

CALENDAR
for
REGULAR MEETING OF THE COUNCIL
of the
CITY OF LONG BEACH
held
AUGUST 1, 2023

PUBLIC HEARING: Bond Ordinance Authorizing Financing for Various Capital Projects in and for the City, Stating the Estimated Total Cost Thereof is \$18,501,200.

1. Bond Ordinance Authorizing Financing for Various Capital Projects in and for the City, Stating the Estimated Total Cost Thereof is \$18,501,200.
2. Resolution Authorizing the Acting City Manager to Enter into an Agreement for the Replacement of an Auxiliary Power Generator with the Lowest Responsible Bidder.
3. Resolution Authorizing the Acting City Manager to Enter into a Contract for the Repair of Main Sewage Pump No. 4 at the Wastewater Treatment Plant with the Lowest Responsible Bidder.
4. Resolution Authorizing the Acting City Manager to Enter into a Contract for the Replacement, Furnishing and Installation of In-Line Check Valves with the Lowest Responsible Bidder.
5. Resolution Authorizing Transfer of Funds for the 2023-2024 Fiscal Year.
6. Resolution Authorizing Transfer of Funds for the 2023-2024 Fiscal Year.
7. Resolution Authorizing Payment for Thomson Reuters Westlaw Services.
8. Resolution Authorizing the Issuance of a Negative Declaration and the Adoption of a Comprehensive Plan for the City of Long Beach Pursuant to Requirements of the New York State Environmental Quality Review Act (SEQRA).
9. Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Motor Vehicles and Traffic.
10. Approval of Minutes of Prior Meeting of July 18, 2023.

August 1, 2023

Item No. 1
Ordinance No.

The following Ordinance was moved by
and seconded by :

BOND ORDINANCE DATED AUGUST 1, 2023.

ORDINANCE AUTHORIZING FINANCING FOR VARIOUS CAPITAL PROJECTS IN AND FOR THE CITY, STATING THE ESTIMATED TOTAL COST THEREOF IS \$18,501,200, APPROPRIATING SAID AMOUNT THEREFOR, INCLUDING THE EXPENDITURE OF ANY STATE OR FEDERAL AID EXPECTED TO BE RECEIVED IN CONNECTION THEREWITH, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$14,674,200 BONDS OF SAID CITY TO FINANCE A PORTION OF SAID APPROPRIATION; AND FURTHER AUTHORIZING ANY AMOUNTS RECEIVED FROM THE UNITED STATES OF AMERICA AND/OR THE STATE OF NEW YORK TO BE EXPENDED TOWARD THE COST OF CERTAIN OF SUCH CAPITAL PROJECTS AS INDICATED HEREIN, OR REDEMPTION OF ANY NOTES AND BONDS ISSUED THEREFOR OR TO BE BUDGETED AS AN OFFSET TO THE TAXES FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID NOTES AND BONDS.

BE IT ENACTED BY THE COUNCIL OF THE CITY OF LONG BEACH, NASSAU COUNTY, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Council) AS FOLLOWS:

Section 1. The City of Long Beach, Nassau County, New York (herein called the "City"), is hereby authorized to finance the costs of construction, acquisition or undertaking of the various capital projects as described in column B of Schedule I attached hereto and hereby made a part hereof, at the respective estimated maximum costs indicated in column C of such Schedule I. The total estimated maximum cost of such projects, including preliminary costs and costs incidental thereto and to the financing thereof, is \$18,501,200 and said amount is hereby appropriated therefor. The plan of financing includes (i) the expenditure of State and Federal aid expected to be received in connection with such projects as described in column F of such Schedule I, (ii) the issuance of not to exceed \$14,674,200 bonds of the City to finance said appropriation, and (iii) the levy and the collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any amounts received by the City from the United States of America and/or the State of New York are hereby authorized to be expended towards the cost of the applicable specific objects or purposes, classes of objects or purposes or combinations of objects or purposes or the redemption of any notes and bonds issued therefor or to be budgeted as an offset to the taxes for the repayment of the principal of and interest on said notes and bonds.

Section 2. Bonds of the City in the aggregate principal amount of not to exceed \$14,674,200 are hereby authorized to be issued in the respective principal amounts indicated in column E of Schedule I for each of the respective objects or purposes indicated in column B of such Schedule I, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance the appropriation referred to herein.

Section 3. The respective periods of probable usefulness of the specific objects or purposes, classes of objects or purposes and combinations as referenced in column B of the attached Schedule I, for which said bonds are authorized are to be issued, within the limitations of §11.00 a. of the Law, are set forth in column I of the attached Schedule I.

Section 4. The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the City for expenditures made after the effective date of this ordinance for the purpose or purposes for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

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

Section 6. Subject to the provisions of this ordinance and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the City Comptroller, the chief fiscal officer of the City.

Section 7. The validity of the bonds authorized by this ordinance, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

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

Section 8. This Bond Ordinance shall take effect immediately, and the City Clerk is hereby authorized and directed to publish the foregoing ordinance, in full, together with a notice in substantially the form prescribed by §81.00 of the Law in "*The Long Beach Tribune*," the official newspaper of said City for such publication.

SCHEDULE 1 - 2023 CHART OF COMPONENTS

A Category	B Project Name	C ESTIMATED MAXIMUM COST	D GRANT FUNDING	E BOND AUTHORIZATION	F 2024 Non City Funding		G PPU	H LFL Paragraph	I Specific, Class or Combination
					City Portion	Grant Portion			
Roads	Road Overlays	\$ 500,000	\$ 0	\$ 500,000	\$ -	\$ -	15	Par. 20(c)	C
Roads	Curb/Sidewalk Rehabilitation - City Wide	\$ 100,000	\$ 0	\$ 100,000	\$ -	\$ -	10	Par. 24	C
Public Safety	Fire Department - Fire Ladder Truck	\$ 2,115,000	\$ 0	\$ 2,115,000	\$ -	\$ -	20	Par. 27	S
Public Safety	PD-City wide security (CCTV, Access Control, Internet/Recording). Radios and other security upgrades	\$ 220,000	\$ 0	\$ 220,000	\$ -	\$ -	10	Par. 24	C
Public Safety	Police Department - Vehicles (3)	\$ 210,000	\$ 0	\$ 210,000	\$ -	\$ -	5	Par. 29	C
Public Safety	PD - Technology Upgrades - Interoperable Communication Center for Police, Fire, EMS, and OEM	\$ 355,200	\$ 355,200	\$ 355,200	\$ -	\$ 355,200	10	Par. 24	C
Public Safety	PD-Safety/Traffic/Crowd Control Equipment	\$ 39,000	\$ 0	\$ 39,000	\$ -	\$ -	5	Par. 32	C
Public Safety	PD - Body Camera/Tasers	\$ 185,000	\$ 160,000	\$ 25,000	\$ 25,000	\$ 160,000	10	Par. 24	C
Buildings	Central Garage - DPF Filter Cleaner	\$ 80,000	\$ 72,000	\$ 80,000	\$ 8,000	\$ 72,000	10	Par. 13	C
Buildings	Central Garage - Fuel Management System	\$ 55,000	\$ 0	\$ 55,000	\$ -	\$ -	10	Par. 13	C
Buildings	City Building Rehabilitation - Various Locations	\$ 750,000	\$ 0	\$ 750,000	\$ -	\$ -	15	Par. 12(a)(2)	C
Grounds	Fencing - Various	\$ 100,000	\$ 0	\$ 100,000	\$ -	\$ -	5	Par. 35	C
Parks	Playgrounds	\$ 100,000	\$ 0	\$ 100,000	\$ -	\$ -	15	Par. 19(c)	C
Equipment	Recreation - Zamboni	\$ 115,000	\$ 115,000	\$ 115,000	\$ -	\$ 115,000	15	Par. 19(c)	C
Equipment	Street Maintenance - Asphalt Hot Patcher Slip in Unit (Hot Box)	\$ 60,000	\$ 0	\$ 60,000	\$ -	\$ -	15	Par. 20(c)	C
Various	Eco-Dev New York Forward-Park Ave. Project	\$ 2,000,000	\$ 0	\$ 2,000,000	\$ -	\$ 2,000,000	15	Par. 20(c)	C
Technology	Fixed Assets Management System (FRB)	\$ 50,000	\$ 50,000	\$ 50,000	\$ -	\$ 50,000	10	Par 81(a)	S
Technology	Time Management Software (FRB)	\$ 200,000	\$ 200,000	\$ 200,000	\$ -	\$ 200,000	5	Par 81(b)	C
Sewer	Sewer Upgrades	\$ 500,000	\$ -	\$ 500,000	\$ -	\$ -	40	Par. 4	C
Water	Water Meter Replacement	\$ 6,667,000	\$ 2,000,000	\$ 4,000,000	\$ 667,000	\$ 2,000,000	20	Par. 30	C
Water	Various Plant Improvements	\$ 100,000	\$ 0	\$ 100,000	\$ -	\$ -	40	Par. 1	C
Water	Water System Upgrades - Various	\$ 4,000,000	\$ 1,000,000	\$ 3,000,000	\$ 3,000,000	\$ 1,000,000	40	Par. 1	C
	TOTAL	\$ 18,501,200	\$ 3,952,200	\$ 14,674,200	\$ 3,700,000	\$ 3,952,200.00			

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Item No. 2
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Enter into an Agreement for the Replacement of an Auxiliary Power Generator with the Lowest Responsible Bidder.

WHEREAS, an existing auxiliary power generator must be demolished and replaced; and

WHEREAS, after due advertisement therefore, six bids were received in the Office of the Commissioner of Public Works on April 13, 2023 for the demolition of the existing generator unit, replacement of structural steel, plumbing, framing and installation of a new auxiliary power generator to replace an existing generator, as per specifications on file in the Office of the Commissioner of Public Works; and

WHEREAS, Bel-Air Electric Construction, Inc., 30 Stewart Street, Hewlett, New York 11557 was the lowest responsible bidder at a cost of \$352,553.36;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and he hereby is authorized to enter into a contract with Bel-Air Electric Construction, Inc., 30 Stewart Street, Hewlett, New York 11557 for the demolition of the existing generator unit, replacement of structural steel, plumbing, framing and installation of a new auxiliary power generator to replace an existing generator, at a cost of \$352,553.36. Funds in the amount of \$250,000.00 are available in Account No. H1023.52366 (Generator at City Hall); funds in the amount of \$30,000.00 are available in Account No. H1018.53079 (Various Building Improvements); funds in the amount of \$72,553.36 are available in Account No. H1018.52348 (Various Building Improvements).

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Item No. 3
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Enter into a Contract for the Repair of Main Sewage Pump No. 4 at the Wastewater Treatment Plant with the Lowest Responsible Bidder.

WHEREAS, after due advertisement therefore, three bids were received in the Office of the Commissioner of Public Works for the complete overhaul of Pump No. 4 at the City's Wastewater Treatment Plant, inclusive of picking up the pump, dismantling, replacing parts and reinstalling for use, in accordance with plans and specifications on file in the Department of Public Works; and

WHEREAS, 3D Industrial Sales & Services, 7 Shirley Street, Bohemia, New York 11716 was the lowest responsible bidder at a cost of \$29,860.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and he hereby is authorized to enter into a contract with 3D Industrial Sales & Services, 7 Shirley Street, Bohemia, New York 11716 for the complete overhaul of Pump No. 4 at the City's Wastewater Treatment Plant, inclusive of picking up the pump, dismantling, replacing parts and reinstalling for use, in accordance with the plans and specifications on file in the Department of Public Works, at a cost of \$29,860.00. Funds are available in Account No. H3020.52355 (Wastewater Treatment Pump Replacement).

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Item No. 4
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Acting City Manager to Enter into a Contract for the Replacement, Furnishing and Installation of In-Line Check Valves with the Lowest Responsible Bidder.

WHEREAS, after due advertisement therefore, ten bids were received in the Office of the Commissioner of Public Works on July 20, 2023 for the replacement, furnishing and installation of in-line check valves located on the City of Long Beach outfall pipes that drain into Reynolds Channel, in accordance with plans and specifications on file in the Department of Public Works; and

WHEREAS, J. Anthony Enterprises, Inc., 175 Engineers Road, Hauppauge, New York 11788 was the lowest responsible bidder at a cost of \$166,535.00;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the Acting City Manager be and he hereby is authorized to enter into a contract with J. Anthony Enterprises, Inc., 175 Engineers Road, Hauppauge, New York 11788 for the replacement, furnishing and installation of in-line check valves located on the City of Long Beach outfall pipes that drain into Reynolds Channel, in accordance with plans and specifications on file in the Department of Public Works, at a cost of \$166,535.00. Funds in the amount of \$1,699.00 are available in Account No. H1016.52262 (Tide Flex Valve Installation); funds in the amount of \$103,000.00 are available in Account No. H1017.52262 (Tide Flex Valve Installation); funds in the amount of \$25,000.00 are available in Account No. H1018.52262 (Tide Flex Valve Installation); and funds in the amount of \$36,836.00 are available in Account No. H1016.52300 (Stormwater Remediation).

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Item No. 5
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Transfer of Funds for the
2023-2024 Fiscal Year.

WHEREAS, a transfer of funds is needed to cover the cost of various insurance
premiums;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
following transfer of funds be and are hereby authorized:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1990.54406	Contingency	\$70,000.00	
A1420.54453	Corporation Counsel-Consultants	\$20,000.00	
A1910.54402	Unallocated Insurance		\$90,000.00

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Item No. 6
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Transfer of Funds for the
2023-2024 Fiscal Year.

WHEREAS, a transfer of funds is needed to cover the cost of salary increases;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the
following transfer of funds be and are hereby authorized:

<u>Budget Code</u>	<u>Description</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
A1990.54406	Contingency	\$7,586.00	
A1410.51101	City Clerk- Regular Salaries		\$2,231.00
A1445.51101	Building Department- Regular Salaries		\$2,907.00
A7140.51101	Recreation- Regular Salaries		\$2,448.00

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Item No. 7
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Payment for Thomson Reuters
Westlaw Services.

WHEREAS, Thomson Reuters Westlaw is a legal research platform and tool
utilized daily by the Office of the Corporation Counsel for over twenty years; and

WHEREAS, pursuant to Resolution No. 126/22, duly adopted on August 16,
2022, the City Council authorized the City Manager to make monthly payments in the amount of
\$2,124.07 to Thomson Reuters Payment Center, P.O. Box 6292, Carol Stream, Illinois 60197-
6292, at an annual cost of \$25,488.84, and including additional three (3%) percent price
increases in fiscal years 2023 and 2024, with the contract expiring June 30, 2024; and

WHEREAS, pricing has increased due to the Corporation Counsel's Office obtaining
an additional Westlaw license, with the monthly cost now being \$2,509.99 and \$30,119.88 annually
for this professional service, which includes the three (3%) percent increases;

NOW, THEREFORE, be it

BE IT RESOLVED, by the City Council of the City of Long Beach, New York
that the Acting City Manager be and is hereby authorized to make monthly payments in the
amount of \$2,509.99 to Thomson Reuters Payment Center, P.O. Box 6292, Carol Stream, Illinois
60197-6292, at an annual cost of \$30,119.88, which will expire June 30, 2024. Funds are
available in Account No. A1420.54464 (Subscriptions).

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Item No. 8
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing the Issuance of a Negative Declaration and the Adoption of a Comprehensive Plan for the City of Long Beach Pursuant to Requirements of the New York State Environmental Quality Review Act (SEQRA).

WHEREAS, pursuant to Resolution No. 111/23, dated June 6, 2023, the City Council of the City of Long Beach was declared Lead Agency to fully assess the adoption of a Comprehensive Plan for the City of Long Beach; and

WHEREAS, SLR Engineering Landscape Architecture & Land Surveying, P.C., 245 East 40th Street, New York, New York 10016, the City's consultants in this matter, prepared a draft Comprehensive Plan as well as the required Environmental Assessment, both of which were made available to the public for review on the City's website, at the City Clerk's Office and at the Public Library; and

WHEREAS, a public hearing was held on June 20, 2023 on the Comprehensive Plan and Environmental Assessment at which time members of the public had an opportunity to comment on the Comprehensive Plan and its potential environmental impacts; and

WHEREAS, the public hearing was closed on June 20, 2023 after all persons wanting to speak were heard and a comment period extending ten days after the close of the hearing was provided for receipt of additional written comments; and

WHEREAS, in response to comments received at the public hearing and during the comment period, modifications were made to the Comprehensive Plan and the Environmental Assessment; and

WHEREAS, pursuant to New York State General City Law Section 28-a which states that the legislative body of the City shall refer the Comprehensive Plan or any amendments to the County Planning Agency for review as required by Section 239-m of the General Municipal Law prior to adoption of the plan, the Comprehensive Plan and Environmental Assessment dated May 2023, were forwarded to the Nassau County Planning Commission on May 18, 2023; and

WHEREAS, pursuant to Resolution No. 10533-23, dated June 15, 2023, the Nassau County Planning Commission had no modifications and recommended that the City of Long Beach take action as it deems appropriate; and

WHEREAS, the City Council, as Lead Agency under SEQRA, determines that the Comprehensive Plan will not have a significant effect on the environment and issues a negative declaration indicating that a Draft Environmental Impact Statement will not be prepared; and

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WHEREAS, the City Council agrees that the plans and policies incorporated in the Comprehensive Plan will beneficially guide the growth and development of the City of Long Beach and enhance and sustain its community character;

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York that the 2023 City of Long Beach Comprehensive Plan is hereby adopted; and be it further

RESOLVED, that the City Council, as Lead Agency under SEQRA, determines that the Comprehensive Plan will not have a significant effect on the environment and issues a negative declaration indicating that a Draft Environmental Impact statement will not be prepared.

August 1, 2023

Item No. 9
Resolution No.

The following Resolution was moved by
and seconded by :

Resolution Authorizing Publication for Hearing of an
Ordinance to Amend the Code of Ordinances of the City
of Long Beach Re: Motor Vehicles and Traffic.

WHEREAS, there has been presented to this Council the following proposed
Ordinance:

“ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE
CITY OF LONG BEACH RE: MOTOR VEHICLES AND TRAFFIC.”
(See Ordinance Attached)

NOW, THEREFORE, be it

RESOLVED, by the City Council of the City of Long Beach, New York, that the
City Clerk shall cause to be published in the official newspaper of the City of Long Beach the
title, and a summary or the full text of said Ordinance; and be it further

RESOLVED, that said Ordinance shall be on the calendar for public hearing at a
meeting of the City Council to be held at City Hall, 1 West Chester Street, Long Beach, New
York, on August 15, 2023 at 7:00 p.m. on that day.

The following Ordinance was moved by
and seconded by :

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF LONG BEACH RE: MOTOR VEHICLES
AND TRAFFIC.

BE IT ENACTED, by the City Council of the City of Long Beach, New York, as
follows:

Sec.1. Chapter 15, Article VI, Division 2, of the Code of Ordinances of the City
of Long Beach, shall be and the same is hereby amended to read as follows:

“DIVISION 2. Immobilization and Removal of Illegally Parked Vehicles

...

Sec. 15-210. Grounds For Removal and/or Immobilization; General Provisions.

(a) Grounds for Immobilization/Removal. The following vehicles shall be subject to
removal and/or immobilization:

...

(5) Vehicles which have three (3) or more outstanding and/or unpaid parking
violations issued against them and which, after mailing to the registered
owner a final notice, at the address provided by the Department of Motor
Vehicles records, are found operated or parked on any public street, public
highway, roadway, any portion of the entire width between the boundary
lines of any way publicly maintained or on any property owned, leased by,
or in the possession and control of, the City of Long Beach. A parking
violation is deemed outstanding when said violation has not been
answered by the required appearance date. **A parking violation is
deemed unpaid when said violation has not been paid by the date set
by the City Court.**

...

(b) Removal following immobilization. Where a vehicle is immobilized and the owner or
other person entitled to possession of the vehicle **does not pay all fees, or request a
hearing pursuant to Section 15-211 of this division within seventy-two (72) hours of
the vehicle being immobilized**, the vehicle may be removed and conveyed, by or under
the direction of a member of the police department or the fire department, by means of
towing, or otherwise, to the city yard or to such other place as the commissioner of police
may direct and there stored; and such removal, conveyance and storage shall be at the
risk of the owner of the vehicle.

...

Sec. 15-211. Immobilization and/or Removal; Notice and Penalties.

- (a) Within **seventy-two hours (72)** after towing **if the vehicle is not recovered by the owner**, the Police Department shall notify **all titled owners, lienholders and registrants, if different, on file with the New York State Department of Motor Vehicles**, of such vehicle by **certified mail, return receipt requested**, of the fact of its towing or immobilization, the place where it may be recovered and the conditions under which it will be released. **The notice shall also inform all titled owners, lienholders and registrants of the right to a hearing before a neutral hearing officer to determine whether grounds for removal existed pursuant to Section 15-210, how the titled owners, lienholders and registrants can request the hearing and that the hearing shall be scheduled within three (3) business days of the request for a hearing if the vehicle has not been recovered or within thirty (30) business days if the vehicle has been recovered. The notice shall also inform all titled owners, lienholders and registrants that if the vehicle is not redeemed or claimed within thirty (30) days of the notice, the Commissioner of Police may sell the vehicle pursuant to Section 15-213 of this division. If the vehicle is subject to forfeiture pursuant to Section 56 of the City Charter, the notice shall inform all titled owners, lienholders and registrants that the vehicle is subject to forfeiture and that a hearing will be held before a neutral hearing officer on the issues of whether probable cause existed that the vehicle was used in the commission of a crime, whether the City is likely to succeed on the merits of the forfeiture action and whether retention of the vehicle is necessary to preserve the vehicle from destruction during the pendency of the forfeiture proceeding and whether any other measures would better protect the City's interests during the proceedings, including but not limited to: (a) issuance of restraining order prohibiting the sale, transfer or loss of the vehicle with the imposition of appropriate penalties for violation of said restraining order; and/or (b) taking of a bond.**
- (b) Additionally, when a vehicle is immobilized, the Police Department shall cause to be attached to the immobilized vehicle a notice containing the following information, in such form as directed by the Commissioner of Police:

...

- (6) **The right to request a hearing before a neutral hearing officer on whether grounds for immobilization pursuant to Section 15-210 existed at the time of immobilization, how the owner can request a hearing and that a hearing will be scheduled within three (3) business days of the request for the hearing if the owner has not recovered the vehicle and within thirty (30) business days if the vehicle has been recovered; and**
- (7) **Such other information, statements, notices and/or warnings as the Police Department may from time to time determine.**

...

Sec. 15-212. Procedure for Redemption; Release; Charges; Hearings.

...

(a) Before the owner or any other person entitled to possession of a vehicle removed or immobilized pursuant to this division shall be permitted to repossession thereof, that person or authorized agent shall furnish satisfactory evidence of his or her identity and ownership or authorization from the owner to obtain the release of such motor vehicle, and shall make payment to the City of Long Beach for charges incurred in the immobilization or removal of such vehicle, as well as applicable administrative charges under this division, **except where a hearing officer determines that there were no grounds for the removal.** No such vehicle shall be released until the owner or authorized agent has established his or her identity and right to possession and has signed a proper receipt therefor.

(b) Charges for Removal. **Except as otherwise provided in this division,** the owner or other person entitled to possession of a vehicle removed pursuant to this division shall pay to the City of Long Beach a fee of one hundred twenty dollars (\$120.00) to cover administrative costs, as well as towing and storage charges in accordance with the following schedule:

- (1) For the pickup with standard equipment and towing, two hundred **forty-five** dollars (**\$245.00**), and five dollars (\$5.00) for each additional mile or part thereof towed.
- (2) For the pickup with required flatbed towing, and towing, two hundred **ninety-five** dollars (**\$295.00**), and five dollars (\$5.00) for each additional mile or part thereof towed.

...

(c) Charges for Immobilization.

- (1) **Except as otherwise provided in this division,** an owner or other person entitled to possession of an immobilized vehicle pursuant to this division shall pay to the City of Long Beach a fee of two hundred and seventy dollars (\$270.00) immobilization charge to the City of Long Beach.

...

(e) Release of Vehicle.

- (1) **Except where a neutral hearing office has determined that there were no grounds for the immobilization or removal of the vehicle under this division,** before the owner or person in charge of any vehicle taken into custody, or immobilized as above provided, shall be allowed to repossess or to secure the release of said vehicle, the owner or his/her agent shall:

- a) Pay any and all sums legally due for any city parking violations issued and outstanding against such vehicle, including fines and penalties;
 - b) **Appear on all overdue** parking summonses issued in the city against any motor vehicles registered in the name of the registered owner of the impounded motor vehicle.
 - c) Comply with all procedures for redemption as provided in section 15-212; and
 - d) Pay all charges as provided in section 15-212.
- (2) Inability to comply with subsection (1)(a) - If after paying applicable charges for removal and/or immobilization of a vehicle, the owner or person in charge of any such vehicle is unable to comply with subsection (1)(a), that individual shall be entitled to post a bond in an amount sufficient to cover such fines and/or penalties. Such bond may be posted in cash, or by credit card via the Police Department payment kiosk. A three percent (3%) non-refundable processing cost shall be applied to credit card payments. As soon as practicable thereafter, such individual must comply with subsections (1)(a) and (b) in order to be eligible to receive a return of the posted bond.
- (f) **Hearings.**
- (1) **A neutral hearing officer shall preside over any hearing requested pursuant to this division.**
 - (2) **All neutral hearing officers shall be attorneys that have been admitted to practice law in the State of New York for at least five (5) years. The neutral hearing officers shall be selected through Request for Qualifications, after which qualified applicants shall be approved by the City Council.**
 - (3) **The City shall have the burden of proving that there were sufficient grounds for the immobilization and/or removal of the vehicle pursuant to Section 15-210 by a preponderance of the evidence.**
 - (4) **Where the vehicle is subject to forfeiture pursuant to Section 56 of the City Charter, the City shall have the burden of proving that probable cause existed that the vehicle was used in the commission of a crime, that the City is likely to succeed on the merits of the forfeiture action and that retention of the vehicle is necessary to preserve the vehicle from destruction during the pendency of the forfeiture proceeding and or whether any other measures would better protect the City's interests during the proceedings, including but not limited to: (a) issuance of restraining order prohibiting the sale, transfer or loss of**

the vehicle with the imposition of appropriate penalties for violation of said restraining order; and/or (b) taking of a bond.

- (5) Any interested party may appear in person and/or with an attorney duly admitted to practice law in the State of New York. Should more than one interested party request a hearing pursuant to this division, said hearings shall be scheduled jointly with any other requested hearing regarding the same immobilization or tow of a vehicle.**

Sec. 2. This Ordinance shall take effect immediately.