

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of "A LOCAL LAW amending the Laws of Westchester County to abolish the Department of Emergency Services as a separate department and transfer its functions, powers and duties to the Department of Public Safety."

Your Committee notes that the Westchester County Department of Public Safety (hereinafter "DPS") was created in July 1979 through a merger of the Westchester County Parkway Police and the Westchester County Sheriff's Department. As initially organized, DPS included an Office of Disaster and Emergency Services (hereinafter "ODES"). This Office was responsible for disaster preparedness as well as for coordinating the county's response to requests for emergency disaster assistance from local municipalities.

In 1997, the County established the Department of Fire Safety Services, which was replaced two years later by the Westchester County Department of Emergency Services (hereinafter "DES"). Upon creation of DES, the functions of ODES were transferred from DPS to DES and redesignated as the Office of Emergency Management.

Your Committee is informed that a recent report by DPS and DES found that a consolidation of DPS and DES into a single department would offer substantial financial and operational benefits to the County and its taxpayers. By combining the two departments, Westchester County would achieve immediate and significant cost savings. In the first year following consolidation, savings are estimated at \$730,000, through the elimination of a

commissioner and other administrative positions. The savings resulting from consolidated operations would grow with each passing year – to more than \$1.7 million annually by the end of the third year following consolidation. These cost savings would be as a result of attrition in the combined work force, elimination of duplicative personnel and tasks, and other efficiencies.

Your Committee is also informed that a single department offers the opportunity to more efficiently deliver police and emergency services to Westchester residents and that consolidation would:

- eliminate duplicative services;
- centralize communications;
- combine the DPS Hazardous Devices Unit (Bomb Squad) and DES Hazardous Materials Response Team;
- unify command and control at major incidents and emergencies;
- reduce administrative costs;
- merge budget, human resources and some training functions;
- improve grant administration, including a more efficient allocation of the counter-terrorism funding that now comes to DPS and DES separately; and
- provide better emergency response to local communities.

Indeed, public safety in Westchester County will benefit from greater command and control of operational services and improved resource management together with a unified chain of command which will aid in the decision making process and facilitate the flow of information to all involved in emergency operations.

Furthermore, the consolidation of the functions of law enforcement and disaster response into a single entity would: (1) facilitate more cohesive planning across the various disciplines required to properly prepare for and respond to disasters – whether natural or man-made – and (2) facilitate a more efficient response and allocation of resources in connection with disasters. Disaster planning and on-scene incident command require all aspects of public safety (police, fire and EMS) to sit at the same table, speak with a united voice and operate under a unified command. This proposed Local Law moves Westchester County significantly toward that goal.

Your Committee believes that consolidating Westchester County police and emergency services under a unified administration has the potential to bring cost savings and operating efficiency to these essential services of Westchester County government. Such consolidation of police and emergency services administration in order to streamline operations has been successful locally in the City of White Plains, which manages police and fire operations under a single Department of Public Safety.

Accordingly, this proposed Local Law would abolish DES and would transfer its functions, powers and duties to DPS. Notably, the Westchester County Fire Advisory Board and the Westchester County Emergency Medical Services Advisory Board would remain viable entities in service to Westchester County, but the total maximum membership in each of such boards would be reduced from twenty-one (21) members to a more manageable fifteen (15) members. The proposed Local Law would take effect January 1, 2011.

Finally, as you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). The Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that the proposed local law, which consolidates related programs and services under one department, may be classified as a Type II action, pursuant to Section 617.5(c)(20), "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment," and Section 617.5(c)(27), "adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list." As such, no further environmental review is required.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of this Local Law.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2010
White Plains, New York

COMMITTEE ON

RESOLUTION NO. -2010

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. -2010, "A LOCAL LAW amending the Laws of Westchester County to abolish the Department of Emergency Services as a separate department and transfer its functions, powers and duties to the Department of Public Safety." The public hearing will be held at .m. on the day of , 2010 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law. Copies of the proposed legislation are on file in the office of the Clerk of the Board of Legislators and may be inspected there by any interested party during regular business hours.

A LOCAL LAW amending the Laws of Westchester County to abolish the Department of Emergency Services as a separate department and transfer its functions, powers and duties to the Department of Public Safety.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 193 of the Laws of Westchester County is hereby REPEALED.

Section 2. The heading of Article 1 of Chapter 273 of the Laws of Westchester County is hereby amended to read as follows:

Chapter 273

LAW ENFORCEMENT AND COURTS

Article I. DEPARTMENT OF PUBLIC SAFETY

Sec. 273.01. [Powers and duties of] Organization of department.

Sec. 273.02. [Prohibition of racial profiling in traffic stops]Functions, powers and duties transferred.

Sec. 273.03. [Commitment and discharge of prisoners]Division of Westchester County Police.

Sec. 273.04. Prohibition of racial profiling in traffic stops.

Sec. 273.05. Commitment and discharge of prisoners.

Sec. 273.08. Disbursements.

[Sec. 273.11. Division of Services.]

[Sec. 273.31. Division of Westchester County Police.]

Sec. 273.41. Police Board.

Sec. 273.44. Powers and duties of the Police Board.

Sec. 273.45. County Fire Advisory Board; terms; duties.

Sec. 273.46. County Emergency Medical Services Advisory Board; terms; duties.

Sec. 273.51. Municipal functions not abridged; jurisdiction of local criminal courts;

Sec. 273.61. Power of officers to administer oaths.

Sec. 273.64. Hearing and determination of charges against members of the Division of Westchester County Police.

Sec. 273.67. Public Safety Emergency Force.

Sec. 273.71. Part-time public safety officers: employment and powers.

Sec. 273.75. Part-time public safety officers; roster; badges; classification and pay; removal; not to be members of Department of Public Safety.

Sec. 273.81. Disposition of lost, stolen and unclaimed property.

Sec. 273.91. Transfer of employees.

Section 3. Section 273.01 of the Laws of Westchester County is hereby amended to read as follows:

Sec. 273.01. [Powers and duties of]Organization of department.

1. The Department of Public Safety shall consist of the following three divisions: the Division of Westchester County Police, [and] the Division of Emergency Services and the Division of Fire Services. The Division of Westchester County Police, Division of Emergency Services and the Division of Fire Services shall each be headed by a Deputy Commissioner to be appointed by the Commissioner/Sheriff, subject to the approval of the County Executive, to serve at the Commissioner/Sheriff's pleasure.

2. There shall also be within the department a Police Board, a Fire Advisory Board, an Emergency Medical Services Advisory Board and a Public Safety Emergency Force, as hereinafter described. The Commissioner/Sheriff shall not exercise supervisory authority over the Police Board, the Fire Advisory Board or the Emergency Medical Services Advisory Board. The Commissioner/Sheriff may establish other units within the Department of Public Safety as [he] may be deemed necessary for the efficient operation of the department.

3. The Department of Emergency Services, as heretofore established, is hereby abolished. All functions and powers possessed by and all obligations and duties of the Department of Emergency Services are hereby transferred and assigned to, assumed by and do devolve upon the Department of Public Safety. All records of every kind, nature and description that were heretofore in the possession, custody and control of the Department of Emergency Services are hereby transferred to the possession, custody and control of the Commissioner/Sheriff and the Department of Public Safety.

Section 4. Section 273.02 of the Laws of Westchester County is hereby renumbered to Section 273.04 of the Laws of Westchester County.

Section 5. Section 273.03 of the Laws of Westchester County is hereby renumbered to Section 273.05 of the Laws of Westchester County.

Section 6. Chapter 273 of the Laws of Westchester County is amended by adding new Section 273.02 to read as follows:

Sec. 273.02. Functions, powers and duties transferred.

The Department of Public Safety shall have all the functions, powers and duties exercised by the former Department of Emergency Services prior to the effective date of this section. Such functions, powers and duties may be assigned either individually or jointly to the Division of Westchester County Police, the Division of Emergency Services and/or the Division of Fire Services in the discretion of the Commissioner/Sheriff, and shall include the authority to:

1. Develop and maintain programs for emergency medical services training and certification, emergency medical services-related activities and mutual aid emergencies in which the services of emergency medical service providers would be used;
2. Develop and maintain programs for fire training and certification, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firefighters would be used;
3. Cooperate with the office of fire prevention and control and other state agencies in furthering such fire related and emergency medical service programs;
4. Coordinate radio communications and develop uniform procedures for dispatching for both fire and emergency medical services, including medical control, between hospitals and

ambulances by medical emergency radio system, ambulance dispatching, inspection and certification:

5. Provide dispatch for emergency service agencies throughout the county;

6. Develop and maintain a county disaster preparedness plan, in accordance with Article 2-b of the Executive Law, for the coordination of emergency services in the event of natural or other disaster or emergency;

7. Assist with the powers and duties of the County Executive in his capacity as the county's local director of civil defense under the New York State Defense Emergency Act, as codified in chapter 784 of the laws of 1951, as amended;

8. Coordinate the provision of disaster and emergency assistance by local disaster preparedness and civil defense forces in the event of a state of emergency or disaster within the county;

9. Establish, maintain and supervise such emergency response units or teams as the Commissioner/Sheriff deems necessary, including, without limitation, hazardous materials response, technical rescue and weapons of mass destruction - chemical-biological-radiological-nuclear-explosive (WMD-CBRNE) units, provided that same may be all or in part comprised of specialized teams authorized under and in accordance with Section 209-bb of the New York General Municipal Law, as may be amended from time to time. The Commissioner/Sheriff may, as a prerequisite of membership on a specialized team, require each member to obtain from his or her sponsoring municipality or sponsoring organization a written authorization of the municipality or organization expressly extending said municipality's or organization's insurance coverage to the member while that member is participating in the activities of the specialized team that complies with General Municipal Law § 209-bb(3);

10. Divide the county into zones or regions as the Commissioner/Sheriff deems appropriate to effectively perform the duties of the Divisions of Emergency Services and Fire Services and the Commissioner/Sheriff may appoint such personnel as is necessary to accomplish these objectives within the amounts appropriated therefor; and

11. Perform such other duties as may be prescribed by law or required by the County Executive or the County Board of Legislators.

Section 7. Section 273.31 of the Laws of Westchester County is hereby renumbered to Section 273.03 of the Laws of Westchester County and amended to read as follows:

Sec. 273.03[1]. Division of Westchester County Police.

The Division of Westchester County Police shall consist of the former division of the Westchester County Parkway Police and the former Bureau of Criminal Investigation in the Department of the Sheriff. In addition to any duties assigned by the Commissioner/Sheriff, the Division of Westchester County Police shall have all the powers and duties exercised by the former Civil Division and the former Bureau of Courts and Transportation of the Office of the Sheriff, except for such transportation responsibility as shall be assigned by law to the Department of Correction. All the law enforcement and police powers, duties and obligations presently or hereafter granted or imposed on the Sheriff by law shall be continued and vested in the Division of the Westchester County Police of the Department of Public Safety.

Section 8. Section 273.11 of the Laws of Westchester County is hereby repealed.

Section 9. Chapter 273 of the Laws of Westchester County is amended by adding new Section 273.45 to read as follows:

Sec. 273.45. County Fire Advisory Board; Terms; Duties.

The Fire Advisory Board shall consist of not less than five (5) members who will address the concerns of fire related issues. In no event shall the board consist of more than fifteen (15) members. It is recommended that the composition of the board contain: seven (7) members of the public at large; two (2) members from the Association of Fire Districts; two (2) members who are career firefighters; two (2) members of the Westchester County Volunteer Fireman's Association; and two (2) members from the Westchester County Association of Fire Chiefs. The terms of office shall be for one (1), two (2) or three (3) years and such terms need not be the same for all members. The board shall have the duty to cooperate with the office of fire prevention and control and other appropriate state agencies in relation to programs for fire training, fire service related activities and mutual aid in accordance with the provisions of New York State County Law § 225-a.

Section 10. Chapter 273 of the Laws of Westchester County is amended by adding new Section 273.46 to read as follows:

Sec. 273.46. County Emergency Medical Services (EMS) Advisory Board; terms; duties.

The Emergency Medical Services Advisory Board shall consist of not less than five (5) members who will address the concerns of emergency medical services related issues. In no event shall the board consist of more than fifteen (15) members. The terms of office shall be for one (1), two (2) or three (3) years and such terms need not be the same for all members. The board shall have the duty to cooperate with appropriate state agencies in relation to programs for

emergency medical services training, emergency medical services related activities and mutual aid in accordance with the provisions of New York State County Law § 223-b.

Section 11. This Local Law shall take effect on January 1, 2011.