demographic information where appropriate.
- (v) The Committee or Administrator shall take steps to notify complainants of recommendations made, if any, in writing within 10 business days of the Committee's final vote in relation to their complaint. The Committee shall subsequently provide copies of any such recommendations to the Sheriff, County Executive, Chair of the Onondaga County Legislature, Chair of the Onondaga County Legislature's Public Safety Committee, as well as the Majority and Minority Leaders of the Legislature.

- (vi) No action of the Committee shall preclude action by the judicial system, nor a complainant's ability to pursue other available avenues of administrative or legal redress. No recommendation of the Committee shall have any collateral effect upon a subsequent administrative or judicial proceeding. Additionally, the Committee or its Administrator shall make this clear to each complainant upon accepting a complaint, and also upon communicating the findings and recommendations of the Committee.

Section 9. Cooperation of County Officials

- (a) Nothing herein shall be read or construed to abolish, transfer, or curtail the power and duties of any elected official. Further, nothing herein shall be read or construed to alter any rights of employees under any applicable agreement or statute.
- (b) County officials shall use good faith efforts to cooperate with the Committee and its Administrator and shall comply with any applicable laws. Such cooperation should include providing the Committee with requested documents and recordings and allowing the Committee and its Administrator reasonable access to the Justice Center to conduct investigations, and to the Jamesville Penitentiary to speak to inmates who are temporarily transferred to this facility but remain under the official custody of the Justice Center.
- (c) Heads of County Departments whose staff work or are present in the jail on a regular basis are strongly encouraged to designate a liaison from their department to the Committee to act as a resource to the Committee on matters of information regarding related policies, procedures and training, and to meet periodically with the Administrator and Chair of the Committee as requested or on a mutually agreed upon schedule.
- (d) County officials and employees should promptly make reports and/or complaints to the Committee of alleged misconduct and incidents falling within the Committee's jurisdiction. County officials and employees should make all efforts to ensure the preservation of related recordings and documents.
- (e) When the Sheriff, Undersheriff, Chief of the Jail or the Commander of the Office of Professional Standards within the Sheriff's Department learns of an incident that may fall within the jurisdiction of the Committee, the Sheriff or his designee is strongly encouraged to provide written notice of this incident to the Administrator of the Committee within five (5) business days, and make all efforts to ensure the preservation of related recordings and documents.
- (f) County officials should receive and review recommendations of the Committee and take such action as may be appropriate in response to such recommendations.

Section 10. Retaliation Prohibited

No County official or employee shall retaliate in any way against an inmate, family member, or other interested party for making a complaint to the Committee or otherwise participating in any way with the Committee's investigation or review of an incident or complaint.

No County official or employee shall be retaliated against for making a report or complaint as in Section 8 (d) above, or engaging in communication with the Committee or its Administrator in the course of their investigation or review of an incident or complaint within the jurisdiction of the Committee.

Section 11. Legislature Review of Reports and Recommendations from the Committee

The Administrator shall, in consultation with the Committee Chair, communicate regularly to the Chair of the Onondaga County Legislature and the Chair of its Public Safety Committee. Such communications shall include, but shall not be limited to, reporting recommendations in relation to both incidents and complaints.

Upon receiving any report from the Committee that includes recommendations related to policy, procedure, or training, as well as any related responses received from the Sheriff's Department, the Legislature Chair shall request that the Chair of the Legislature Public Safety Committee place a related item or items on the agenda of the next meeting of the Public Safety Committee, and the content of such discussions will be included in the minutes of this Committee.

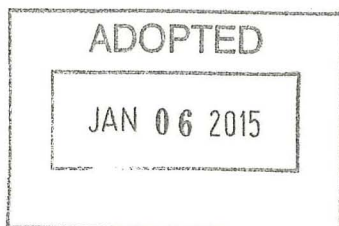
Section 12. Severability.

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, the 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 the judgment shall have been rendered.

Section 13. Effective Date.

This Local Law shall take effect 180 days after its enactment. Complaints will not be accepted until such date. Administrator

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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF January, 2015.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

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ONONDAGA COUNTY
LEGISLATURE

LOCAL LAW

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JANUARY 6, 2015
SESSION

LEGISLATOR	AYES:	NOES:	ABSENT	
11. KILMARTIN	✓			Legislator Holmquist assumed the Chair as that Chairman McMahon could debate.
17. ERVIN	✓			
13. SHEPARD	✓			
14. JORDAN	✓			
16. WILLIAMS	✓			
1. MAY	✓			
2. DOUGHERTY	✓			
3. CORL	✓			
4. TASSONE	✓			
5. RAPP	✓			
6. PLOCHOCKI	-----	-----	X	
7. LIEDKA	✓			
8. RYAN	✓			
9. CHASE	✓			
10. HOLMQUIST	✓			
12. KNAPP	✓			
15. MR. CHAIRMAN	✓			
TOTAL	16	0	1	

E.

LOCAL LAW NO. _____ - 2015

A LOCAL LAW REGARDING THE ONONDAGA COUNTY/SYRACUSE COMMISSION ON
HUMAN RIGHTS

BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF
ONONDAGA, AS FOLLOWS:

Section 1. Purpose and Intent

Historically, Onondaga County has collaborated with the City of Syracuse in administering a Human Rights Commission for the purposes of, among other things, furthering harmony, understanding, and mutual respect among all persons within the diverse communities that comprise the County and the City. By Resolution No. 330-1997, the Onondaga County/Syracuse Commission on Human Rights ("Commission") was established. This body was tasked with performing a number of activities, including conducting studies, investigating incidents, and providing education around human rights issues to the community.

From time to time, it is necessary to examine the roles of public agencies within the context of current community needs. The Commission must be renewed and strengthened to meet such needs. Specifically, this local law is intended to formalize the relationship that Onondaga County's human rights specialists have with the jail and to provide for administrative involvement in connection with federal civil rights legislation, including the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

Section 2. Commission Appointment, Structure, and Functions.

- (a) The Commission exists to foster the growth and development within Onondaga County in the field of human rights and to examine the ways in which various groups of persons within the community relate to each other. The goal is to facilitate communication among such groups, creating a climate in which citizens can understand and respect each other, resulting in the elimination of conditions leading to discrimination against members of any such groups.

The Commission shall be continued for the purposes found within the provisions of General Municipal Law Article 12-D, Executive Law Articles 15 and 15-A, and related provisions of federal civil rights legislation, including the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

- (b) Appointments to the Commission shall be as stated in Resolution No. 330-1997, as amended.
- (c) In furtherance of such purposes stated herein, the Commission shall be empowered to perform the following acts:
1. Foster mutual respect and understanding among members of various groups in the community.

2. Make such studies in any field of human rights in the community as in the judgment of the Commission will aid in effectuating its general purposes and, where desirable, to make the results of such studies public.
 3. Inquire into incidents of tension and conflict among or between members of various groups, and to take such action as may be designed to alleviate such tensions and conflict.
 4. Conduct and recommend such educational programs as, in the judgment of the Commission, will increase goodwill among inhabitants of the community and open new opportunities into all phases of community life for all inhabitants.
 5. Recommend to such elected officials as may be appropriate such legislation as the Commission deems necessary or desirable in carrying out the purposes for which the Commission was appointed.
 6. Submit an Annual Report to the County Executive, the Mayor, the County Legislature, and the Common Council.
 7. Make written reports to the County Executive, the Mayor, the County Legislature, and the Common Council setting forth the facts found by it and its recommendations after the completion of any public hearing.
 8. Perform such other and related duties as shall be required or delegated by the County Executive or County Legislature.
 9. Employ such attorneys, experts and employees as may be necessary, within the amount made available within the annual budget process.
 10. Receive, accept and use and expend public grants and private gifts, donations or bequests and other payments, goods and services, notwithstanding any other provision of law, to the extent permitted by General Municipal Law.
- (d) Within annual appropriations made therefor, the County may employ an executive director, human rights specialists and other personnel as may be needed to perform work for the Commission on behalf of the County, with such personnel being responsible for assisting the Commission with accomplishing its duties, as stated herein. In the event that appropriations are made available for an executive director, such official shall be appointed by and serve at the pleasure of the County Executive, subject to confirmation by the County Legislature.
- (e) The executive director, human rights specialists, and other personnel shall provide administrative assistance to any committee investigating conditions for inmates held within the County's jail, as such may be created from time to time. Further, any such human rights specialists shall provide administrative assistance to County personnel in connection with federal civil rights legislation, including the Americans with Disabilities Act, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

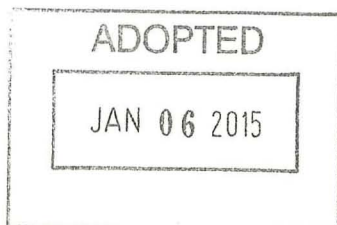
Section 3. Severability

If any clause, sentence, paragraph, section or part of this local law shall be adjudged by a court of competent jurisdiction to be invalid, the 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 the judgment shall have been rendered.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing and in a manner consistent with Municipal Home Rule Law.

LL - Human Rights Commission.docx
KMB
kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF January, 2015.

Deborah A. Maturo

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

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ONONDAGA COUNTY
LEGISLATURE

LOCAL LAW

E

JANUARY 6, 2015
SESSION

LEGISLATOR	AYES:	NOES:	ABSENT	
11. KILMARTIN	✓			
17. ERVIN	✓			
13. SHEPARD	✓			
14. JORDAN	✓			
16. WILLIAMS	✓			
1. MAY	✓			
2. DOUGHERTY	✓			
3. CORL	✓			
4. TASSONE	✓			
5. RAPP	✓			
6. PLOCHOCKI	-----	-----	X	
7. LIEDKA	✓			
8. RYAN	✓			
9. CHASE	✓			
10. HOLMQUIST	✓			
12. KNAPP	✓			
15. MR. CHAIRMAN	✓			
TOTAL	16	0	1	