



ALBANY COUNTY LEGISLATURE
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SEAN E. WARD
CHAIRMAN

PAUL T. DEVANE
CLERK

AGENDA

LAW COMMITTEE

MAY 23, 2016

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. RESOLUTION NO. 80: PREVENTING THE HIRING OF FORMER COUNTY LEGISLATORS AND THE FAMILY MEMBERS OF CURRENT AND FORMER COUNTY LEGISLATORS BY THE COUNTY OF ALBANY
2. RESOLUTION NO. 81: AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER
3. RESOLUTION NO. 82: AMENDING THE ALBANY COUNTY CHARTER AND ADOPTING THE CHARTER PROPOSAL OF THE ALBANY COUNTY CHARTER REVIEW COMMISSION
4. RESOLUTION NO. 84: AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER
5. RESOLUTION NO. 127: AUTHORIZING FIFTY PERCENT OF REAL PROPERTY TAXES COLLECTED BY THE COUNTY OF ALBANY ON REAL PROPERTY CONVEYED BY THE ALBANY COUNTY LAND BANK CORPORATION BE REMITTED TO SAID ENTITY

CURRENT BUSINESS:

6. RESOLUTION NO. 220: REQUIRING ALL BOARDS AND COMMISSIONS THAT ARE APPOINTED BY THE LEGISLATURE DISTRIBUTE MEETING NOTICES AND AGENDAS TO THE LEGISLATURE

Honorable Sean E. Ward and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Law Committee of the Albany County Legislature met on April 11th, 2016. Chairperson Mackey, Messrs. Beston, Clenahan, Feeney, Higgins, Mayo, Mauriello, Signoracci and Ms. Lockart were present. The following items were discussed and/or acted upon:

1. Local Law No. "B" for 2016: A local law of the County of Albany, New York, Amending the Albany County Charter and Local Law No. 8 for 1993 as subsequently amended, for the purpose of incorporating the Crime Victim and Sexual Violence Center into the Albany County Charter: Mr. Clenahan explained that there were many benefits to incorporating the Center into the County Charter, including the fact that it would be established as a permanent institution in County government, which in turn would help secure greater funding from various groups and agencies. After a brief discussion, the Committee voted unanimously to move the proposal forward with a favorable recommendation.
2. Resolution No. 128: Establishing Transparency and Citizen Engagement Involving the Albany County Legislature via Social Media: Mr. Grimm described the various advantages to using social media to facilitate a broader range of discourse with the public, focusing on changing technological trends and with an emphasis on attracting younger people. Concerns were raised about confirming the identities of the commenters, and who this would be managed by, and how it would be carried out. After a brief discussion, the Committee voted 7-2 to move the proposal forward with a negative recommendation, with Messrs. Higgins and Mauriello opposed.

Respectfully Submitted,
THE LAW COMMITTEE

MICHAEL MACKEY, Chairperson
DENNIS A. FEENEY
BRYAN M. CLENAHAN
CHRISTOPHER T. HIGGINS
ROBERT J. BESTON

RALPH V. SIGNORACCI
DAVID B. MAYO
FRANK A. MAURIELLO
PATRICE LOCKART

Honorable Sean E. Ward and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Law Committee of the Albany County Legislature met on April 25, 2016. Chairperson Mackey, Messrs. Feeney, Mayo, Clenahan, Beston, Higgins and Signoracci were present. Mr. Mauriello and Ms. Lockart were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously Approved.

1. Resolution No. 80: Preventing the hiring of former County Legislators and the family members of current and former County Legislators by the County of Albany: Tabled at the request of the Sponsor.
2. Resolution No. 81: Amending the Albany County Legislative Rules of Order: Tabled at the request of the Sponsor.
3. Resolution No. 82: Amending the Albany County Charter and adopting the Charter Proposal of the Albany County Charter Review Commission: Tabled at the request of the Sponsor.
4. Resolution No. 84: Amending the Albany County Legislative Rules of Order: Tabled at the request of the sponsor.
5. Resolution No. 127: Authorizing fifty percent of real property taxes collected by the County of Albany on real property conveyed by the Albany County Land Bank Corporation be remitted to said entity: Tabled at the request of the Sponsor.
6. Authorizing the submission of a grant application and an agreement with the NYS Division of Criminal Justice Services regarding the Gun Involved Violence Elimination Partnership: The NYS Division of Criminal Justice Services informed Albany County that grant funds are available for the District Attorney's Office in the amount of \$190,000, the Probation Department in the amount of \$75,503 and the Sheriff's Department in the amount of \$91,757 regarding the Gun Involved Violence Elimination (GIVE) Partnership, for the period from July 1, 2016 to June 30, 2017. The State aid will be utilized to support targeted firearm and violent crime reduction efforts within the designated jurisdictions within Albany County. After a brief discussion, the Committee voted unanimously to move the proposal forward with a favorable recommendation.

- 7: Authorizing an agreement regarding the Violent Offender Identification Directive (VOID) and amending the 2016 Probation Department Budget: The collaborative effort of Violent Offender Identification Directive (VOID) between the Albany City Police Department and the Albany County Department of Probation aims to decrease the amount of gun violence exhibited in the City and increase communication about offenders between both agencies to reduce crime and violence while enhancing enforcement of court ordered probation conditions. The Probation Department has also requested a budget amendment in order to incorporate that the Albany City Police Department will reimburse the County up to five VOID identified probationers at \$7.50 per day, for a two year term, a maximum amount of \$13,500 per year beginning May 1, 2016 and ending April 30, 2018. After a brief discussion, the Committee voted unanimously to move the proposal forward with a favorable recommendation.
- 8: Authorizing an agreement regarding Excess Workers' Compensation Insurance: Albany County retained the firm of Arthur J. Gallagher Risk Management Service as the County's insurance consultant relating to Excess Workers' Compensation Insurance, and has recommended that the County enter into an agreement with Safety National Casualty Corporation to provide Excess Workers' Compensation Insurance. The agreement with Safety National Group is effective January 1, 2016 through December 31, 2016 at a premium of \$252,752 which provides an \$800,000 retention for all except Police Officers, a \$1,000,000 retention per occurrence for Police Officers, and an Employer's Liability Limit of \$2,000,000 per occurrence/\$2,000,000 aggregate. After a brief discussion, the Committee voted unanimously to move the proposal forward with a favorable recommendation.

Respectfully Submitted,
THE LAW COMMITTEE

MICHAEL MACKEY, Chairperson
DENNIS A. FEENEY
BRYAN M. CLENAHAN
CHRISTOPHER T. HIGGINS
ROBERT J. BESTON

RALPH V. SIGNORACCI
DAVID B. MAYO
FRANK A. MAURIELLO
PATRICE LOCKART

1

RESOLUTION NO. 80

PREVENTING THE HIRING OF FORMER COUNTY LEGISLATORS
AND THE FAMILY MEMBERS OF CURRENT AND FORMER COUNTY
LEGISLATORS BY THE COUNTY OF ALBANY

Introduced: 2/9/16

By Mr. Mayo:

WHEREAS, The integrity of and public confidence in the Albany County Legislature is of paramount importance, and

WHEREAS, The Albany County Legislature should avoid any appearance of impropriety, and

WHEREAS, The hiring of an Albany County Legislator as an employee of Albany County after the conclusion of their term of office, either by defeat in a contested election or by reason of not seeking another term of office, or the hiring of a family member during or after such term of office, may exhibit the appearance of impropriety, favoritism, and undermine public trust, and

WHEREAS, Nepotism includes many of the basic government ethics issues: conflict of interest, misuse of office, preferential treatment and patronage; nepotism undermines public trust by making government look like a family business run not for the community but for the families in power; nepotism is bad for morale within the government organization; nepotism is one of the leading methods of keeping other ethnic and racial groups out of local government, now, therefore be it

RESOLVED, That the hiring of an Albany County Legislator or family member of an Albany County Legislator as an employee of the County of Albany during or after that Legislator's term of office is prohibited for the period of the term of office and a period of four (4) years from the date of conclusion of the term of office, and, be it further

RESOLVED, This prohibition shall not apply retroactively, such that current or former Albany County Legislators or family members of current or former Albany County Legislators who became employees of the County of Albany on or before December 31, 2015, will not be affected, and, be it further

RESOLVED, The effective date of this resolution, or any facsimile thereof, will be December 31, 2015, and, be it further

RESOLVED, Time spent in committee or any revisions thereto

notwithstanding, the intent of this resolution is to have an effective date of December 31, 2015, and no new hires affected or believed to be affected by this resolution will be made absent a vote on this resolution by the body of the Albany County Legislature, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Personnel and Law Committees. 2/9/16

David Mayo
14 Morgan Way
Latham, NY 12110

February 9, 2016

Hon. Robert Beston
Chairman, Personnel Committee
112 State Street
Albany, NY 12207

Dear Bob:

Enclosed please find an updated resolution I would like to be presented at the February Personnel Committee meeting. In the original resolution I failed to define "family member" and did not address Civil Service titles.

Also, I will be away on vacation and will not be present at the February 24 Personnel Committee meeting. Chris Higgins, who wishes to be a con-sponsor on this resolution, will be present to address this in my stead.

Thank you.

Yours truly,



Dave Mayo

Resolution Number 80 for 2016

WHEREAS, the integrity of and public confidence in the Albany County Legislature is of paramount importance

WHEREAS, the Albany County Legislature should avoid any appearance of impropriety

WHEREAS, the hiring of an Albany County Legislator as an employee of Albany County after the conclusion of their term of office, either by defeat in a contested election or by reason of not seeking another term of office, or the hiring of a family member during or after such term of office, may exhibit the appearance of impropriety, favoritism, and undermine public trust

WHEREAS, nepotism includes many of the basic government ethics issues: conflict of interest, misuse of office, preferential treatment and patronage; nepotism undermines public trust by making government look like a family business run not for the community but for the families in power; nepotism is bad for morale within the government organization; nepotism is one of the leading methods of keeping other ethnic and racial groups out of local government

RESOLVED, that the hiring of an Albany County Legislator or family member of an Albany County Legislator as an employee of the County of Albany during or after that Legislator's term of office is prohibited for the period of the term of office and a period of four (4) years from the date of conclusion of the term of office

RESOLVED, that family member shall be defined as a spouse, ex-spouse, child, stepchild, parent or stepparent, sibling or stepsibling, grandparent or grandchild of a Legislator

RESOLVED, this prohibition shall not apply retroactively, such that current or former Albany County Legislators or family members of current or former Albany County Legislators who became employees of the County of Albany on or before December 31, 2015, will not be impacted

RESOLVED, the above prohibitions are not applicable to Civil Service positions within the County

RESOLVED, the effective date of this resolution, or any facsimile thereof, will be December 31, 2015

RESOLVED, time spent in committee or any revisions thereto notwithstanding, the intent of this resolution is to have an effective date of December 31, 2015, and no new hires affected or believed to be affected by this resolution will be made absent a vote on this resolution by the body of the Albany County Legislature

2

RESOLUTION NO. 81

AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER

Introduced: January 26, 2016

By Mr. Higgins:

WHEREAS, Rule 23 of the Legislative Rules of Order has been interpreted to give unilateral authority at any given time to the Chairperson to refer local laws and resolutions back to committee, and

WHEREAS, It is not the intent of the Albany County Legislative Rules of Order to provide the Chairperson with such authority to make decisions on such matters unilaterally, especially after local laws and resolutions have been thoroughly vetted through the committee process and are before the house for final consideration, and

WHEREAS, Such authority in the Albany County Legislative Rules of Order is undemocratic and prevents members from exercising their rights to vote on such issues, now, therefore, be it

RESOLVED, By the Albany County Legislature that "Rule 23 – Referrals To Committee" of the Albany County Legislative Rules of Order is amended as follows:

RULE 23 - REFERRALS TO COMMITTEE

The Chairperson may ~~at any time on his own motion~~ upon initial introduction or following a public hearing on a local law refer any communication, petition, report, local law or resolution when offered or presented to such committee as he or she deems proper. Said local law or resolution shall be returned to the floor of the Legislature for action of the whole body by the second regular monthly meeting of the body or within sixty (60) days whichever is longer.

and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Law Committee. 2/9/16

3

RESOLUTION NO. 82

AMENDING THE ALBANY COUNTY CHARTER AND ADOPTING THE
CHARTER PROPOSAL OF THE ALBANY COUNTY CHARTER REVIEW
COMMISSION

Introduced: 2/9/16

By Messrs. Crouse, Hogan, Tunny and Ms. Lockart:

WHEREAS, The County Legislature appointed the Albany County Charter Review Commission for the expressed purpose of updating and modifying the county charter, and

WHEREAS, The Albany County Charter Review Commission submitted its recommendations to the County Legislature in January, 2014, which included among numerous recommendations that the County Legislature be reduced in size from its current number of 39 members to 25 members, and

WHEREAS, The County Legislature provided numerous amendments to the Albany County Charter Review Commission's report, including the elimination of the recommendation that the Legislature be reduced from 39 members to 25 members, and

WHEREAS, Those amendments were passed by the Legislature and submitted to the voters of Albany County on Election Day, November 3, 2015, and

WHEREAS, The voters of Albany County rejected adoption of the amended county charter by approximately 27,000 to 16,000 votes, now, therefore be it

RESOLVED, That the original recommendations of the Albany County Charter Review Commission, including the recommendation to reduce the size of the County Legislature from 39 members to 25 members, is hereby reintroduced for consideration by the County Legislature, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Law Committee. 2/9/16

4

RESOLUTION NO. 84

AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER

Introduced: 2/9/16

By Messrs. Mendick, Burgdorf, Dawson, Higgins, Mauriello, Ms. Mclean Lane and Mr. Stevens:

WHEREAS, The Albany County Legislature has adopted "*The Legislative Rules of Order*" to delineate and maintain a methodical, coherent and transparent approach to the Legislative process that entitles all members to respect and equality, and

WHEREAS, the Chairman of the Legislature is elected from this membership, and it is one of his/her most important responsibilities to ensure that meetings are run efficiently and fairly by ruling on procedural questions, and

WHEREAS, it is a fundamental parliamentary principle that the Legislature as a whole, not the Chairman, is the final authority on judging parliamentary procedural questions and interrupting the *Rules of Order*, and

WHEREAS, Rule 27 of the *Rules of Order* reaffirms that principle by permitting any legislator the freedom to question a ruling or decision of the Chairman, and

WHEREAS, This amendment further clarifies that the final authority on any ruling or decision rests with the entire voting membership of this Honorable Body and cannot be superseded by other Rules or Resolutions, and

RESOLVED, By the Albany County Legislature that "Rule 27 - Challenging the Chair" of the Albany County Legislative Rules of Order is amended as follows:

RULE 27 - CHALLENGING THE CHAIR

Any decision or ruling of the Chair may be challenged by a member. On every challenge from a decision of the Chair, the Chairperson shall have the right to state his or her reasons for his or her decision. In case of such challenge, the Chairperson or member on motion shall put the question: "Shall the decision of the Chair be overruled?" which question shall be decided by a roll call vote of a majority of the members present. Such Legislative decision shall be binding on the Chair and the Members of the Legislature and may not be overturned or modified except by the Legislative Body itself.

and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Law Committee. 2/9/16

5

RESOLUTION NO. 127

AUTHORIZING FIFTY PERCENT OF REAL PROPERTY TAXES COLLECTED BY THE COUNTY OF ALBANY ON REAL PROPERTY CONVEYED BY THE ALBANY COUNTY LAND BANK CORPORATION BE REMITTED TO SAID ENTITY

By Mr. Higgins:

Whereas, in February 2014 the Albany County legislature passed a resolution creating a local not-for-profit land bank corporation entitled the "Albany County Land Bank Development Corporation," ("Land Bank") and

Whereas, The County Executive approved of said resolution which allowed for the Land Bank to appoint initial board members, establish and file Articles of Incorporation, and adopt by-laws, and,

Whereas, the Albany County Land Bank was officially approved by the New York State Empire State Development Corporation ("ESDC") as required by State law, and

Whereas, to date the Land Bank has met monthly, appointed positions to its board, hired an executive director, begun the process of accepting real property and established a residents community advisory committee, and

Whereas, the Land Bank has been initially funded with an appropriation of \$500,000 for fiscal year 2014 by Albany County with a commitment of an additional appropriation of \$500,000 for fiscal year 2015, and

Whereas, the Land Bank has applied to the State Attorney General and been awarded funding of nearly three million dollars to begin projects and

Whereas, the Land Bank recognizes that in order to successfully and effectively accomplish its stated goals and mission that it must find additional sources of income to eventually be self-sustaining, and

Whereas, the Land Bank Act, codified in New York State Not-For-Profit Corporation law Article Sixteen specifically contains a section 1610 (c) that allows for a municipality to upon adopting a local law or resolution authorizing such action remit in accordance with procedures established by regulations promulgated by the State Department of Taxation and Finance fifty percent of the real property taxes collected by it on any specific parcel of real property identified by such municipality to the land bank for a period of five years commencing upon conveyance of said parcel by the Land Bank, and

Whereas, the State legislature in adopting the Land Bank Act believed that such tax sharing proposals would enable land banks to receive revenue from the buildings it acquires, sells, demolished, rehabilitates, or conveys to other parties to assist such corporation to be self-sustaining,

Now, Therefore, be it

Resolved, That the Albany County legislature hereby adopts this resolution pursuant to section 1610 (c) of the New York State Not-For-Profit Corporation law authorizing the County of Albany to remit to the Land Bank fifty percent of any non-delinquent real property taxes it collects to the Land Bank for any parcel of real property the Land Bank has conveyed, and be it further,

Resolved, Pursuant to Not-For-Profit Corporation law section 1610(c) that such allocation of collected non-delinquent real property taxes to the Land Bank shall commence for the first County Fiscal Year beginning at least six months after the date of conveyance and shall continue for a period of five years thereafter, and be it further,

Resolved, that the Land Bank shall notify the County of all properties transferred during the prior twelve month period ending July 1 in a format as required by the Commissioner of Management and Budget by August 1 of each year, and be it further,

Resolved, that a copy of this resolution be transmitted to the Land Bank and appropriate County Departments within six weeks of enactment.

Referred to Law and Audit and Finance Committees. 3/14/16

6

RESOLUTION NO. 220

REQUIRING ALL BOARDS AND COMMISSIONS THAT ARE APPOINTED BY THE LEGISLATURE DISTRIBUTE MEETING NOTICES AND AGENDAS TO THE LEGISLATURE

Introduced: 5/9/16

By Mr. Drake:

WHEREAS, Albany County has approximately 30 boards with members appointed by the Albany County Legislature; and

WHEREAS, These boards have a myriad of responsibilities that affect the residents and businesses within Albany County; and

WHEREAS, This Honorable Body has a responsibility to our residents, and should have the ability to review and monitor the activities of these boards and committees; therefore be it

RESOLVED, That the Albany County Legislature's Offices of the Majority, the Minority, and Chairman will receive meeting notices, agendas and minutes of all Albany County Government appointed Committees, Subcommittees, Authorities, Commissions and Boards, and be it further

RESOLVED, That the meeting notice and agenda for each meeting of the following boards shall be given to the Chairman's Office, the Majority and Minority Offices: Airport Authority, Agricultural and Farmland Protection Board, Albany County Jury Board, Altamont Fair, Board of Commissioners of the Sewer District, Board of Health, The Albany County Business Development Corporation, Capital District Regional Planning Commission, Community Services Board, Mental Health Sub-Committee, Developmental Disabilities Sub-Committee, Alcoholism and Substance Abuse Sub-Committee, Albany Convention Center Authority, Downtown Albany Business Improvement District, Ethics Commission, Extension Service Association of Albany County, Fire Advisory Board, Legislative Grievance Committee, Hudson-Mohawk RC&D (Resource Conservation and Development) Council, Human Rights Commission, Human Services Advisory Board, Industrial Development Agency, Albany County Capital Resource Corporation, Albany County Land Bank Corporation, Albany County Health Facilities Corporation (Nursing Home LDC), Off-Track Betting, Planning Board, Regional Fish and Wildlife Management Board, Soil and Water Conservation District Board, Stormwater Coalition of Albany County, Traffic Safety Board, and any other board, corporation, agency or other organization appointed by the Albany County Legislature; and be it further

RESOLVED, That each meeting notice, agenda, and copy of minutes will be disseminated to the above offices as soon as each document is in its final form, and be it further

RESOLVED, That this resolution shall take effect no later than 30 days after its passage, and be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to forward certified copies of said resolution to the appropriate County Officials and the Chairperson of each of the above committees.

Referred to Law Committee. 5/9/16