AGENDA
LAW COMMITTEE
MAY 30, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. LOCAL LAW NO. “C” FOR 2018: A LOCAL LAW TO PROVIDE ACCESS TO PAID SICK TIME TO QUALIFIED EMPLOYEES WITHIN ALBANY COUNTY

2. LOCAL LAW NO. “G” FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO LIMIT THE LENGTH OF TIME THAT CANINES MAY BERESTRAINED OUTDOORS TO NO MORE THAN TWO HOURS IN ANY CONTINUOUS TWELVE-HOUR PERIOD

3. LOCAL LAW NO. “J” FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

4. RESOLUTION NO. 236: AMENDING THE ALBANY COUNTY RULES OF ORDER

5. RESOLUTION NO. 238: AMENDING THE LEGISLATIVE PROCEDURES OF THE ALBANY COUNTY LEGISLATURE

SUBSEQUENTLY AMENDED TO PROMOTE THE HIRING OF AN ECONOMIC DEVELOPMENT DIRECTOR

7. RESOLUTION NO. 281: AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER REGARDING RULE 22

8. RESOLUTION NO. 339: AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING SELECTION OF COMMITTEE CHAIRPERSONS

9. RESOLUTION NO. 340: AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING RATIO OF COMMITTEE

10. RESOLUTION NO. 341: AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING DUTIES AND POWERS OF LEGISLATIVE LEADERS

11. LOCAL LAW NO. "R" FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM ASSISTING IN THE INVESTIGATION OF CITIZENSHIP OR IMMIGRATION STATUS OF ANY PERSON

12. RESOLUTION NO. 376: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "R" FOR 2018

13. LOCAL LAW NO. "S" FOR 2018: A LOCAL LAW TO REQUIRE HOSPITALS TO POST THEIR POLICIES ON REPRODUCTIVE HEALTHCARE, NON-DISCRIMINATION, CHARITY CARE AND ADMISSIONS IN ALBANY COUNTY

14. RESOLUTION NO. 494: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "S" FOR 2018

15. LOCAL LAW "F" FOR 2018: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 AS SUBSEQUENTLY AMENDED TO IMPLEMENT AN ANTI-NEPOTISM POLICY


17. LOCAL LAW NO. "A" FOR 2019: A LOCAL LAW TO ESTABLISH THE ALBANY COUNTY FAIR HOTEL CONSUMER PRACTICES LAW
18. RESOLUTION NO. 120: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "D" FOR 2019


20. LOCAL LAW NO. "D" FOR 2019: A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS


22. AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH INFO QUICK SOLUTIONS, INC. REGARDING CASHIERING, SCANNING AND INDEXING SERVICES

CURRENT BUSINESS:

23. RESOLUTION NO. 219: AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER

24. RESOLUTION NO. 220: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2019

25. RESOLUTION NO. 222: REQUIRING THE SUBMISSION OF AMENDED LOCAL LAWS PRIOR TO LEGISLATIVE ACTION

26. RESOLUTION NO. 223: CREATING A FACILITIES CONDITION ASSESSMENT COMMITTEE


28. LOCAL LAW NO. "G" FOR 2019: A LOCAL LAW TO REQUIRE ALBANY COUNTY RESTAURANTS AND EATING ESTABLISHMENTS TO PROVIDE STRAWS AND PLASTIC CUTLERY ONLY UPON REQUEST
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Law Committee of the Albany County Legislature met on April 25, 2019. Chairperson Plotsky, Mr. Burgdorf, Ms. Cunningham, Messrs. Feeney, Fein, Higgins, and Touchette were present. Messrs. Mayo and Crouse were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously Approved

1. Authorizing an Agreement with the City of Albany Police Department Regarding the Gun Involved Violence Elimination Initiative: The Director of the Albany County Crime Victim and Sexual Violence Center requested authorization to enter into an agreement with the Albany Police Department to collaborate and enhance strategies and outcomes in shootings and homicides under the New York State Division of Criminal Justice Services Gun Involved Violence Elimination initiative for the term commencing July 1, 2019 and ending June 30, 2020. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

2. Local Law No. “C” For 2018: A Local Law to Provide Access to Paid Sick Time to Qualified Employees within Albany County: Tabled at the request of the Sponsor.

3. Local Law No. “G” for 2018: A Local Law of the County of Albany, New York to Limit the Length of Time that Canines May be Restrained Outdoors in Any Continuous Twelve-Hour Period: Tabled at the request of the Sponsor.


5. Resolution No. 236: Amending the Albany County Legislature’s Rules of Order: Tabled at the request of the Sponsor.

6. Resolution No. 238: Amending the Legislative Procedures of the Albany County Legislature: Tabled at the request of the Sponsor.

7. Local Law No. “M” For 2018: A Local Law of the County of Albany, New York Amending Section 206 of the Albany County Charter and Local Law No. 8 for 1993 as Subsequently Amended for the Purpose of Restructuring the Legislature by Reducing the Number of Legislators: After brief discussion, the
Committee voted 6-1, with Mr. Fein opposed, to move the proposal forward without recommendation.

8. **Local Law No. “N” for 2018**: A Local Law of the County of Albany, New York amending Section 1101 Of the Albany County Charter and Local Law No. 8 for 1993 as Subsequently Amended to Promote the Hiring of an Economic Development Director: Tabled at the request of the Sponsor.


10. **Local Law No. “O” for 2018**: A Local Law of the County of Albany, New York, Amending Section 207 of the Albany County Charter and Local Law No. 8 for 1993 as Subsequently Amended Relation to Commissions on Reapportionment: After brief discussion, the Committee voted 6-1, with Mr. Burgdorff opposed, to move the proposal forward for legislative action with a favorable recommendation.

11. **Resolution No. 339**: Amending the Albany County Legislature’s Rules of Order Regarding Selection of Committee Chairpersons: Tabled at the request of the Sponsor.

12. **Resolution No. 340**: Amending the Albany County Legislature’s Rules of Order Regarding Ratio of Committee Members: Tabled at the request of the Sponsor.


16. **Local Law No. “S” for 2018**: A Local Law to Require Hospitals to Post their Policies on Reproductive Healthcare, Non-Discrimination, Charity Care, and Admissions in Albany County: Tabled at the request of the Sponsor.


23. Local Law No. “D” for 2019: A Local Law to Incentivize the Use of Reusable Shopping Bags and to Eliminate the Use of Single-Use Plastic Bags in Albany County Shopping Establishments: Tabled at the request of the Sponsor.


25. Resolution No. 163: Public Hearing on Proposed Local Law No. “C” for 2018: On a motion by Mr. Higgins, the Committee voted unanimously to amend the resolution in order to change the date of the public hearing to Tuesday, May 28, 2019 and to add that the resolution shall only be effective upon the sponsor's delivery of an updated copy of Local Law No. “C” for 2018 to the offices of Majority and Minority Counsel by May 10, 2019. The Committee voted unanimously to move the amended proposal forward for legislative action with a favorable recommendation.


RespectfullySubmitted,

LAW COMMITTEE
VICTORIA PLOTSKY, Chairperson
DAVID B. MAYO
PAUL J. BURGDORF
PETER R. CROUSE
JOANNE E. CUNNINGHAM

DENNIS A. FEENEY
SAMUEL I. FEIN
CHRISTOPHER T. HIGGINS
RICHARD TOUCHETTE
LOCAL LAW “C” FOR 2018

A LOCAL LAW TO PROVIDE ACCESS TO PAID SICK TIME TO QUALIFIED EMPLOYEES WITHIN ALBANY COUNTY

Introduced: 3/12/18
By: Messrs. Bullock, Reinhardt, A. Joyce, Fein, Higgins, [Clenahan], Mss. Lekakis and McLean Lane, Cunningham:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, as follows:

Section 1. Legislative Intent

The Legislature hereby finds and determines that access to paid sick time promotes a healthy and safe county by reducing the spread of illness, reducing health care costs, reducing work-family conflict and providing greater flexibility to those with caregiving responsibilities.

The Legislature finds that 40% of workers in Albany County lack access to paid sick time.

The Legislature finds that paid sick leave may diminish public and private health care costs and promote preventive health services in Albany County by enabling workers to seek early and routine medical care for themselves and their family members.

The Legislature finds that some employees are without any protection from losing their jobs or facing workplace discipline when they use the paid sick time they earn to care for themselves or their families.

The Legislature finds, that paid sick leave may allow for victims of domestic violence and their family members in recovery, by providing them job-protected time away from work to receive treatment and to take the necessary steps to ensure their safety.

The Legislature finds that it is necessary to safeguard the public welfare, health, safety and prosperity of the people of Albany County as well as to reduce the risk of contagion by ensuring employees of Albany County may enjoy paid sick leave.

The Legislature finds that the reality of employment in Albany County requires implementing this mandate in a manner that is feasible for employers.
Therefore, passage of this law guaranteeing paid sick time is necessary to ensure that all workers in Albany County can address their own health and safety needs and the health and safety needs of their families by requiring employers to provide a minimum level of earned paid sick time, including time to care for their family members.

Section 2. Title.

This Local Law shall be known as "The Albany County Paid Sick Leave Act."

Section 3. Definitions.

For the purposes of this Local Law

A) "Agency" means the County of Albany.

B) "Calendar year" shall mean a regular and consecutive twelve month period, as determined by an employer.

C) "Chain business" shall mean any employer that is part of a group of establishments that share a common owner or principal who owns at least thirty percent of each establishment where such establishments (i) engage in the same business or (ii) operate pursuant to franchise agreements with the same franchisor as defined in general business law section 681; provided that the total number of employees of all such establishments in such group is at least fifteen.

D) "Child" shall mean a biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis.

E) "Domestic partner" shall be as defined in section 4 of the workers' compensation law of New York.

F) "Employee" shall mean any "employee" as defined in subdivision 2 of section 190 of the labor law who is employed for hire within Albany County for more than eighty hours in a calendar year who performs work on a full-time or part-time basis, including work performed in a transitional jobs program pursuant to section 336-f of the social services law, but not including work performed as a participant in a work experience program pursuant to section 336-c of the social services law or work performed pursuant to work study programs under 42 U.S.C. section 2753, but this definition does not include those who are employed by employers exempted under subsection G of this
section, (i) the United States government; (ii) the state of New York, including any office, department, independent Agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) any local government or municipality other than Albany County for those individuals employed by Albany County, or any entity governed by section 92 of the general municipal law or section 207 of the county law.

G) "Employer" shall mean any "employer" as defined in subdivision 3 of section 190 of the labor law, except that employer includes Albany County government for its employees that are not subject to a collective bargaining agreement, but not including (i) the United States government; (ii) the state of New York, including any office, department, independent Agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) any local government or municipality other than Albany County, any entity governed by section 92 of the general municipal law or section 207 of the county law. In determining the number of employees performing work for an employer for compensation during a given week, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer for compensation per week fluctuates, business size may be determined for the current calendar year based upon the average number of employees who worked for compensation per week during the preceding calendar year and provided further that in determining the number of employees performing work for an employer that is a chain business, the total number of employees in that group of establishments shall be counted.

H) "Family member" shall mean an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; the child or parent of an employee's spouse or domestic partner; and any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

I) "Family offense matter" shall mean an act or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the
second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

J) “Grandchild” shall mean a child of an employee’s child.

K) “Grandparent” shall mean a parent of an employee’s parent.

L) “Health care provider” shall mean any person licensed under federal or New York state law to provide medical or emergency services, including, but not limited to, doctors, nurses and emergency room personnel.

M) “Human trafficking” shall mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

N) “Paid sick time” shall mean time that is compensated at the same hourly rate and with the same benefits, including health care benefits, as the employee normally earns during hours worked and is provided by an employer to an employee for the purposes described in Section 5 of this law, but in no case shall this hourly amount be less than that provided under section 652 (1) of the labor law of New York. In no case shall an employer be required to pay more to an employee for paid sick time than the employee’s regular rate of pay at the time the employee uses such paid sick time.

O) “Parent” shall mean a biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco parentis when the employee was a minor child.

P) “Public health emergency” shall mean a declaration made by the Albany County Commissioner of Health.

Q) “Retaliation” shall mean any threat, discipline, discharge, demotion, suspension, reduction in employee hours or any other adverse employment action against any employee for exercising or attempting to exercise any right guaranteed under this Local Law.
R) “Safe time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in Section 5 of this Local Law, whether or not compensation for that time is required pursuant to this Local Law.

S) “Sexual offense” shall mean an act or threat of an act that may constitute a violation of article 130 of the penal law.

T) “Sibling” shall mean an employee's brother or sister, including half-siblings, step-siblings and siblings related through adoption.

U) “Sick time” shall mean time that is provided by an employer to an employee that can be used for the purposes described in section 4 of this Local Law, whether or not compensation for that time is required pursuant to this Local Law.

V) “Spouse” shall mean a person to whom an employee is legally married under the laws of the state of New York.

W) “Stalking” shall mean an act or threat of an act that may constitute a violation of section 120.45, 120.50, 120.55, or 120.60 of the penal law.

Section 4. Accrual of Sick Time

A) All employees shall accrue a minimum of one hour of sick time for every 30 hours worked.

1) Employees of an employer who employs six (6) [one hundred (100)] or more employees shall be entitled to earn and use up to [72] forty (40) hours of paid sick time in a year, for all the purposes in Section 5, unless the employer selects a higher limit.[

2) Employees of an employer who employs fewer than one hundred (100) but more than five (5) employees shall be entitled to earn and use up to 40 hours of paid sick time in a year for all the purposes in Section 5 unless the employer selects a higher limit.

2) Employees of an employer who employs five (5) or fewer employees shall be entitled to earn and use up to forty (40) hours of unpaid sick time for all the purposes in Section 5 unless the employer selects a higher limit. Employees who are exempt from overtime requirements under 29 U.S.C. § 213(a)(1) of the Federal Fair Labor Standards Act will be assumed to work forty (40) hours in each work week for purposes of paid and unpaid sick time accrual unless their normal work week is less than forty (40) hours, in which case paid and unpaid sick time accrues based upon that normal work week.
B) Paid and unpaid sick time as provided in this section shall begin to accrue at the commencement of employment or on the date this law goes into effect, whichever is later. An employer may provide all paid and unpaid sick time that an employee is expected to accrue in a year at the beginning of the year.

C) Employees shall not be entitled to use accrued paid and unpaid sick time until the 90th calendar day following commencement of their employment, unless otherwise permitted by the employer. On and after the 90th calendar day of employment, employees may use paid and unpaid sick time as it is accrued.

D) Paid and unpaid sick time shall be carried over to the following year. Alternatively, in lieu of carryover of unused paid sick time from one year to the next, an employer may pay an employee for unused paid sick time at the end of a year and provide the employee with an amount of paid sick time that meets or exceeds the requirements of this section that is available for the employee’s immediate use at the beginning of the subsequent year.

E) Any employer with a paid leave policy, such as a paid time off policy, who makes available an amount of paid leave sufficient to meet the accrual requirements of this section that may be used for the same purposes and under the same conditions as sick time under this law is not required to provide additional paid sick time.

F) Nothing in this section shall be construed as requiring financial or other reimbursement to an employee from an employer upon the employee’s termination, resignation, retirement or other separation from employment for accrued paid sick time that has not been used.

G) If an employee is transferred to a separate division, entity or location, but remains employed by the same employer, the employee is entitled to all paid and unpaid sick time accrued at the prior division, entity or location and is entitled to use all paid and unpaid sick time as provided in this section. When there is a separation from employment and the employee is rehired within 12 months of separation by the same employer, previously accrued paid and unpaid sick time that had not been used shall be reinstated. Further, the employee shall be entitled to use accrued paid and unpaid sick time and accrue additional paid and unpaid sick time at the re-commencement of employment.

H) When a different employer succeeds or takes the place of an existing employer, all employees of the original employer who remain employed by the successor
employer or who execute new employment agreements with the successor employer are entitled to all paid and unpaid sick time they accrued when employed by the original employer, and are entitled to use paid and unpaid sick time previously accrued.

I) At its discretion, an employer may loan paid sick time to an employee in advance of accrual by such employee.

J) At its discretion and pursuant to its own policies, an employer may permit employees to donate sick time to other employees of the same employer.

Section 5. Use of Sick Time

A) An employee shall be entitled to use sick time for absence from work due to:

1) Such employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or need for preventive medical care;

2) Care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care;

3) Closure of such employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency; or care for oneself or a family member when it has been determined by the health authorities having jurisdiction or by a health care provider that the presence of the employee or family member in the community may jeopardize the health of others because of his or her exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease;

4) Any of the following reasons when the employee or a family member has been the victim of a family offense matter, sexual offense, stalking, or human trafficking, except in the case where the employee has perpetrated the family offense matter, sexual offense, stalking or human trafficking and is seeking to use the time on behalf of the family member who is the victim;

a) To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking, or human trafficking;
[b) To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee’s family members from future family offense matters, sexual offenses, stalking, or human trafficking;]

[b) (c)] To meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding, including but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;

c) [d] To file a complaint or domestic incident report with law enforcement;

d) [e] To meet with a district attorney’s office;

e) [f] To enroll children in a new school; or

f) [g] To take other actions necessary to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or the employee’s family member or to protect those who associate or work with the employee.

B) For an absence of more than three consecutive work days under Section 5 an employer may require reasonable documentation that the use of sick time was authorized in the following manner:

1) For sick time used pursuant to subdivisions 1 through 3 of subdivision A of Section 5, an employer may require reasonable documentation that the use of sick time was authorized by this subdivision. For sick time used pursuant to these subdivisions, documentation signed by a licensed health care provider indicating the need for the amount of sick time taken shall be considered reasonable documentation and an employer shall not require that such documentation specify the nature of the employee’s or the employee’s family member’s injury, illness or condition, except as required by law.

2) For sick time used pursuant to subdivision 4 of subdivision A of Section 5, documentation signed by an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider from whom the employee or that employee’s family member has sought assistance in addressing family offense matters, sex offenses, stalking, or human trafficking and their effects; a police or court record; or a notarized letter from the employee explaining the need for such
time shall be considered reasonable documentation and an employer shall not require that such documentation specify the details of the family offense matter, sexual offense, stalking, or human trafficking.

C) An employer may require reasonable notice of the need to use sick time. Where such need is foreseeable, an employer may require reasonable advance notice of the intention to use such sick time, not to exceed seven days prior to the date such sick time is to begin. Where such need is not foreseeable, an employer may require an employee to provide notice of the need for the use of sick time as soon as practicable.

D) An employer that requires notice of the need to use paid sick time where the need is not foreseeable shall provide a written policy that contains procedures for the employee to provide notice. An employer that has not provided to the employee a copy of its written policy for providing such notice shall not deny paid sick time to the employee based on non-compliance with such a policy.

E) Nothing herein shall prevent an employer from requiring an employee to provide written confirmation that an employee used sick time pursuant to this section.

F) An employer shall not require an employee, as a condition of using sick time, to search for or find a replacement worker to cover the hours during which such employee is utilizing time.

G) Paid sick time may be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time.

H) Nothing in this Local Law shall be construed to prohibit an employer from taking disciplinary action, up to and including termination, against a worker who uses sick time provided pursuant to this Local Law for purposes other than those described in this section.

Section 6. Notice and Posting

A) An employer shall provide an employee either at the commencement of employment or within 90 days of the effective date of this section, whichever is later, with written notice of such employee's right to sick time pursuant to this Local Law, including the accrual and use of sick time, the calendar year of the employer, and the right to be free from retaliation and to bring a complaint to the Agency. Such notice shall be in English and in the primary language spoken by the employee if the Agency makes notices available on the Agency's website in such language. Such notice shall be conspicuously posted at an employer's place of business in an area accessible to employees.
B) The Agency shall create and make available notices that contain the information required pursuant to subdivision A of this section concerning sick time and safe time and such notices shall allow for the employer to fill in applicable dates for such employer’s calendar year. Such notices shall be posted in a downloadable format on the Agency’s website in English and in all languages spoken by more than 10% of the County’s workforce and any language deemed appropriate by the Agency.

C) An employer who willfully violates the notice and posting requirements of this section shall be subject to a civil fine in an amount not to exceed one hundred dollars ($100) for each separate offense.

Section 7. Employer Records

Employers shall retain records documenting hours worked by employees and paid sick time taken by employees, for a period of three years, and shall allow the Agency access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this law. When an issue arises as to an employee’s entitlement to paid sick time under this section, if the employer does not maintain or retain adequate records documenting hours worked by the employee and paid sick time taken by the employee, or does not allow the Agency reasonable access to such records, it shall be presumed that the employer has violated the law, absent clear and convincing evidence otherwise.

Section 8. Exercise of Rights Protected; Retaliation Prohibited

A) It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Local Law.

B) An employer shall not engage in retaliation or discriminate against an employee or former employee because the person has exercised rights protected under this Local Law. Such rights include but are not limited to the right to request or use sick time pursuant to this law; the right to file a complaint with the agency or courts or inform any person about any employer's alleged violation of this law; the right to participate in an investigation, hearing or proceeding or cooperate with or assist the agency in its investigations of alleged violations of this Local Law; and the right to inform any person of his or her potential rights under this Local Law.

C) Protections of this section shall apply to any person who mistakenly but in good faith alleges violations of this Local Law.

Section 9. Regulations.
The Agency shall be authorized to coordinate implementation and enforcement of this act and may promulgate appropriate guidelines or regulations for such purposes.

Section 10. Enforcement

A) Administrative Enforcement

1) The Agency shall enforce the provisions of this Local Law. In effectuating such enforcement, the Agency shall establish a system utilizing multiple means of communication including but not limited to [telephone and] online means, to receive complaints regarding non-compliance with this Local Law and investigate complaints received by the Agency in a timely manner.

2) Any person alleging a violation of this Local Law shall have the right to file a written complaint with the Agency within one year of the date the person knew or should have known of the alleged violation. The Agency shall encourage reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee or person reporting the violation, provided, however, that with the authorization of such person, the Agency may disclose his or her name and identifying information as necessary to enforce this Local Law or for other appropriate purposes.

3) Upon receiving a complaint alleging a violation of this Local Law, the Agency shall investigate such complaint and attempt to resolve it through mediation between the complainant and the subject of the complaint, or other means. The Agency shall keep complainants notified regarding the status of their complaint and any resultant investigation. If the Agency believes that a violation has occurred, it shall issue to the offending person or entity a notice of violation and the relief required of the offending person or entity. The Agency shall prescribe the form and wording of such notices of violation including any method of appealing the decision of the Agency.

4) The Agency shall have the power to impose penalties provided for in this law and to grant an employee or former employee all appropriate relief. Such relief shall include but not be limited to: The Agency shall have the power to impose penalties provided for in this chapter and to grant an employee or former employee all appropriate relief. Such relief shall include in addition to actual damages: (i) for each instance of sick time taken by an employee but unlawfully not compensated by the employer: three times the wages that should have been paid under this chapter or two hundred fifty dollars ($250), whichever is greater; (ii) for each instance of sick time requested by an
employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding a replacement worker: five hundred dollars ($500); (iii) for each instance of unlawful retaliation not including discharge from employment: full compensation including wages and benefits lost, five hundred dollars ($500) and equitable relief as appropriate; and (iv) for each instance of unlawful discharge from employment: full compensation including wages and benefits lost, [two thousand five hundred] up to one thousand dollars ($1,000) and equitable relief, including reinstatement, as appropriate.

5) Any entity or person found to be in violation of the provisions of this law shall be liable for a civil penalty payable to Albany County not to exceed five hundred dollars ($500) for the first violation and, for subsequent violations that occur within two years of any previous violation, not to exceed seven hundred fifty dollars ($750) for the second violation and not to exceed one thousand dollars ($1,000) for each successive violation.

6) The Agency shall send a notice indicating final administrative action after full investigation and resolution of a complaint.

7) The Agency shall annually report on its website the number and nature of the complaints received pursuant to this Local Law, the results of investigations undertaken pursuant to this Local Law, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications pursuant to this Local Law, and the average time for a complaint to be resolved pursuant to this chapter.

B) Civil Enforcement

1) Any person aggrieved by a violation of this law, or any entity a member of which is aggrieved by a violation of this law may bring a civil action in a court of competent jurisdiction against an employer violating this law following: (a) a notice of final administrative action under subsection A of Section 10 [(A)] or (b) after 120 days following the filing of a written complaint with the Agency under Section 10(A)(2) if there has been no administrative action resolving the complaint. If the action follows a final decision of the Agency, the court shall review the administrative decision to ensure that it is supported by substantial evidence. If a civil action is filed under (b) the court shall make a de novo determination with respect to the complaint and the administrative complaint with the Agency will be considered withdrawn.

2) Upon prevailing in an action brought pursuant to this section, aggrieved persons shall recover the full amount of any unpaid earned sick time plus any
actual damages suffered as the result of the employer’s violation of this law plus an equal amount of liquidated damages. Aggrieved persons shall also be entitled to reasonable attorney’s fees.

3) Upon prevailing in an action brought pursuant to this section, aggrieved persons shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation, including, without limitation, reinstatement to employment, back pay and injunctive relief.

4) The statute of limitations for a civil action brought pursuant to this section shall be (a) for actions brought pursuant to Section 10 (B) (1) (a), a period of 1 year from the date of the notice of final agency action issued under Section 10(A)(6) and (b) for actions brought pursuant to Section 10 (B) (1) (b) a period of 1 year and 120 days from the date the administrative complaint was filed.

Section 11. Collective bargaining agreements.

A) The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if (i) such provisions are expressly waived in such collective bargaining agreement and (ii) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, safe time or sick time, and holiday and Sunday time pay at premium rates.

B) Notwithstanding subdivision (a) of this section, the provisions of this chapter shall not apply to any employee with respect to work performed in the construction industry pursuant to a valid collective bargaining agreement.

Section 12. Encouragement of more generous policies; no effect on more generous policies.

A) Nothing in this Local Law shall be construed to discourage or prohibit the adoption or retention of a safe time or sick time policy more generous than that which is required herein.

B) Nothing in this Local Law shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous safe time or sick time to an employee than required herein.
C) Nothing in this Local Law shall be construed as diminishing the rights of public employees regarding safe time or sick time as provided pursuant to federal, state or city law.

Section 13. Confidentiality and nondisclosure.

An employer may not require the disclosure of details relating to an employee’s or his or her family member’s medical condition or require the disclosure of details relating to an employee’s or his or her family member’s status as a victim of family offenses, sexual offenses, stalking, or human trafficking as a condition of providing sick time under this Local Law. Health information about an employee or an employee’s family member, and information concerning an employee’s or his or her family member’s status or perceived status as a victim of family offenses, sexual offenses, stalking or human trafficking obtained solely for the purposes of utilizing sick time pursuant to this Local Law, shall be treated as confidential and shall not be disclosed except by the affected employee, with the written permission of the affected employee or as required by law.

Section 14. Other legal requirements.

This Local Law provides minimum requirements pertaining to sick time and shall not be construed to preempt, limit or otherwise affect the applicability of any other law, regulation, rule, requirement, policy or standard that provides for greater accrual or use by employees of safe leave or time or sick leave or time, whether paid or unpaid, or that extends other protections to employees.

Section 15. Severability

If any provision of this law or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the law which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared severable.

Section 16. Effective Date

This local law takes effect 180 days after it becomes law, provided that in the case of employees covered by a valid collective bargaining agreement in effect on such date, this local law takes effect on the date of the termination of such agreement and further provided that in the case of employees of an organization which is tax
exempt under Section 501(c)(3) of Title 26 of the United States Code with 200 or less employees employed exclusively under a single contract or grant, such employees will accrue unpaid sick time as provided in Section 4(3) of this local law beginning on the effective date specified herein until the stated date of termination of such contract or grant at which time such employees will accrue paid sick time as provided in this local law.

Section 17. Public Education and Outreach

The agency shall develop and implement a multilingual outreach program to inform employees, employers, parents and persons who are under the care of a health care provider about the availability of earned paid sick time under this law. The agency shall contract with community groups in carrying out public education and outreach.

_Referred to Law Committee - 3/12_
February 14, 2018

Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State St., Rm. 710
Albany, NY. 12207

Dear Chairman Joyce:

As included in my recent State of the County address, please find attached for your review a draft local law related to paid sick leave for workers in Albany County. The County Attorney’s office took great care to draft a fair and equitable law that balances the needs of private business and workers in Albany County. Recent coverage of this year’s flu season are indicative of the significant need for expanded access to sick leave for all workers. The lack of sick leave is not only an issue of fairness, but also a significant issue of public health and safety. Those without access are forced to work while sick to make ends meet or send their children to school or daycare even though they should be staying home for their own health and the health of others.

We welcome your thoughts and insights into this issue. I will have a representative present at the committee meeting to answer any of your questions, thank you.

Sincerely,

Daniel P. McCoy

cc: Gary W. Domaiewicz, Majority Leader
    Frank Mauriello, Minority Leader
    Majority Counsel
    Minority Counsel
REQUEST FOR LEGISLATIVE ACTION
RLA #2673: Local Law requiring private employers to provide paid sick leave

DATE: Tuesday, January 23, 2018

DEPARTMENT: County Executive

Contact Person: Michael McLaughlin, Director of Policy and Research

Telephone: 518-447-3043

Dept. Representative Attending Committee Meeting: Michael McLaughlin, Director of Policy and Research

PURPOSE OF REQUEST:

- Adopting an Ordinance Local Law
- Amendment of Prior Legislation
- Approval/Adoption of Plan/Procedure
- Bond Approval
- Budget Amendment (see below)
- Contract Authorization (see below)
- Environmental Impact
- Home Rule Request
- Property Conveyance
- Other: (State briefly if not listed above)

CONCERNING BUDGET AMENDMENTS
STATE THE FOLLOWING:

- Increase Account/Line No.
- Source of Funds:
- Title Change:

CONCERNING CONTRACT AUTHORIZATION
STATE THE FOLLOWING:

- Type of Contract:
  - Change Order/Contract Amendment
  - Purchase (Equipment/Supplies)
  - Lease (Equipment/Supplies)
  - Requirements Professional Services
  - Education/Training
- Grant:
  - New
  - Renewal
  - Submission Deadline Date
- Settlement of a Claim
- Release of Liability
- Other: (State briefly)
CONCERNING CONTRACT AUTHORIZATION (Cont'd)
STATE THE FOLLOWING:

Contract Terms/Conditions:

Amount/Rate Schedule/Fee
Scope of Services

Contract Funding:

Bond Res. No.:
Date of Adoption:

CONCERNING ALL REQUESTS:

Mandated Program/Service; No
If Mandated Cite: Authority
Anticipated in Current Adopted Budget No

County Budget Account(s):
Revenue
Appropriation

Fiscal Impact - Funding: (Dollars or Percentages)

Federal
State
County
Local

Term/Length of Funding:

Impact on Pending Litigation No
If yes, please explain:

Previous Requests for Identical or Similar Action
Resolution/Law Number

Date of Adoption

Justification: (State briefly why legislative action is requested)

Paid sick leave is a significant issue for a large portion of the workforce in Albany County. Forty percent (40%) of the workforce in Albany County does not have access to paid sick leave. For individuals with this lack of benefit they are forced to either work sick, constituting a public health risk, or take unpaid days they likely cannot afford. In addition, they are able to adequately care for their children, due to the inability to take time off, in the event that they become sick. The recent flu epidemic is a prime example of how valuable access to sick leave could be if available to a larger segment of the workforce. We request the County Legislature pass a local law requiring all private employers provide paid sick leave to their employees. This benefit will consider the number of employees an employer has in addition to a sliding scale in consideration of the

The County Attorney's office is finalizing a local law for consideration that will be forwarded at our earliest convenience. Contained within the draft will be provisions such as:

Employees shall accrue a minimum of one hour of sick time for every 30 hours worked.

Employees of an employer who employs ten (10) or more employees shall be entitled to earn and use up to 72 hours of earned paid sick time in a year, unless the employer selects a higher limit.

Employees of an employer who employs fewer than ten (10) but more than five (5) employees will be entitled to earn and use up to 40 hours of earned paid sick time in a year unless the employer selects a higher limit.

Employees will not be entitled to use accrued earned paid sick time until the 90th calendar day following commencement of their employment, unless otherwise permitted by the employer. On and after the 90th calendar day of employment, employees may use earned paid sick time as it is accrued.
LOCAL LAW NO. “G” FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO LIMIT THE LENGTH OF TIME THAT CANINES MAY BE RESTRAINED OUTDOORS TO NO MORE THAN TWO HOURS IN ANY CONTINUOUS TWELVE-HOUR PERIOD

Introduced: 4/9/18
By Mr. Cahill and Ms. Cunningham:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Albany County Legislature has been a leader in protecting the health and welfare of animals in Albany County.

This Legislature also finds and determines that animal owners will sometimes tie their animals to a stationary object outdoors for a short period of time.

This Legislature further finds and determines that some owners, however, leave their animals tied to a stationary object outdoors for long periods of time, in some cases, all day.

This Legislature finds that animals left tied to an object outdoors for prolonged periods often do not have sufficient food, water or shelter from inclement weather.

This Legislature further finds that tethers, chains and other restraints can also injure animals, as the restraint may tangle or catch on other objects.

This Legislature also finds that dogs left on tethers, chains and other restraints may be more aggressive and create a public safety hazard.

This Legislature also determines that it is in the best interests of Albany County residents and their pets to limit the amount of time animals spend tied outdoors to a stationary object.

Therefore, the purpose of this Local Law is to limit the length of time that animals may be restrained outdoors to no more than two hours in any continuous twelve-hour period.

Section 2. Definitions
As used in this Local Law, the following terms shall have the meanings indicated:

(a) "Person" means any individual, firm, partnership, corporation, company, society, association, or any organized group of persons, whether incorporated or not.

Section 3. Prohibitions.

(a) It shall be unlawful for any person to tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors or cause such dog to be restrained in a manner that:

1. Endangers such dog's health, safety or well-being;
2. Restricts such dog's access to suitable and sufficient food and water;
3. Does not provide such dog with shelter appropriate to its breed, physical condition, and the climate as defined by §353-b of the New York State Agriculture and Markets Law; or
4. Unreasonably limits the movement of such dog because it is too short for the dog to move around or for the dog to urinate or defecate in a separate area from the area where it must eat, drink or lie down.

(b) Notwithstanding the provisions of Subsection (a) of this Section, no person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any object with a device that:

1. Is a choke collar or pinch collar, or a similar collar that tightens when pulled;
2. Restrains the dog in such a manner that it impairs the flow of oxygen or blood to the dog which may cause choking or causes substantial discomfort to the dog;
3. Is embedded, partially embedded or may become embedded in such dog's skin;
4. Has weights attached or contains links that are more than 1/4 inch thick;
5. Weighs more than 25% of the dog's total body weight, not to exceed 25 pounds for any dog;
6. Is less than 10 feet in length;
7. Because of its design or placement is likely to become entangled;
8. Is long enough to allow such dog to move outside of its owner's property; or
9. Would allow the restrained dog to move over an object or edge that could result in the strangulation of or injury to such dog.

(c) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for more than two hours in any twelve-hour period. And if the dog is tethered to a pulley, running line, or trolley or cable system, the top line must be a minimum of fifteen feet long and six or less feet above the ground.
(d) No person shall tether, leash, fasten, secure, restrain, chain or tie a dog to any stationary object outdoors for any period of time if:

(1) The dog is less than 6 months old;
(2) There is an active weather alert;
(3) Tethering may exacerbate an existing health condition;
(4) Multiple dogs are tethered and their tethers may become entangled; or
(5) The dog is not displaying current identification as defined by section § 108 of New York State Agriculture and Markets Law.

Section 4. Enforcement.

This Local Law shall be enforced by the office of the Albany County Sheriff and may also be enforced by any police officer, peace officer, or local dog control or animal control officer with jurisdiction within Albany County.

Section 5. Penalties for offenses.

A violation of this Local Law shall be punishable by a fine of not more than $150 for a first offense, by a fine of not more than $300 for a second offense and by a fine of not more than $500 for a third or subsequent offense.

Section 6. Applicability.

This article shall apply to all actions occurring on or after the effective date of this Local Law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Referred to Law and Public Safety Committees - 4/9/18
LOCAL LAW NO. "J" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING COLOR REQUIREMENTS FOR PETROLEUM BULK STORAGE TANKS

Introduced: 4/9/2018
By Messrs. Fein and Higgins:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

Section 1. Legislative Intent

The Legislature finds that the external color of a petroleum bulk storage tank affects the amount of pollutants emitted from the tank into the air.

The Legislature further finds that dark-colored tanks absorb more heat, resulting in greater emissions of air pollutants, and that tanks painted white absorb less heat and therefore have lower emissions of air pollutants than dark-colored tanks.

The Legislature further finds that emissions from oil and petroleum-based products emit pollutants into the air including volatile organic compounds such as benzene, a known human carcinogen.

The Legislature further finds that all residents of the County of Albany deserve the ability to breathe clean air.

The Legislature further finds that safeguarding the health of the residents of Albany County is an important role of the government of the County of Albany.

The Legislature further finds that many residents of the County of Albany residing in the Southern end of the City of Albany do not have the ability to breath clean air where they live due to emissions of air pollutants from a variety of industrial sources including but not limited to petroleum bulk storage tanks.

The Legislature further finds that air quality monitoring by the New York State Department of Environmental Conservation in the Southern end of the City of Albany has detected high levels of benzene and other air pollutants.

Therefore, the purpose of this Local Law is to reduce the harmful air pollutants emitted by petroleum bulk storage tanks that residents of the County of Albany are forced to breath.

Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:
A. "Petroleum Bulk Storage Tank" means any tank with a capacity of 500,000 gallons or greater designed to store or being used to store oil or petroleum-based products.

B. "Existing Tank" means a Petroleum Bulk Storage Tank in existence on the effective date of this law.

C. "New Tank" means a Petroleum Bulk Storage Tank constructed after the effective date of this law.

D. "Operator" an entity, corporation, or individual that owns or operates a Petroleum Bulk Storage Tank.

Section 3. Color Requirements For New and Existing Petroleum Bulk Storage Tanks

A. As set forth below, all Existing and New Petroleum Bulk Storage Tanks located in Albany County must meet the following Color Requirement: (1) The entirety of the exterior of the tank must be painted white in a manner that completely covers any dark-colored surfaces on the tank, except for a logo or written text provided that such logo or written text does not exceed five percent (5%) of the exterior surface area of the tank; and (2) The white tank coloring shall be maintained as necessary to prevent underlying dark-colored surfaces from being exposed.

B. All New Tanks must meet the Color Requirement prior to being used or placed in operation.

C. All Existing Tanks must meet the Color Requirement within ninety (90) days of the effective date of this law.

D. The Operator is responsible for ensuring that the Color Requirement is complied with for all Petroleum Bulk Storage Tanks owned by the Operator.

Section 4. Health Commissioner's Enforcement Authority

The Health Commissioner is authorized to take any and all reasonable actions necessary to enforce this Local Law.

Section 5. Penalties

Any violation of Section 3 of this Local Law shall be punishable as follows:
A. First Offense. Any Operator guilty of a first offense shall be guilty of a violation and shall be given a written warning allowing thirty (30) days to correct the violation.

B. Second Offense. Any Operator guilty of a second offense, meaning not correcting the first offense violation within the allowed thirty (30) days, shall be guilty of a violation and shall be fined an amount not to exceed one thousand dollars ($1,000) for each day the violation continues.

Section 5. Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutinal, such order or judgment shall not affect, impair, or invalidate the remainder of the local law which shall remain in full force and effect except as limited by such order or judgment.

Section 7. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the Secretary of State.

Referred to Law and Conservation and Improvement Committees – 4/9/18
RESOLUTION NO. 236

AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER

Introduced: 5/14/18
By: Mendick, Ethier

WHEREAS, the legislative process should be fair, consistent, efficient, and
democratic and to achieve these goals, amendments to the rules and procedures of
our Legislative Rules of Order are needed, and

WHEREAS, As this body embraces technology, we must ensure increased
access to the information generated to our legislative members and the public at
large, and

WHEREAS, Uniformity and consistency regarding legislative processes are
essential to a well-functioning legislative body, and

RESOLVED, That the Albany County Legislature’s Rules of Order be
amended in part to read as follows:

RULE 1 - ORGANIZATIONAL MEETING

The meeting of the County Legislature for the selection of a [Chairman]
Chairperson and the transaction of other business relative to organization,
pursuant to Section 203 of the Albany County Charter, shall be held each even
numbered year at 7:30 p.m. in the Chambers of the County Legislature on the first
Monday following the first day of January except that in each and every year
following the election of the Legislators, the meeting shall be held in the Chambers
of the Legislature on the first day of January at 12:00 noon. The Clerk of the
Legislature shall serve on each member a written notice, mailed and/or delivered
electronically to each member’s last known [post-office] address, at least 48 hours
before the date of the meeting, stating the time and date of said meeting and
identifying the place and purpose as being the organization of the Legislature and
the election of its Chairperson.

RULE 2 - REGULAR MEETINGS

ANNUAL - The Annual Meeting of the County Legislature shall begin at the
conclusion of the Public Forum on the second Monday [first-Monday-following-the
10th-day] of October of each year at which time the Legislature will accept for
consideration the Budget, Capital Program and the Budget Message of the County
Executive for the ensuing fiscal year. This meeting shall continue by adjournment
until after the confirmation and delivery of the tax rolls to the City Treasurer,
Receiver of Taxes and Collectors of the several towns: No Annual meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. If any such Annual meeting date shall fall on a civic holiday, then the meeting shall be held on the next day which is not a civic holiday. If upon due consideration, any such Annual meeting date shall fall on a day determined to be a religious holiday, then the meeting may be held on the next day which is not a religious holiday.

MONTHLY -- The Legislature of the County of Albany will meet on the second Monday of the Month, January through September (except in even numbered years requiring an Organizational Meeting in which the Monthly Meetings shall be from February through September), at the conclusion of the Public Forum in its Chambers. No Monthly meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. If any such Monthly meeting date shall fall on a civic holiday, then the meeting shall be held on the next day which is not a civic holiday. If upon due consideration, any such Monthly meeting date shall fall on a day determined to be a religious holiday, then the meeting may be held on the next day which is not a religious holiday.

PUBLIC FORUM -- From 6:30 p.m. until its conclusion, and in no event shall the Public Forum continue past 7:30 p.m., except that the Chairperson, in his/her discretion, may extend the time for the Public Forum, on the night of each monthly meeting, annual meeting and adjournment thereof, members of the public shall have the right to address the members of the Legislature on matters pertaining to the County of Albany. Each member of the public who desires to address the Legislature shall personally give their name to the Clerk of the Legislature from 6:15 p.m. to 6:30 p.m. on such evening. The members of the public should state the topic on which they wish to speak. The Clerk shall maintain such list from month-to-month in a continuous fashion. The Chairperson of the County Legislature shall allow each member of the public whose name is reached five (5) minutes, except that the Chairperson, in his/her discretion, may limit speakers to three (3) minutes to give as many speakers as possible an opportunity to address the issues on that evening's legislative agenda. If all speakers wishing to address the legislature on that evening's agenda have spoken, speakers wishing to speak on other matters pertaining to Albany County may address the legislature in the remaining time before the meeting and, if at the end of the hour there are still speakers who have not been heard, the Public Forum shall continue after the legislature has adjourned the meeting. Residents of Albany County shall have preference to speak before non-residents when addressing items on the agenda. They shall also have preference when addressing items not on the agenda, but not before non-residents have spoken regarding items on the agenda. No member of the Legislature shall question any speaker nor shall any speakers be allowed to question members of the Legislature except when a member of the Legislature is seeking clarification for an item
mentioned by the speaker. The Clerk shall take roll call and record the names of those members present and absent for the Public Forum. The Public Forum shall be livestreamed.

RULE 3 - SPECIAL MEETING

Special meetings shall be held at any time at the call of the Clerk of the County Legislature upon written direction of the Chairperson or upon written request signed by a majority of the Members of the County Legislature, or upon written request of the majority and minority leaders.

No Special Meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. Notice in writing stating the time, place and purpose of the special meeting shall be served personally, [or] by mail, or electronically upon each member by the Clerk at least forty-eight (48) hours before the date fixed for holding the meeting by writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting. Members of the public shall have the right to address members of the Legislature on the resolution(s) or local law(s) to be considered at a Special Meeting for a period of one-half hour immediately preceding the commencement of the Special Meeting. Each member of the public who desires to address the Legislature shall personally give their name to the Clerk of the Legislature for the period of fifteen (15) minutes immediately preceding the public forum period. The Clerk shall maintain such list from month-to-month in a continuous fashion. The Chairperson of the County Legislature shall allow each member of the public whose name is reached five (5) minutes to address the Legislature. No member of the Legislature shall question any speaker nor shall any speakers be allowed to question members of the Legislature except when a member of the Legislature is seeking clarification for an item mentioned by the speaker.

RULE 4 - ADJOURNMENTS

Any meeting may be adjourned by a majority vote of the members present from time to time to a definite day and hour. Failure to specify the hour shall not, however, invalidate the meeting, and in such cases the hour shall be 7:30 p.m.

RULE 5 - PUBLIC RECORD

All meetings of the County Legislature shall be public pursuant to Public Officers Law. Live streaming of any meetings or public forums if recorded, as well as any videos recorded of any meetings, shall be available as a public record. Cameras, microphones, [tape] recorders or similar equipment may be permitted in the Chambers. The meeting will be [tape] recorded for public record. All such equipment shall be conspicuously displayed. The Chairperson, by a majority vote of
the members present, may cause such equipment to be removed from the Chamber
if it interferes with the conduct of the meeting.

RULE 11 - LEGISLATION PROCEDURE

Each resolution and local law shall be consecutively numbered and the title
shall state concisely the subject matter thereof. All resolutions and local laws which
are to be presented to the Legislature for its consideration shall be delivered to the
office of the Clerk of the Legislature, County Attorney and Majority and Minority
Counsels, by 12:00 noon on the second [Wednesday] Thursday preceding the date of
the organizational meeting, annual meeting or each regular monthly meeting of the
Legislature, and by 12:00 noon two (2) business days prior to any special meeting
that may be called. The Clerk shall include all such resolutions and proposed local
laws in the agenda to be distributed as herein set forth and make available to each
legislator and the public via website such agenda by 4:00 p.m. on the Tuesday
preceding such meetings, exclusive of special meetings. The Clerk shall make the
agenda for special meetings available one business day prior to the special meeting.
Resolutions and local laws not contained in the printed agenda, but which require
immediate attention, may be introduced with [the censure] a long roll call vote of
the majority of the Legislature with copies provided to members of the Legislature,
the County Attorney, Majority and Minority Counsels and the Clerk of the
Legislature prior to the start of the Legislative meeting at which the proposed Rule
11 is being offered. Additional copies shall be provided at the meeting for members
of the public, and an electronic version shall be uploaded to the County website
within forty-eight (48) hours of introduction. Legislation offered under Rule 11
should be of the type where timely passage is of the essence, and legislation offered
under lesser circumstances may not be allowed.

Each resolution shall be numbered in consecutive order beginning with
number one each year. A resolution shall retain its number throughout the
legislative process. However, if a resolution is amended, the letter A for the first
time amended, the letter B for the second time amended, and so on shall be added
to the resolution number to signify each amendment(s).

Each local law shall be assigned a letter for introduction purposes in
consecutive order beginning with the letter A each year, and shall contain a distinct
section providing for a short title for reference purposes. Once duly adopted, a local
law shall be assigned a number and numbered in consecutive order starting with
the number one beginning with the first local law adopted each year.

[Each resolution or local law shall have a title which shall concisely state the
subject matter thereof.]
Resolutions and local laws not contained in the printed agenda may only be introduced after all other printed agenda items have been addressed, and only with the consent of a long roll call vote of the majority of the Legislature, and only if complete copies thereof are provided to each member, the County Attorney, Majority and Minority Counsels and the Legislative Clerk prior to the introduction of said proposed Legislation.

RULE 15 - ROLL CALL VOTE

A long roll call vote shall be taken on any questions whenever so required by law or upon request of any member, and, whenever so taken, shall be entered in the proceedings of the County Legislature, and the Clerk shall record in writing or electronically the names of the members and the way in which they voted. Any vote on any question involving adoption of the budget, amending the budget, or transferring funds within the budget shall be by long roll call vote with the Clerk recording the names of the members voting and the way in which they voted. This requirement shall not be applicable to the receipt of federal, state, or grant funds and the appropriation thereof unless requested by a member.

RULE 23 - REFERRALS TO COMMITTEE

The Chairperson may at any time on his own motion refer any communication, petition, report, local law or resolution when offered or presented to such committee as he deems proper unless reversed by a majority of members then in attendance. 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.

RULE 26 - ORDER AND DECORUM

The Chairperson shall take the chair at the hour specified for the convening of the County Legislature and shall preserve order and decorum. In debate, he or she shall prevent personal reflections and confine members to the question under discussion. When two or more members arise at the same time, he or she shall name the one entitled to the floor. He or she shall decide all questions of order, which decisions shall be final unless reversed by a majority of the members then in attendance. [County Legislature]

RULE 36 - RECORDS

It shall be the duty of the Clerk of the Legislature to preserve all records of the County Legislature, including bills, statements, audits, petitions, resolutions, local laws, audio or video [tapes] recordings of the meetings, electronic records etc.,
in properly indexed files, so numbered and identified in the minutes of the proceedings of the County Legislature so as to afford ready access thereto.

and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairperson of the Legislature and the appropriate County Officials.

*Referred to Law Committee – 5/14/13*
5
RESOLUTION NO. 238

AMENDING THE LEGISLATIVE PROCEDURES OF THE ALBANY COUNTY LEGISLATURE

Introduced: 5/14/18
By: Mendick

WHEREAS, When Resolutions and Local Laws are in committee as part of this body's legislative process, they often languish for months awaiting movement and clarification from their initial sponsor, and

WHEREAS, This policy has led to significant delays in the movement of legislation and has wasted taxpayer resources, and

WHEREAS, The cluttering of agendas with inactive legislation leads to confusion among the public and members, and

WHEREAS, for the purposes of this resolution, “inactivity” shall be defined as when a local law or resolution has not been attempted to be moved by its sponsor for a vote by a committee, now, therefore be it

RESOLVED, That after ninety (90) days of inactivity, any piece of legislation shall be automatically withdrawn unless reversed by a vote of the majority of the members of the committee in which the legislation has been placed, provided, however, that said committees may also by a majority vote of its members provide for one (1) additional forty-five (45) day extension for the sponsor(s) to attempt to move said legislation, and, be it further

RESOLVED, That nothing in this resolution shall be construed to prevent the reintroduction of legislation once the sponsor is ready to move forward with a vote, and, be it further

RESOLVED, That the above changes will take effect immediately after the passage of this resolution, and, be it further

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

Referred to Law Committee – 5/14/18
LOCAL LAW NO. N FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 1101 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO PROMOTE THE HIRING OF AN ECONOMIC DEVELOPMENT DIRECTOR

Introduced: 5/14/18
By: Drake, Smith

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2702 OF THE ALBANY COUNTY CHARTER

BE IT ENACTED by the Albany County Legislature as follows:

SECTION 1. Section 1101 of the Albany County Charter is hereby amended to read as follows:

There shall be a County Department of Economic Development, Conservation and Planning headed by a Director. The Director shall be a person qualified by economic development experience which may include professional training and/or demonstrated experience in the related fields of metropolitan, regional, County or municipal planning. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature as provided in Section 302(c) of this Charter, and shall serve at the pleasure of the County Executive.

SECTION 2. If any article, section, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 3. This Local Law shall take effect upon filing with the Secretary of State.

Referred to Law and Conservation and Improvement Committee – 5/14/18
RESOLUTION NO. 281

AMENDING THE ALBANY COUNTY LEGISLATIVE RULES OF ORDER REGARDING RULE 22

Introduced: 6/11/18
By Mr. Clay and Ms. McLean Lane:

WHEREAS, Rule 22 of the Albany County Legislative Rules of Order provides for the rules regarding various committees of the Albany County Legislature, and

WHEREAS, Revision of this portion of the Legislative Rules of Order are in order, now, therefore, be it

RESOLVED, By the Albany County Legislature, Rule 22 of the Albany County Legislative Rules of Order be amended in part to read as follows:

"RULE 22 - SPECIAL COMMITTEES

The County Legislature may from time to time create special committees, and any resolution creating such special committee shall specify the powers and duties of the committee and the number of its members. Vacancies on standing and special committees shall be filled by the Chairperson of the County Legislature from its membership. Vacancies on special committees shall be filled by the Chairperson of the County Legislature. The majority leader, [and] the minority leader and Chairperson of the Legislative Black Caucus shall be ex officio (non-voting) members of all committees. The Chairperson of the County Legislature shall appoint members of standing committees from the membership of the County Legislature as recommended by the majority and minority leaders. The number of majority members of each committee shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature. No meetings of any Special Committee of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday."

and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairman of the Legislature and the appropriate County Officials.

Referred to Law Committee - 6/11/18
RESOLUTION NO. 339

AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING SELECTION OF COMMITTEE CHAIRPERSONS

Introduced: 7/9/13
By: Mr. Mendick

WHEREAS, Clear guidance is necessary to conduct legislative businesses in a productive and effective manner, and

WHEREAS, Clarifying this language will better serve this body and any future iterations of this body, and

WHEREAS, Section 203(f) of the Albany County Charter states “The standing committees prescribed by the rules of the County Legislature, or by any local law adopted by the County Legislature, or which may hereafter be adopted by the County Legislature, shall be appointed by the Chairperson within twenty (20) days of the Chairperson's election”, and

WHEREAS, It is the intent of this resolution to construct a framework within the Rules of the Legislature per Section 203(f) of the Charter that recognizes the statutory powers of the Chair within said section while giving requisite input from the majority and minority leaders of this body, now, therefore be it

RESOLVED, By the Albany County Legislature that Rules 21 and 22 of the Albany County Legislature’s Rules of Order be amended in part to read as follows:

RULE 21 - STANDING COMMITTEES

The following standing committees, to consist of ten members for each committee, shall be appointed by the permanent Chairperson of the County Legislature from the membership of the County Legislature within twenty (20) days after said Chairperson’s election, and a list thereof shall be filed with the Clerk of the Legislature, and each committee shall perform the duties as hereafter set forth.

The Chairperson of the County Legislature shall appoint Chairpersons of standing committees from the membership of the County Legislature as recommended by the majority leader and minority leader. The majority leader shall recommend one committee's chair position, and then followed by the minority leader recommending one committee's chair position. It shall continue in this fashion until the minority leader has recommended all of his or her's allocated chairman appointments which shall be in the same ratio as the minority members of the legislature are to the entire membership of the Legislature rounded up or down to
the nearest whole person. In instances where the recommendation of the majority or minority leader is rejected by the Chairperson of the Legislature, then the majority or minority leader shall retain the ability to resubmit additional names until one is approved by the Chairperson.

Within thirty (30) days of the listing of the committee assignments, each Committee Chairperson shall assign and officially list a time and a day for the regular monthly committee meetings. No Standing Committee of the Albany County Legislature shall meet on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. The Committee Chairperson may cancel any meeting if there is no business for the Committee. In the event a member cannot attend a “rescheduled regular meeting” and to the extent it is legally permitted, such member may submit to the Chairperson a written statement of their opinion on business items which are on the Committee’s agenda and those written opinions shall become part of the Committee’s minutes.

Each and every Committee Chairperson shall, to the extent practicable, submit a copy of the Committee Agenda no later than forty-eight (48) [twenty-four (24)] hours prior to the scheduled Committee meeting. Every committee meeting shall be open to the public, however, this provision shall not preclude the right of the Chairperson to call for an executive session.

Vacancies on standing committees shall be filled by the Chairperson of the County Legislature as recommended by the majority and minority leaders from the membership of the Legislature.

RULE 22 - SPECIAL COMMITTEES

The County Legislature may from time to time create special committees, and any resolution creating such special committee shall specify the powers and duties of the committee and the number of its members. Vacancies on [standing and] special committees shall be filled by the Chairperson of the County Legislature as recommended by the majority leader and minority leader from [its] the membership of the Legislature. [Vacancies on special committees shall be filled by the Chairperson of the County Legislature.] The majority leader and the minority leader shall be ex officio (non-voting) members of all committees. The Chairperson of the County Legislature shall appoint members of [standing] special committees from the membership of the County Legislature as recommended by the majority leader and minority leader[s]. The number of majority members of each committee shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature.] No meetings of any Special Committee of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday.
and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairperson of the Legislature and the appropriate County Officials.

Referral to Law Committee – 7/9/18
RESOLUTION NO. 340

AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING RATIO OF COMMITTEE MEMBERS

Introduced: 7/9/18
By: Mr. Mendick

WHEREAS, Clear guidance is necessary to conduct legislative businesses in a productive and effective manner, and

WHEREAS, Duplicative and improperly placed language currently exists in our Rules of Order regarding specific assignments to standing committees, and

WHEREAS, Clarifying this language will better serve this body and any future iterations of this body, and

WHEREAS, All of the aforementioned clauses should be construed to help effectuate the most transparent and publicly engaging legislative body as possible which will be facilitated by the adoption of the following amendments, now, therefore be it

RESOLVED, By the Albany County Legislature that Rules 21 and 22 of the Albany County Legislature's Rules of Order be amended in part to read as follows:

RULE 21 - STANDING COMMITTEES

The following standing committees, to consist of [nine] ten members for each committee, shall be appointed by the permanent Chairperson of the County Legislature from the membership of the County Legislature within twenty (20) days after said Chairperson's election, and a list thereof shall be filed with the Clerk of the Legislature, and each committee shall perform the duties as hereafter set forth.

The Chairperson of the County Legislature shall appoint members of standing committees from the membership of the County Legislature as recommended by the majority and minority leaders. The total number of majority members within all committees shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature rounded up to the nearest whole person for fractions consisting of ½ percent or higher and rounded down to the nearest whole person for fractions consisting of less than ½ percent. The majority leader shall recommend his or her first choice for each committee followed by the minority leader who shall then recommend his or her first choice for each committee, thereby constituting the first two members of each committee. It shall continue in this fashion until the minority leader has recommended all of his
or her's allocated committee appointments which shall, in totality, be in the same ratio as the minority members of the legislature are to the entire membership of the Legislature rounded up or down to the nearest whole person. In instances where the recommendation of the majority or minority leader is rejected by the Chairperson of the Legislature, then the majority or minority leader shall retain the ability to resubmit additional names until one is approved by the Chairperson.

Within thirty (30) days of the listing of the committee assignments, each Committee Chairperson shall assign and officially list a time and a day for the regular monthly committee meetings. No Standing Committee of the Albany County Legislature shall meet on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. The Committee Chairperson may cancel any meeting if there is no business for the Committee. In the event a member cannot attend a “rescheduled regular meeting” and to the extent it is legally permitted, such member may submit to the Chairperson a written statement of their opinion on business items which are on the Committee’s agenda and those written opinions shall become part of the Committee’s minutes.

Each and every Committee Chairperson shall, to the extent practicable, submit a copy of the Committee Agenda no later than forty-eight (48) [twenty-four (24)] hours prior to the scheduled Committee meeting. Every committee meeting shall be open to the public, however, this provision shall not preclude the right of the Chairperson to call for an executive session.

Vacancies on standing committees shall be filled by the Chairperson of the County Legislature as recommended by the majority leader and minority leader from the membership of the Legislature.

RULE 22 - SPECIAL COMMITTEES

The County Legislature may from time to time create special committees, and any resolution creating such special committee shall specify the powers and duties of the committee and the number of its members. Vacancies on [standing and] special committees shall be filled by the Chairperson of the County Legislature as recommended by the majority leader and minority leader from [its] the membership of the Legislature. [Vacancies on special committees shall be filled by the Chairperson of the County Legislature.] The majority leader and the minority leader shall be ex officio (non-voting) members of all committees. The Chairperson of the County Legislature shall appoint members of [standing] special committees from the membership of the County Legislature as recommended by the majority leader and minority leader[s]. The number of majority members of each committee shall be in the same ratio as the majority members of the legislature are to the entire membership of the Legislature.] No meetings of any Special Committee of the
RESOLUTION NO. 341

AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING DUTIES AND POWERS OF LEGISLATIVE LEADERS

Introduced: 7/9/18
By: Mr. Mendick

WHEREAS, Clear guidance is necessary to conduct legislative businesses in a productive and effective manner, and

WHEREAS, Clarifying this language will better serve this body and any future iterations of this body, and

WHEREAS, Section 203(d) of the Albany County Charter explicitly instructs for the election of a Chairperson of the Legislature at each organizational meeting while leaving the remainder of the process to be defined by the Rules of the Legislature, and

WHEREAS, It is already existing practice to have a compensated chairperson with specific duties and non-compensated deputy chairpersons with specific duties and those duties and selection processes should be enumerated in our rules, now, therefore be it

RESOLVED, By the Albany County Legislature that Rule 1 of the Albany County Legislature's Rules of Order be amended in part to read as follows:

RULE 1 - ORGANIZATIONAL MEETING

The meeting of the County Legislature for the selection of a Chairman and the transaction of other business relative to organization, pursuant to Section 203 of the Albany County Charter, shall be held each even numbered year at 7:30 p.m. in the Chambers of the County Legislature on the first Monday following the first day of January except that in each and every year following the election of the Legislators, the meeting shall be held in the Chambers of the Legislature on the first day of January at 12:00 noon. The Clerk of the Legislature shall serve on each member a written notice, mailed to each member's last known post office address, at least 48 hours before the date of the meeting, stating the time and date of said meeting and identifying the place and purpose as being the organization of the Legislature and the election of its Chairperson and Deputy Chairpersons.

During the organizational meeting, in addition to a Chairperson of the Legislature being elected, a Deputy Chairperson from both the majority and minority caucuses shall be elected by a vote within their own caucus. A caucus shall
be defined as a political group of legislators with like-minded philosophies and affiliations. If a caucus is constituted by a majority of the Legislators, then it is called the Majority Caucus. The group constituting a minority of the Legislators will be called the Minority Caucus. Members of either caucus are not restrained by their caucus and are free to vote their conscience.

It shall be the responsibility of the Chairperson of the Legislature to conduct the Legislature in an orderly and efficient manner in accordance with the Rules of Legislature. It shall also be the responsibility of the Chairperson to disseminate information on resolutions, local laws and other pertinent matters affecting the County to the members of the Legislature. The Chairperson shall staff the Office of the Chairperson to accomplish these responsibilities. The Chairperson is a paid position with compensation established by the Legislature.

The duties of the Deputy Chairpersons of the Legislature shall be limited to conducting Legislative meetings in the Chairperson's absence. This duty shall alternate between the two Deputy Chairpersons with the majority Deputy Chairperson going first. Each Deputy Chairperson position is a non-compensated position.

and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairperson of the Legislature and the appropriate County Officials.

_Referred to Law Committee – 7/9/18_
LOCAL LAW NO. “R” FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM ASSISTING IN THE INVESTIGATION OF CITIZENSHIP OR IMMIGRATION STATUS OF ANY PERSON

Introduced: 7/9/18
By Messrs. Fein, Simpson and Bullock:

BE IT ENACTED, by the Legislature of the County of Albany as follows:

Section 1. Title

This local law shall be known as the “Welcoming Albany County Act”

Section 2. Legislative Intent

The Legislature finds that Albany County has a diverse population, with residents from many different cultures and backgrounds, including many different races, ethnicities, faiths, and national origins.

The Legislature further finds that the residents of Albany County benefit from the County’s diverse cultural heritage.

The Legislature further finds that it is in the best interest of the residents of Albany County to be a welcoming place for all people of all walks of life with no deference to nationality or citizenship.

Therefore, the purpose of this local law is to ensure that Albany County is a welcoming place for all individuals and that Albany County officials do not investigate individuals’ immigration or citizenship status, do not participate in the enforcement of Federal immigration law, and leave the enforcement of Federal immigration law to Federal officials.

Section 3. Definitions

As used in this local law, the following terms shall have the meanings indicated:

A. “Administrative warrant” means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, issued for a civil immigration enforcement purpose and that is not issued or signed by a judge
appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 U.S.C. § 631. This definition includes, but is not limited to, administrative warrants entered into the Federal Bureau of Investigation's National Crime Information Center database. This definition does not include any criminal warrants issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and New York law.

B. "Agency" means every Albany County department, agency, division, commission, council, committee, board, or other body established by authority of a local law, resolution, or executive order, and shall encompass, for the purposes of this local law, all contractors performing work on behalf of the county.

C. "Agent" means any person employed by or acting on behalf of an agency or county contractor.

D. "CBI" means the United States Customs and Border Protection agency and shall include any successor agency charged with the enforcement of federal civil immigration laws.

E. "Certification" means any law enforcement certification or statement required by federal immigration law including, but not limited to, the information required by Section 1184(p) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-913, Supplement B, or any successor forms) for purposes of obtaining a U visa, or by Section 1184(o) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-914, Supplement B, or any successor forms) for purposes of obtaining a T visa.

F. "Certifying agency" means Albany County law enforcement agency or other authority that has responsibility for the investigation, prosecution, or sentencing of qualifying criminal activity. "Certifying agency" includes any agency that has criminal investigative jurisdiction in its respective areas of expertise.

G. "Citizenship or immigration status" means an individual’s recorded citizenship or immigration status, as such status is defined in the federal immigration and nationality act, at the time an agent or agency receives such information.

H. "Contact information" means home address, work address, telephone number, electronic mail address, social media information, or any other information that can be used as a means of locating or contacting an individual.
I. "Eligible for release from custody" means that the person may be released from custody because one of the following conditions has occurred:

a. All criminal charges against the person have been dropped or dismissed.
b. The person has been acquitted of all criminal charges filed against him or her.
c. The person has served all the time required for his or her jail or prison sentence.
d. The person is ordered to be released from custody pending the disposition of his or her pending criminal case.
e. The person has posted a bond.
f. The person is otherwise eligible for release under state or local law, or local policy.

J. "Family member" means a person's (i) mother, father, spouse, brother or sister (including blood, step or half), son or daughter (including blood, step or half), father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparent or grandchild; or (ii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iii) domestic partner or the domestic partner's mother, father, brother, sister (including blood, step, or half), son or daughter (including blood, step or half).

K. "ICE" means the United States Immigration and Customs Enforcement agency and shall include any successor agency charged with the enforcement of federal civil immigration laws.

L. "Immigration detainer" means a request by ICE or CBP to a federal, state, or local law enforcement agency that requests that the law enforcement agency provide notice of release or maintain custody of an individual, including detainers issued pursuant to Sections 1226 or 1357 of Title 8 of the United States Code or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include DHS Form I-247-A "Immigration Detainer – Notice of Action"; DHS Form I-247D "Immigration Detainer – Request for Voluntary Action"; DHS I-247X "Request for Voluntary Transfer"; DHS Form I-247N "Request for Voluntary Notification of Release," or any successor forms.

M. "Immigration enforcement operation" means any operation that is primarily for the purpose of identifying or apprehending a person or persons: 1) in order to subject them to civil immigration detention, removal or deportation proceedings, and/or removal or deportation from the United States; or 2) to criminally prosecute a person or persons for offenses related to immigration status, including but not limited to violations of Sections 1253, 1304, 1306(a) and (b), 1325, or 1326 of Title 8 of the United States Code, or violations of Sections 1028A or 1546 of Title 18 of the United States Code.
N. "Judicial warrant" means a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 USC 631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant. This does not include warrants or orders issued by employees of the Department of Homeland Security, the Department of Justice, or the Executive Office for Immigration Review.

O. "Qualifying criminal activity" means any activity involving one or more of the following or any similar activity in violation of federal, state, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in Section 1351 of Title 18 of the United States Code); or attempt, conspiracy, or solicitation to commit any of the above-mentioned crimes. This list of qualifying criminal activity is not a list of specific statutory violations, but instead a list of general categories of criminal activity. Activity not listed in the first sentence of this definition shall be presumed to be qualifying criminal activity when its nature and elements are substantially similar to any qualifying criminal activity listed herein. Qualifying criminal activity that occurs during the commission of non-qualifying criminal activity shall be considered qualifying criminal activity regardless of whether criminal prosecution was sought for the qualifying criminal activity.

P. "Victim of qualifying criminal activity" means any individual who has reported qualifying criminal activity to a law enforcement agency or certifying agency, or has otherwise participated in the detection, investigation, or prosecution of qualifying criminal activity, who has suffered direct or proximate harm as a result of the commission of any qualifying criminal activity and may include, but is not limited to, an indirect victim; regardless of the direct victim’s immigration or citizenship status, including the spouse, children under 21 years of age, and, if the direct victim is under 21 years of age, deceased, incompetent or incapacitated, parents and unmarried siblings under 18 years of age of the direct victim. A bystander victim may also be considered as a "victim of qualifying criminal activity." More than one victim may be identified and provided with certification depending upon the circumstances. For purposes of this definition, the term "incapacitated" means unable to interact with law enforcement agency or certifying agency personnel as a result of a cognitive impairment or other physical limitation, or because of physical restraint or disappearance.

Section 4. Requesting information prohibited
No agent or agency shall request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person, except as may be required under Section 10 of this local law, unless such inquiry or investigation is required by court order. Notwithstanding this provision, the Albany County attorney may investigate and inquire about citizenship or immigration status when relevant to potential or actual litigation or an administrative proceeding in which the county is or may be a party.

Section 5. Conditioning benefits, services, or opportunities on immigration status prohibited

A. No agent or agency shall condition the provision of Albany County benefits, services, or opportunities on matters related to citizenship or immigration status unless required to do so by state or federal law, or court order.

B. Where presentation of a driver's license or identification card issued by New York State or any U.S. State or U.S. territory is accepted as adequate evidence of identity, presentation of a photo identity document issued by another country, such as a driver's license, passport, or consular identification document or presentation of a photo identity issued by a school, college, or employer located in the United States, shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a driver's license or identification card issued by New York State or any U.S. State or U.S. territory except that this subsection (b) shall not apply to the completion of the federally mandated I-9 forms.

C. In order to ensure that eligible persons are not deterred from seeking Albany County benefits, services, or opportunities, all agencies shall review their confidentiality policies and identify any changes necessary to ensure that information collected from individuals is limited to that necessary to perform agency duties and is not used or disclosed for any other purpose, except as may be required under Section 10 of this local law. Any necessary changes to those policies shall be made within 60 days of the adoption of this local law, consistent with agency procedures.

D. All applications, questionnaires, and interview forms used in relation to Albany County benefits, opportunities, or services shall be promptly reviewed by the pertinent agencies and any questions regarding citizenship or immigration status, other than those required by statute, federal law, or court order, shall be deleted within 60 days of the adoption of this local law.

Section 6. Immigration enforcement actions and Federal responsibility
A. No agency or agent shall stop, arrest, detain, or continue to detain a person after that person becomes eligible for release from custody or is free to leave an encounter with an agency or agent, based on any of the following:

a. an immigration detainer;
b. an administrative warrant; or

c. any other basis that is based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.

B. No agency or agent shall accept requests by ICE, CBP, or other agencies to support or assist in any capacity with immigration enforcement operations, including but not limited to requests to (1) provide information (including custody status, release date, home address, or work address) regarding persons who may be the subject of immigration enforcement operations except as may be required under Section 10 of this local law, (2) investigate or interrogate such persons, (3) establish traffic perimeters, or (4) otherwise be present to assist or support an operation. In the event an agent receives a request to support or assist in an immigration enforcement operation, he or she shall report the request to his or her supervisor, who shall decline the request, except as may be required under Section 10 of this local law, and document the declination in an interoffice memorandum to the agency director through the chain of command.

C. No agency or agent shall enter into an agreement under Section 1357(g) of Title 8 of the United States Code or any other federal law that authorizes or permits state or local governmental entities to enforce federal civil immigration laws.

D. Unless presented with a valid and properly issued judicial warrant, no agency or agent shall:

a. stop, arrest, detain, or continue to detain a person after that person becomes eligible for release from custody or is free to leave an encounter with an agency or agent;
b. permit ICE or CBP agents access to a person being detained by, or in the custody of, the agency or agent;
c. transfer any person into ICE or CBP custody;
d. permit ICE or CBP agents use of agency facilities, information (except as may be required under Section 10 of this local law), or equipment, including any agency electronic databases, for investigative interviews or other investigative purpose or for purposes of executing an immigration enforcement operation; or
e. expend time to respond to ICE or CBP inquiries or communicate with ICE or CBP regarding a person's custody status, release date, home address, work address, or other information, except as may be required under Section 10 of this local law.
Section 7. Certifications for victims of qualifying criminal activity

A. A certifying agency shall execute any certification requested by any victim of qualifying criminal activity or representative of the victim including, but not limited to, the victim's attorney, accredited representative, or domestic violence service provider, within 45 days of receiving the request. If the victim seeking certification is in federal immigration removal proceedings, the certifying agency shall execute the certification within 14 days of receiving the request. If the victim or the victim's children would lose any benefits under Sections 1184(p) and 1184(o) of Title 8 of the United States Code by virtue of having reached the age of 21 years within 90 days after the certifying agency receives the certification request, the certifying agency shall execute the certification no later than 14 days before the date on which the victim or child would reach the age of 21 years. Requests for expedited certification must be affirmatively raised by the victim.

B. If a certifying agency denies a request for certification, the agency shall notify the applicant in writing of the basis for the denial and the process for appealing the denial to the agency head. Within 90 days of receiving an applicant's letter appealing a denial, the certifying agency head shall notify the applicant in writing that the appeal is rejected and the initial denial is upheld or that the appeal is granted and the certifying agency will issue a certification.

C. The head of each certifying agency shall perform, or designate an agent with a supervisory role within the agency to perform, the following responsibilities:

   a. respond to requests for certifications;
   b. provide outreach to victims of qualifying criminal activity to inform them of the agency's certification process; and
   c. keep written records of all certification requests and responses.

D. All certifying agencies shall implement a language-access protocol for non-English speaking victims of qualifying criminal activity.

E. A certifying agency shall reissue any certification within 45 days of receiving a request from the victim of qualifying criminal activity or representative of the victim including, but not limited to, the victim's attorney, accredited representative, or domestic violence service provider.

F. There is no requirement that there be a current investigation, the filing of charges, a prosecution, or a conviction in order for a certifying agency to provide a certification, and there is no statute of limitations on providing a certification.
G. A certifying agency shall not refuse to provide certifications to applicants with criminal histories or outstanding warrants.

H. Notwithstanding any other provision of this section, a certifying agency's completion of a certification shall not be considered conclusive evidence that the victim has met eligibility requirements for a U or T visa, and completion of a certification by a certifying agency shall not be construed to guarantee that a victim will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a victim of qualifying criminal activity is eligible for a U or T visa. Completion of a certification by a certifying agency merely verifies factual information relevant to the immigration benefit sought including information relevant for federal immigration officials to determine eligibility for a U or T visa. By completing a certification, the certifying agency attests that the information is true and correct to the best of the certifying official's knowledge. If after completion of a certification, the victim unreasonably refuses to assist in the investigation or prosecution of the qualifying criminal activity of which he or she is a victim, then the certifying agency may notify the United States Citizenship and Immigration Services in writing.

Section 8. Federal registry programs

No agency or agent shall expend any time, facilities, equipment, information, or other resources of the agency or agent to facilitate the creation, publication, or maintenance of any federal program to register individuals present in the United States based on their race, religion, gender, sexual orientation, gender identity or expression, or national or ethnic origin, or the participation of any residents of the Albany County in such a registry.

Section 9. Commitments

A. The county commits to working with community advocates, policy experts, and legal advocates to defend the human rights of immigrants.

B. The Albany County Sheriff's Department will continue to respond to requests from immigrant communities to defend them against all crimes, including hate crimes, to assist people with limited language proficiency, and to connect immigrants with social services.

C. The county recognizes the arrest of an individual increases that individual's risk of deportation even in cases where the individual is found to be not guilty, creating a disproportionate impact from law enforcement operations. Therefore, for all individuals, the Albany County Sheriff's Department will recognize and consider the extreme potential negative consequences of an arrest in exercising its discretion regarding whether to take such an action, and will arrest
an individual only after determining that less severe alternatives are unavailable or
would be inadequate to effect a satisfactory resolution.

Section 10. Information regarding citizenship or immigration status

Nothing in this local law prohibits any Albany County agency from sending
to, or receiving from, any local, state, federal agency, information regarding an
individual's citizenship or immigration status.

Section 11. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this
local law or its application shall be inconsistent with any federal or state statute,
law, regulation or rule then the federal or state statute, law, regulation, or rule
shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part
of this local law or its application shall be adjudged by a court of competent
jurisdiction to be invalid or unconstitutional, such order or judgment shall not
affect, impair, or invalidate the remainder of the local law which shall remain in full
force and effect except as limited by such order or judgment.

Section 12. Effective Date and Applicability

This local law shall be effective immediately upon filing in the Office of the
Secretary of State.

Referred to Law, Public Safety and Audit and Finance Committees – 7/9/18
RESOLUTION NO. 376

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "R" FOR 2018

Introduced: 8/13/18
By: Messrs. Fein and Simpson

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "R" for 2018, "A Local Law of the County of Albany, New York Prohibiting Albany County Government from Assisting in the Investigation of Citizenship or Immigration Status of Any Person," be held by the County Legislature in the Legislative Chamber, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 28, 2018, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law, Audit and Finance and Personnel Committees – 8/13/18
LOCAL LAW NO. “S” FOR 2018

A LOCAL LAW TO REQUIRE HOSPITALS TO POST THEIR POLICIES ON REPRODUCTIVE HEALTHCARE, NON-DISCRIMINATION, CHARITY CARE AND ADMISSIONS IN ALBANY COUNTY

Introduced: 9/12/18
By Mr. Cahill:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

The Legislature finds that hospitals should post their policies on reproductive healthcare, end-of-life care, non-discrimination, charity care and admissions so that patients are informed whether the medical service they are seeking will be provided to them.

Section 2. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

(a) "Hospital" shall have the same meaning as provided in the relevant section of the New York State Law.

Section 3. Requirements.

A hospital located in Albany County shall publicly post on their web site their policies on reproductive healthcare, end-of-life care, non-discrimination, charity care and admissions.

Section 4. Rules and Regulations.

The Albany County Department of Health may promulgate such rules and regulations as it deems necessary to implement and enforce the provisions of this Local Law.

Section 5. Applicability.

This article shall apply to all actions occurring on or after the effective date of this Local Law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm,
partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. Effective Date.

This Local Law shall take effect within ninety (90) days of its filing with the Secretary of State.

_Referred to Law and Health Committees– 9/12/18_
RESOLUTION NO. 494

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "S" FOR 2018

Introduced: 10/9/18
By Mr. Cahill:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "S" for 2018, "A LOCAL LAW TO REQUIRE HOSPITALS TO POST THEIR POLICIES ON REPRODUCTIVE HEALTHCARE, NON-DISCRIMINATION, CHARITY CARE AND ADMISSIONS IN ALBANY COUNTY" be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, October 23, 2018, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Health Committee - 10/9/18
A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 AS SUBSEQUENTLY AMENDED TO IMPLEMENT AN ANTI-NEPOTISM POLICY

Introduced: 3/12/18
By: Mr. Drake

BE IT ENACTED by the County Legislature of the County of Albany as follows:

Local Law No. 8 for 2011 is amended as follows:

Section 1. Section 5 of Local Law No. 8 for 2011, entitled "Code of Ethics for County Officers and Employees" is amended to read as follows:


(a) Notwithstanding the exceptions in article (b) of this subsection, Relatives of elected County officials are prohibited from being hired or appointed for any paid position that qualifies as a Policy Making Official or High-Ranking County Position, or for any position indicated in Appendix A. Nothing in this section shall be construed to prevent the appointment of Relatives of elected County officials who voluntarily serve on County boards, commissions, and advisory councils with no compensation.

(b) Should a supervisory official seek to hire an individual who is barred from County employment per article (a) of this subsection, the following criteria must be met first:

(i) The supervisory official shall request an advisory opinion per this local law regarding employment of said individual from the Ethics Commission.

(ii) The Ethics Commission shall issue an opinion and recommended course of action and forward it to the personnel committee of the Legislature. The opinion should include, but not be limited to, potential conflicts of interest and appearances of impropriety. The Ethics Commission may inquire about the other candidates for the position in question and require that said candidates' resumes be provided.

(iii) Only after the Ethics Commission has issued its opinion shall said individual appear before the personnel committee of the County Legislature to be questioned regarding background, education, experience, work history, or any other inquiry deemed relevant by a member of the Legislature.
(iv) The personnel committee of the County Legislature may at their discretion then choose to refer said appointment to the whole Legislature for a vote if, and only if, the Ethics Commission has rendered a positive opinion of said appointment. The final vote by the full Legislature shall be taken by long roll call with a simple majority of legislators in the body necessary for passage.

The former subsection “10” in Section 5 shall be re-designated as subsection “11”, and all subsequent subsections shall be re-numbered accordingly.

Section 2. Applicability and Effective Date

This local law shall not apply retroactively. Individuals who were hired by the County of Albany on or before the effective date of this local law shall not be impacted.

Pursuant to Sections 23 and 33 of the Municipal Home Rule Law, this local law, which curtails the powers of Albany County elective officers and amends the Albany County Charter, shall be subject to a mandatory referendum. This local law shall not become operative unless and until this local law is approved by the duly qualified voters of Albany County in the manner prescribed by law at a general or special election occurring not less than sixty days after the adoption of this local law.

Referred to Law Committee – 3/12/18
Without Recommendation Law Committee – 10/9/18

Mr. Bullock made a motion to call the previous question, duly seconded, and on long roll call the following members voted in favor: Messrs. Beston, Bullock, Burgdorf, Ms. Chapman, Messrs. Clay, Clenahan, Comisso, Crouse, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Ethier, Feeney, Fein, Grimm, Higgins, Hogan, A. Joyce, R. Joyce, Ms. Lekakis, Messrs. Lockart, Mauriello, Mayo, Mss. McKnight, McLean Lane, Mr. Miller, Ms. Plotsky, Messrs. O'Brién, Signoracci, Smith, Stevens, Touchette, Tunny, Ward and Ms. Willingham – 36
Those opposed – 0
The motion was adopted
Referred to Law Committee – 10/9/18
LOCAL LAW NO. “T” FOR 2018

A Local Law of the County of Albany, New York, Amending Various Provisions of the Albany County Charter and Local Law No. 8 for 1993 as Subsequently Amended for the Purpose of Incorporating Term Limits for Certain County Offices

Introduced: 10/9/18
By: Drake

Pursuant to Sections 10 and 33 of the Municipal Home Rule Law and Section 2701 of the Albany County Charter:

Be it enacted by the County Legislature as follows:

Section 1. Section 202 of the Albany County Charter is amended to read as follows:

All County Legislators shall be electors of the County and have been residents continuously in the County and the district represented for at least one (1) year prior to taking office. No person shall serve as a County Legislator for more than three (3) total four-year terms. No service for a partial term as a County Legislator shall be included in calculating the three (3) term limit. Each County Legislator shall reside in the district from which that County Legislator seeks election at the time of nomination for office, and continue to be a resident of the County and of the district within the County which she represents for the entire term of her office, subject, however, to the following exception: in the case of an election immediately following the reapportionment of County Legislative Districts, the incumbent County Legislator representing a district redrawn in such reapportionment shall be eligible for nomination for election in either the district of residence, or any newly drawn district which is contiguous to the district of residence, provided that the County Legislator shall become a resident of the district represented prior to taking office. Members of the County Legislature shall be nominated at the primary election in the same manner other County officers are nominated pursuant to the provisions of the Election Law.

Section 2. Section 301 of the Albany County Charter is amended to read as follows:

There shall be a County Executive who shall be an elector of the County, have been residing continuously in the County for at least one (1) year preceding her election, and be elected from the County at large. Her term of office shall be four (4) years and begin on the January 1 following her election. No person shall serve as a County Executive for more than three (3) total four-year terms. No service for a partial term as a County Executive shall be included in calculating the three (3) term limit. The election for County Executive shall be conducted at the general election of 1995, and at general elections every fourth year thereafter. At the time of her election and throughout her term of office, she shall be a qualified elector of the County and hold no other public office. Commencing January 1, 1995, she shall not hold the position of chair, vice chair, secretary or treasurer or other comparable office of a County political party committee. The County Executive shall receive such compensation for her duties as fixed by the County Legislature. The compensation of the County Executive shall not be increased nor decreased during her term of office.
Section 3. Section 402 of the Albany County Charter is amended to read as follows:

The Comptroller shall be a qualified elector of the County, and have been a resident continuously in the County for at least one (1) year preceding her election, and be elected from the County at large. The term of office of the Comptroller shall be four (4) years, and shall begin on January 1 next following her election. No person shall serve as a Comptroller for more than three (3) total four-year terms. No service for a partial term as a Comptroller shall be included in calculating the three (3) term limit. The election for Comptroller shall be conducted at the general election of 1995, and at general elections every fourth year thereafter. She shall hold no other public office. Commencing January 1995, she shall not hold the positions of chair, vice-chair, secretary, treasurer or comparable office of a County political party committee. The compensation of the Comptroller shall be fixed by the County Legislature and not be increased nor decreased during her term of office.

Section 4. Severability

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Effective Date

This local law shall not become effective until January 1, 2020.

Pursuant to Sections 23 and 33 of the Municipal Home Rule Law, this local law, which curtails the powers of Albany County elective officers and amends the Albany County Charter, shall be subject to a mandatory referendum. This local law shall not become operative unless and until this local law is approved by the duly qualified voters of Albany County in the manner prescribed by law at a general or special election occurring not less than sixty days after the adoption of this local law.

Referred to Law Committee - 10/9/18
17
LOCAL LAW NO. "A" FOR 2019

A LOCAL LAW TO ESTABLISH THE ALBANY COUNTY FAIR HOTEL CONSUMER PRACTICES LAW

Introduced: 1/14/19
By Mr. Bullock:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

The Legislature hereby finds and determines that hotels should be honest and transparent with their guests regarding disruptions of service such as infestations, construction issues, pickets, and boycotts at their hotels.

The Legislature further finds that hotel guests will frequently be unaware of such issues when they make a reservation at a hotel, and often find it difficult if not impossible to cancel their reservations upon arriving at the hotel and discovering such issues.

The Legislature further finds that fair hotel consumer practices would require hotels to notify guests of any such disruption in service, and should insure refunds and eliminate cancellation fees in the case of such a disruption.

Section 2. Definitions. As used in this Local Law, the following terms shall have the meanings indicated:

(a) HOTEL — A building in which lodging is provided and offered to the public, which is customarily open to transient guests, and which may include ancillary facilities and services such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. A hotel unit may contain a kitchen for extended stay lodgings. Outdoor athletic courts and other outdoor facilities are permitted and may be included with a hotel use.

(b) HOTEL SERVICES — Any services commonly offered by a hotel, including, but not limited to, letting of guest rooms, letting of meeting rooms, provision of food and/or beverage services, provision of banquet services, and provision of spa services.

(c) SERVICE DISRUPTION — The occurrence of any of the following: (i) Any construction at such hotel that creates excessive noise that has the potential to disturb guests in their rooms other than construction that is unplanned and intended to correct an emergency or other situation requiring immediate attention; (ii) Any durational strike, lockout, boycott, or picketing activity at or near a hotel which is related to such hotel; or (iii) Any infestation verified by a licensed exterminator or governmental agency of hotel rooms by bed bugs, lice, or
other insects or vermin that are capable of spreading disease and/or being carried, including on one's person, that has not been remedied by a licensed exterminator.

Section 3. Prohibitions.
(a) Notification of Service Disruption. A hotel must notify, in writing or by electronic mail, each guest who has reserved a room, and any customer who has entered into a booking to utilize hotel services, of any service disruption, including a description of the nature of the service disruption, and of the right to a full refund of the amount paid for any portion of a stay affected by such service disruption. Such notification must be prominent and clear. If such notice is included in a communication containing other information, it must be prominent and clear, in a larger font and different color than the remainder of the communication.
(b) Right to Refund and Prohibition on Penalty for Cancellation. Guests and customers shall be entitled to a full refund of the amount paid for any portion of a stay affected by a service disruption. Hotels may not impose any fee, penalty or other charge, nor retain any deposit in the event a guest or customer cancels a reservation, arrangement or agreement to use hotel services in the event of a service disruption.
(c) If a hotel violates subsection (a) of this section, such hotel shall immediately upon request refund affected guests or customers an amount equal to one hundred percent (100%) of the total cost charged for the night or nights or event affected by the disruption, agreed upon, or quoted to the affected guest or customer, except in cases where commencement of a service disruption make it impractical to provide timely notification.

Section 4. Applicability.
This Local Law shall apply to all actions occurring on or after the effective date as set out in Section 6.

Section 5. Severability.
If any clause, sentence, paragraph, subdivision, section or part of this Local Law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Local Law, or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 6. Effective Date.
This law shall take effect sixty (60) days following its filing in the Office of the New York State Secretary of State.

Referred to Law Committee – 1/14/19
RESOLUTION NO. 120

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019

Introduced: 3/11/19
By Ms. Cunningham:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “D” for 2019, “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, March 26, 2019, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Conservation, Sustainability and Green Initiatives Committees - 3/11/19
LOCAL LAW NO. "C" FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING AND UPDATING LOCAL LAW NO. 2 FOR 2011 REQUIRING ITEM PRICING BY RETAIL STORES IN THE COUNTY OF ALBANY

Introduced: 3/11/19
By Messrs. Feeney, Ward and Ethier:

BE IT ENACTED by the County Legislature of the County of Albany as follows:

Local Law No. 2 for 2011 is amended to read as follows:

SECTION 1. Title.

This Law shall be known as the “Albany County Item Pricing Law.”

SECTION 2. Legislative Intent.

This Law recognizes that clear, accurate item pricing is a basic consumer right which is no longer protected under State Law. It is the purpose of this Law to ensure that consumer goods offered for sale in the County of Albany are clearly, accurately and adequately marked as to their selling price. The County Legislature does, at the same time, recognize the numerous efficiencies and economies available to the retail food industry through use of computer-assisted checkout systems (together with shelf tag labeling) as the primary method of pricing consumer goods. It is the intention of this Legislature to require that retail food stores place individual item prices on products that they sell and to require accuracy at the checkout registers. It is also the intention of this Legislature to provide for a waiver of the item pricing requirement for certain stores that demonstrate and maintain a very high degree of computer-assisted pricing accuracy and that provide certain consumer protections and services that enhance the ability of consumers to record and verify individual item prices.

SECTION 3. Definitions.

A. "Stock keeping unit" shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within the following categories:
1. food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose; and

2. napkins, facial tissues, toilet tissues, and any disposable wrapping or container for the storage, handling or serving of food; and

3. detergents, soaps, other cleansing agents, and cleaning implements; and

4. non-prescription drugs, feminine hygiene products and health and beauty aids.

B. "Stock keeping item" shall mean each individual item of a stock keeping unit offered for sale.

C. "Universal product coding" shall mean any system of coding which entails electronic pricing.

D. "Item price" shall mean the tag, stamp or mark affixed to a stock keeping item by an authorized person which sets forth, in clearly readable Arabic numerals, the selling price.

E. "Computer-assisted checkout system" shall mean any electronic device, computer system or machine which determines the selling price of a stock keeping item by interpreting its universal product code, or by use of its price look-up function.

F. "Price look-up function" shall mean the capability of any checkout system to determine the selling price of a stock keeping item by way of the manual entry into the system of a code number assigned to that particular unit by the retail store or by way of the checkout operator's consultation of a file maintained at the point of sale.

G. "Person" shall mean an individual, firm, partnership, association, or corporation

H. "Inspector" shall mean the authorized government official or his agents or employees having jurisdiction to enforce the provisions of this Local Law.

I. "Retail store" shall mean a store selling stock keeping units at retail including, but not limited to, grocery retailers, pharmacies and
department stores. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. Pursuant to this section, a retail store shall not include any store which:

1. has as its only full-time employee the owner thereof, or the parent, or the spouse or child of the owner, or in addition thereto not more than two full-time employees; or

2. had annual gross sales in a previous calendar year of less than three million dollars, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group, had annual gross sales in the previous calendar year of three million dollars or more; or

3. engages primarily in the sale of food for consumption on the premises or in a specialty trade which the Director of Weights and Measures determines, by regulation, would be inappropriate for item pricing.

J. “Retail Area” shall mean the area designated in a retail store to display and sell products, provide customer service and check out. The retail area does not include the storage area, back rooms, stock area, maintenance areas, or other locations which are not intended to be accessible to consumers.

SECTION 4. Item Pricing Required.

A. Subject to the waiver provisions contained in Section 7 of this local law, every retail store, person, firm, partnership, corporation or association which sells, offers for sale or exposes for sale in a retail store a stock keeping unit that bears a Universal Product Code shall disclose to the consumer the price of each stock keeping item by individually marking each such item with the item price.

B. Certain items exempted. The following stock keeping items need not be item priced as provided in Subdivision A of this section provided that a shelf price and a price look-up function are maintained for such stock keeping items:

1. Snack foods such as cakes, gum, candies, chips and nuts offered for sale in single packages and weighing five ounces or less;
2. Stock keeping items which are under three cubic inches in size, and weigh less than three ounces, and are priced under one dollar;

3. Items sold through a vending machine;

4. Fresh milk, cream, half and half and other similarly packaged liquid dairy products and orange juice;

5. Fresh eggs;

6. Unpackaged fresh produce;

7. Food offered for sales in bulk;

8. Items offered for sale which are packaged in poly-plastic frozen food bags;

9. All sale items merchandised in segregated off-shelf displays for a period of up to 21 days provided the name of the product and the advertised or sale price is clearly and conspicuously posted on a sign at the point of display;

10. Individual jars of strained and junior size baby food;

11. Individual boxes of dry gelatin and pudding;

12. Ice cream and frozen yogurt; and

13. Stock keeping items within a multi-package that is properly item priced.

SECTION 5. Pricing Accuracy.

A. No retail store, person, firm, partnership, corporation or association shall charge a price for any exempt or non-exempt stock keeping item which exceeds the lower of any item price, shelf price, sale price or advertised price of such stock keeping item. In the event that the programmed computer price exceeds the lowest price a store is permitted to charge for a stock keeping unit, the store will be subject to a penalty as described in Section 6, Paragraph E.

B. In a store with a laser scanning or other computer assisted checkout system, the Inspector shall be permitted to compare the item, shelf, sale or
advised price of any stock keeping item sold in the store with the programmed computer price.

SECTION 6. Enforcement.

A. Item Pricing Inspection Procedures. For the purpose of determining a store's compliance with the requirements of Section 4, an inspection shall be conducted of a sample of no less than ten stock keeping units. However, in the event the Inspector has received a specific written complaint, no such minimum sample shall be required in the investigation of same.

B. Laser Scanner Accuracy Inspection Procedures. For any inspection under Section 5 or Section 7, the store representative shall afford the Inspector access to the test mode of the checkout system in use at that store or to a comparable function of said system and the retail price information contained in a price look-up function. All inspections conducted pursuant to this section shall consist of a random sample of not less than one hundred nor more than two hundred stock keeping units. In the event the Inspector has received a specific written complaint, the Inspector, may, in his discretion, conduct an inspection of only those items.

C. Stop Removal Order. An Inspector shall have the authority to issue a stop removal order with respect to any device, system, or stock keeping unit being used, handled or offered for sale in violation of Section 4 or 5. Any such order shall be in writing and directed that the device, system or stock keeping unit, as the case may be, shall be removed from use or sale pending correction.

D. Penalties for Item Pricing Violations. Any retail store which fails to mark any stock keeping item in violation of Section 4 shall be subject to the penalties of not less than five dollars and not more than fifty dollars per violation. For additional violations during a subsequent inspection in a twelve month period, the above penalties shall be doubled. In doubling penalties, an Inspector shall not be limited to the doubling of any specific fine previously issued. No penalties shall be imposed for a violation of Section 4 if more than ninety-five percent of all the stock keeping items inspected in each stock keeping unit at an individual point of sale contain clearly readable and correct item prices.

E. Penalties for Scanner Accuracy Violations. Upon a violation of the provisions of Section 5, a penalty in the amount of one hundred dollars per violation shall be imposed for the first two violations of the stock keeping items compared; two hundred dollars per violation for the next two violations; two hundred fifty dollars per violation for the next two violations; and three hundred fifty dollars for each additional violation. For additional violations
during a subsequent inspection in a twelve month period, the above penalties shall be tripled and suspension of a Section 7 waiver for one year.

SECTION 7. Waiver of Item Pricing Requirements Based Upon Pricing Accuracy; Consumer Protections.

A. Every retail store, person, firm, partnership, or corporation or association subject to this Local Law which would otherwise be required to item price as provided in Section 4 may make an application in writing to the Department of Weights and Measures for a waiver of the item pricing requirements as contained herein. The application shall be submitted to the Director of Weights and Measures for the County of Albany.

[A] Separate applications shall be required for each retail store, person, firm, partnership, or corporation subject to this Local Law.

B. Each application for a waiver of the item pricing requirements contained herein shall be subject to a non-refundable annual waiver fee based on the retail square footage of the retail area of each store as set forth according to the following schedule:

<table>
<thead>
<tr>
<th>Retail Area</th>
<th>Waiver Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 3,000 sq. ft.</td>
<td>$500.00</td>
</tr>
<tr>
<td>3,000 to 10,000 sq. ft.</td>
<td>$750.00</td>
</tr>
<tr>
<td>10,000 to 30,000 sq. ft.</td>
<td>$1,500.00 [$1,000]</td>
</tr>
<tr>
<td>30,000 to 90,000 sq. ft.</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

[30,000 to 90,000 sq. ft. $1,500.00]

[More than 90,000 sq. ft. $1,750.00]

[B. All written requests for an item pricing waiver shall include an annual waiver application fee in the amount of three thousand dollars made payable to the County.]

C. Waiver applications and the required fee submitted under this section must be received by the Department of Weights and Measures on or before May 1 of each year. New stores which did not previously hold waivers may apply after the May 1 deadline and the application and length of the waiver will be prorated accordingly.

D. [C. Upon receipt of an application and fee as provided in subsections A and B of this section, the Director of Weights and Measures shall cause to be conducted two scanner accuracy inspections of the store for which the application has been submitted. These inspections shall be conducted on two
separate days, in a manner prescribed by the Director of the Department of Weights and Measures, and shall consist of comparing the shelf, sale or advertised price of any stock keeping unit with the computer-assisted checkout system price. At stores with a retail area in excess of 30,000 square feet a minimum of fifty (50) items shall be checked at each inspection. At stores with a retail area of less than 30,000 square feet a minimum of twenty-five (25) items shall be checked. In the event that any violations are detected, penalties shall be assessed as provided in Section 6, subsection E. If, considering both inspections together, the number of stock keeping units found to be in violation does not exceed two percent of all stock keeping units inspected, the Director of Weights and Measures shall grant to the applicant a revocable one year waiver from item pricing requirements provided that the applicant has paid all outstanding penalties imposed in connection with this Local Law. Any store with a current waiver shall not be subject to the item pricing provisions set forth in Section 4 herein.

E. A waiver from item pricing requirement contained herein shall be valid for a period of one year from the date of issuance. Stores must reapply annually for the renewal of a waiver at the rates established in Section 7(B) of this law. The waiver fee and two inspections shall be required for each annual renewal application, as required for an original waiver application.

F.[D]. In the event that total violations in excess of two percent are discovered in the inspections provided for in subsection D [C] herein, the Director of Weights and Measures shall not grant a waiver to the applicant. Such a store may reapply for a waiver by submitting another application with the required fee.

G.[E]. Any retail store that obtains an annual waiver from item pricing shall be required to:

1. Display easy-to-read and properly located shelf tags or signs on every stock keeping unit or group of stock keeping units of the same brand, size and price. Shelf tags shall contain all pricing information required by section 214-h of the New York State agriculture and markets law, as such law is amended from time to time.

2. Post a notice for the consumer, in a conspicuous location, of the granting of the item pricing waiver which shall indicate consumer rights with respect to the accurate pricing of items and price discrepancies.

3. Designate and make available price check scanners to enable consumers to confirm the price of the stock keeping item. These price check scanners shall be in locations that are centrally located in the
store and convenient to consumers, with signs of sufficient lettering to identify the scanners to consumers. The minimum number of price check scanners shall be dependent on the stores retail area as follows:

[Designate and make available the number of price check scanners set forth in the following table to enable consumers to confirm the price of a stock keeping item]:

<table>
<thead>
<tr>
<th>Retail Area</th>
<th>Minimum # of Scanners</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Square footage of selling space]</td>
<td>Number of Scanners</td>
</tr>
<tr>
<td>Less than 30,000</td>
<td>1</td>
</tr>
<tr>
<td>30,000 – 9[6]0,000</td>
<td>2[3]</td>
</tr>
<tr>
<td>Over 90,000</td>
<td>4[5]</td>
</tr>
</tbody>
</table>

Stores shall have the discretion to install price check scanners which are capable of printing an adhesive label containing the price of the stock keeping item. Stores which choose to have scanners, in an amount which complies with the requirements noted above, but which do not print adhesive labels shall be considered in compliance with the provisions of this local law for purposes of granting a waiver. [One such price check scanner shall be capable of printing an adhesive label containing the price of the stock keeping item. Price check scanners shall be placed in a location convenient to consumers with a sign of sufficient sized lettering identifying this unit to consumers.] Price check scanners may be used by the retail store to meet unanticipated customer checkout needs.

4. Assist county inspectors with store inspections. The retail store may make store personnel or hand-held price scanners available to a county inspector to assist with price accuracy inspections. Inspections of retail stores may be unannounced, provided however, that the inspector shall notify the store upon arrival.

A retail store failing to comply with any of the requirements of section 7 of this local law [this subsection E] shall be subject to a penalty in the amount of no more than three hundred dollars per violation.

H.[E]. An annual waiver from item pricing shall be valid until such time as a store falls below 98% accuracy on two consecutive pricing accuracy inspections. Failure to meet the scanning accuracy requirement or failure to pay the annual application fee shall subject the retail store to the item pricing requirements of this Local Law within ten days of the last inspection.
I. [G]. In the event that the Director of Weights and Measures is unable to conduct inspections pursuant to [subsection C] of this section within thirty days of receipt of a completed written waiver application, the Director of Weights and Measures shall grant a temporary waiver pending completion of the inspections. If, upon completion, the item pricing inspections detect a violation rate of two percent or less, the Director of Weights and Measures shall issue an annual waiver. If the inspections detect a violation rate in excess of two percent, the temporary waiver shall be immediately revoked and the item pricing provisions of this Local Law shall apply.

SECTION 8. Regulations

In addition to the powers and duties elsewhere prescribed in this local law, the Director of the Department of Weights and Measures shall have the power to adopt, amend or rescind, after a public hearing, such regulations that may be necessary to effectuate the purposes of this law with respect to item pricing and accuracy. At least seven days prior notice of such public hearing on proposed regulations shall be published in the official newspapers of the County of Albany. Any regulations adopted pursuant to this local law shall be filed in the Office of the Clerk of the Albany County Legislature.

SECTION 9[8]. Jurisdiction.

The provisions of this Local Law and any Regulations promulgated hereunder shall be enforced by the Director of Weights and Measures for the County of Albany. The Director of Weights and Measures shall refer cases of unpaid penalties to the Albany County Attorney for appropriate legal action.

SECTION 10[9]. Appointment of Review Committee.

Upon the expiration of the first six months of operation, the Chairman of the County Legislature shall appoint a three-member Review Committee to study this Law's strengths and weaknesses and make appropriate recommendations for amendments to the Finance Committee.

SECTION 11[0]. Severability.

If any section of this Local Law, or the application thereof to any person or circumstance shall be adjudged invalid by a Court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person or circumstance and to this end the provisions of each section of this Law are hereby declared to be severable.
SECTION 12(1). Effective Date.

This local law shall take effect immediately.

Referred to Law and Audit and Finance Committees - 3/11/19
LOCAL LAW D—— FOR 2019

A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ELIMINATE THE USE OF SINGLE-USE PLASTIC BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS

Introduced: 02/28/2019
By Ms. Cunningham, Messrs. Reinhardt, Mss. Lekakis and Plotsky, Messrs. Dawson and Fein, Ms. McLean Lane, Messrs. Joyce, Higgins, O’Brien, Bullock and Mayo:

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ALBANY, as follows:

Section 1. Title.

This Local Law shall be known as the “The Albany County Reusable Shopping Bag Incentive Act Eliminate Single-Use Plastic Bag Use in Albany County Act.”

Section 2. Legislative Purpose and Findings.

The Albany County Legislature hereby finds and determines that it is imperative that the use and reliance on single-use plastic shopping bags must be reduced, and ultimately, eliminated. Further, the data and evidence supporting the massive proliferation of single-use plastic bags in Albany County, the State of New York and in our nation is troubling and the future of our planet depends on legislative bodies such as the Albany County Legislature taking proactive steps to mitigate and eliminate the unnecessary usage of single-use plastic bags in Albany County.

Environmental Impact: The Environmental Protection Agency’s data indicates that between 500 billion and 1 trillion plastic bags are consumed worldwide each year. The United States is purportedly responsible for using approximately 100-260 million plastic bags annually. To manufacture 100 billion plastic bags, 12 million barrels of oil is required. The production and disposal of single-use plastic bags has significant environmental consequences and impacts including the contamination of the environment, the depletion of natural resources, the use of non-renewable polluting fossil fuels and increased clean up and disposal costs and challenges.

It is now believed that there are 5.25 trillion pieces of plastic debris in the ocean. Of that mass, 269,000 tons float on the surface, while some four billion plastic microfibers per square kilometer litter the deep sea. Ocean debris, which predominantly consists of plastic pollution, has dire consequences for ocean mammals and birds, which commonly mistake plastic bags for food. Plastic bags have been
found in the intestines and stomachs of marine life, and one in three leatherback sea turtles have been found with plastic in their stomachs. Plastic ocean debris is responsible for killing an estimated 1,000,000 seabirds and 100,000 ocean mammals each year. At least 267 different species have been negatively affected by plastic pollution, including plastic bags.

**Over-reliance on plastic:** The average American family takes home almost 1,500 single-use plastic bags each year, and a single-use plastic bag is used for an average of 12 minutes. Other data suggests that an average family accumulates 60 plastic bags in only four trips to the grocery store. The average American recycles one plastic bag out of every 200 used.

The Albany County Legislature applauds Governor Cuomo and the New York State for their inclusion in the 2019 New York State Budget, the “New York State Bag Waste Reduction Act” and further intends to take steps to institute a paper bag fee to ensure that bag waste is further reduced.

Managing the disposal of single-use plastic bags is also costly to the taxpayer. In communities that have examined policies to discourage the use of single-use plastic bags, there have been data collected indicating that the disposal costs of managing the trash impact of plastic bag garbage is significant. From the New York State Plastic Bag Task Force, created by Governor Cuomo in 2017, this analysis of the cost to taxpayers in particular communities:

> “Prior to California's statewide single-use plastic bag ban, the City of San Diego consumed 500 million single-use plastic bags each year. Approximately 98.5% of these ended up in landfills and cost the people of California $26 million per year to manage. A 2018 study reported that of the 160 billion single-use plastic bags that Americans use each year, nearly 50 million end up as litter nationwide. The study also indicated that residents in coastal areas pay almost $15 per resident in overall litter cleanup costs. According to a draft proposal in 2017 for a single-use plastic bag ban in Madison County, NY, it was noted that the county “expends significant sums of money to control and pick up litter.” In NYC alone, single-use, carry-out bags account for 1,700 tons of residential garbage each week, which equates to 91,000 tons of plastic and paper carry-out bags each year and presently costs the City $13.5 million annually to dispose of this material outside the city.”

The Albany County Legislature further finds that policies aimed at banning single-use plastic bags or charging a fee for recyclable bag usage are effective.

Solutions that result in a fee for single-use bags, or that institute a ban on single-use plastic bags altogether work effectively, with resounding results. Data
supporting this is abundant: when the City of Los Angeles, CA adopted a ban/fee hybrid policy model in 2012, there was a 94% reduction in carryout bag consumption.

Further, policy proposals to combat the consumption of single-use plastic bags is prolific across the world. According to the Governor’s report:

_Municipalities within New York State, across the United States, and around the world have implemented single-use plastic bag reduction measures in a variety of forms. On a worldwide scale, more than 75 countries have taken steps to reduce the consumption of single-use plastic bags. About one-third of these have instituted bans, approximately one-third have instituted fees, and the remaining one-third have taken the approaches listed below that differ from an outright ban or fee. As of March 2017, bans on the distribution of single-use plastic bags existed in nearly 100 cities, towns, and municipalities across the country, and fees existed in almost 30. Of the existing single-use bag fees, at least half are used in combination with a bag ban. In these instances, plastic bags are banned and the fee exist on other types of single-use carry-out bags such as paper and compostable plastic. Most programs across the United States, for either a ban or a fee, include an exemption for certain bags such as produce and meat bags, prescription bags, dry cleaning bags, and newspaper bags._

_In New York State, ten cities, towns, or villages have enacted plastic bag bans and one municipality has a plastic bag ban with a fee on single-use paper bags and bags that qualify as reusable, including 2.25-mil flexible plastic bags. The City of Long Beach has a single-use plastic bag fee in place and Suffolk County’s single-use plastic bag fee took effect January 1, 2018._

Municipalities that have taken these steps find successful outcomes, with significant reductions in the carryout bag consumption, including that of single-use plastic bags. In addition, municipalities are also finding taxpayer direct environmental benefit from instituting bag bans or fees. The City of San Jose saw an 89% reduction in plastic bags in their storm drain system, a 60% reduction of plastic bag litter in their creeks and rivers, and a 59% reduction in plastic bag litter in neighborhoods after instituting its plastic bag ban and fee on the allowable alternatives.

_Section 3. Definitions_

For purposes of this local law, the following terms shall have the meanings indicated below:
(a) "Covered Store" shall mean an establishment engaged in the retail sale of personal, consumer, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls.

(b) "Customer" shall mean any person obtaining goods from a covered store.

(c) "Food-Service-Establishment" shall mean a place where prepared food is provided for individual portion service directly to a customer whether consumption occurs on or off the premises.

(d) "Person" shall mean any natural person, firm, corporation, partnership or other organization or group, however organized.

(e) "Single-use Plastic Carryout Bag" shall mean a single-use plastic bag less than 4 mils (1 mil equals 1/1000th thickness) thick that is provided by a covered store to a customer at the point of sale and is used to carry goods from such store. A typical plastic supermarket bag is .5 mil; a thicker "mall store" plastic bag is 2.3 mil or greater. "Single-use Plastic Carryout Bag" does not include: (1) a bag without handles used to carry produce, meat, dry goods or other non-prepackaged food items to the point of sale within a store or market or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner.

(f) "Recyclable Paper Bag" shall mean a paper bag that (1) contains no old growth fiber; (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled content.

(g) "Retail Sales" shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sale, farmers' markets, flea markets and restaurants. The term "retail sales" does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

(h) "Reusable Bag" shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and meets all the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (2) is machine washable or capable of being cleaned and disinfected; (3) does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by applicable State and Federal standards and regulations for packaging or reusable bags; and (4) if made of plastic, a minimum of 4 mils thick.

Section 4 Prohibition:
No covered store shall provide a single-use plastic carryout bag to any customer at the checkout stand, cashier register, point of sale or other point of departure, for the purpose of transporting food or merchandise out of the establishment. This prohibition shall also apply to any "order online and pick up in store" or food delivery service.

Section 46 Imposition of Fees for Use of Paper Bags: Permitted Bags:

(a) Covered stores may not provide or make available to customers at the checkout stand, cashier register, point of sale or other point of departure, any single-use plastic carry-out bag for the purpose of transporting food or merchandise out of the establishment.

(b) All covered stores shall make available to customers, only recyclable paper bags or boxes, or reusable bags for the purpose of carrying away goods or other materials from the point of sale. Nothing in this local law prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the store.

(c)(i) On or immediately after the effective date of the state law, Albany County covered stores shall charge customers at least $.05 for each recyclable paper bag that is provided to customers. On or immediately after the effective date, all covered stores shall indicate on the customer receipt the number of recyclable paper bags that are provided to customers and the fee at which they were charged for the use of the recyclable paper bag. All monies collected by a covered store shall be retained by the covered store.

Per Title 28, Section 2 of the NYS 2019 Budget Bill, the $.05 fee shall be reflected on the sales slip, invoice, receipt provided to the customer. The use of single-use plastic bags shall be prohibited, while the use of recyclable paper bags shall be available. On or immediately after the effective date, recyclable paper bags shall be available for at least $.05 and single-use plastic bags shall not be available in Albany County Covered Stores.

(d) Exempt individuals that shall not pay the $.05 fee include any customers using the supplemental nutritional assistance program, special supplemental nutrition program for women, infants and children, or any successor programs used as full or partial payment for any items purchased.

(e) The $.05 fee shall be reported and paid to the New York State Commissioner of Taxation and Finance on a quarterly basis, before the twentieth day of the month following each quarterly period.

Section 5 Distribution of Fees:

(4)(a) Per New York State Law, $.03 of the $.05 fee shall be paid to the State of New York Environmental Protection Fund. The remaining $.02 will be paid to the Comptroller of Albany County, for purposes of establishing programs to purchase reusable bags provided to customers for their direct use.
Section 66. Responsibilities and Obligations of Covered Stores.

(a) All covered stores shall post signs at or near the point of sale located in such Covered Stores to notify customers of the provisions of this law, as well as the per bag charge for recyclable paper bags and reusable bags that the store may offer. Covered stores shall also indicate in signage that recyclable paper bags will be available for a charge of at least $0.05 each recyclable paper bag.

(b) Covered Stores must make available, on the customer receipt, the itemized number of recyclable or reusable bags used, on the sales receipt, including online receipts.

(c) Covered stores may retain the mandatory bag fee of at least $0.05 per recyclable paper bag.

(d) No Covered Store shall provide a credit to any person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this Local Law.

(e) Covered Stores shall be encouraged to work with organizations seeking to donate reusable bags for customer use that would allow for wide, free distribution of free reusable bags.

(f) Covered stores shall also be encouraged to adopt “leave-a-bag” “take-a-bag” initiatives that encourage consumer engagement on the use of reusable bags and that aim to enable wide adoption in communities with a high proportion of customers with limited incomes.

(g) Covered stores shall waive the fee for any customers using Supplemental Nutrition Assistance Program (SNAP) and the federal Women, Infants and Children (WIC) Program cards. Covered stores shall have discretion in waiving the recyclable bag fee for any low-income constituency it deems appropriate.

(h) Covered stores shall be discouraged from “stockpiling” plastic bag inventory and shall make every effort to be ready for the implementation of this local law.

Section 7. Deduction from Employee Wages Prohibition

Covered stores are prohibited from making a charge against, or deduction from, the wages of an employee to offset any penalty levied against the covered store pursuant to this local law.

Section 8. Albany County Responsibilities, Enforcement and Penalties.

(a) Department that will oversee this Local Law: The Albany County Executive shall deem the appropriate department within Albany County Government to oversee the enforcement, implementation of regulations and other guidance to
secure the successful implementation of this Local Law. Further, the County Executive shall inform the Legislature of his or her recommendation to ensure enforcement of this Local Law. In addition, on an annual basis, the Department selected by the Albany County Executive to oversee and implement this local law shall prepare an annual recycling report that includes information detailing the success of the effort to eliminate the commercial use of plastic bags and include information such as:

i. the effectiveness of this local law in reducing the use of paper bags/single-use carryout bags;

ii. the waste and litter reduction benefits of this local law;

iii. the number of notices of violation issued pursuant to this local law; and

iv. any cost savings to the County attributable to single-use carryout bag reduction such as reduced contamination of local waterways or reduction in flooding or combined sewer overflows. This report shall also be shared with state and local legislators, as well as provided to the New York State Department of Environmental Conservation.

(b) Compliance Assistance to Business and Retail Community: The County Executive shall ensure that information regarding this local law, its effective date, penalties and other relevant compliance information shall be distributed via website and other electronic means in order to ensure that Albany County’s Covered Stores shall be well informed about all aspects of compliance and adherence. The Albany County Department that will oversee and implement this law shall provide electronic templates that include the important information regarding this local law referenced in Section 6; subsection 4 regarding the imposition of the bag fee that covered stores shall be able to print out and display at points of sale. This template shall be easily downloadable from the County website and hard copies shall be made available at the Albany County Office Building for retail operators who need signage. In addition, the Albany County Department that will oversee this local law shall engage the business and retail community affected by this local law prior to the implementation date to provide technical and other assistance and information, and shared approaches regarding compliance. These outreachs to the business community shall include county-wide business round tables.

(c) Penalties: Any Covered Store found to be in violation of the provisions of this law shall be liable for a civil penalty payable to the County of Albany pursuant to the following penalty structure

i. Any Covered Store found to be in violation of the provisions of this law a first time shall be issued a written warning.

ii. Any Covered Store found to be in violation of the provisions of this law a second time shall be liable for a civil penalty not to exceed $100.00.

iii. Any Covered Store found to be in violation of the provisions of this law a third time shall be liable for a civil penalty not to exceed $250.00.
iv. Any Covered Store found to be in violation of the provisions of this law a fourth time shall be liable for a civil penalty not to exceed $500.00.

v. For each subsequent violation, daily fines of $100.00 shall be instituted and applied for violations of this Local Law until compliance is achieved.

vi. The Albany County Executive’s designee department shall have the discretion to temporarily suspend the business practices of Covered Stores that persistently violate this Local Law.

vii. All fines collected for violations of the Local Law shall be used to offset any costs of compliance and oversight of adherence to this Local Law.

Section 8. Severability.

If any clause, sentence, paragraph, section or any part of this local law or the application thereof to any person, individual corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgement shall be rendered.

Section 9. Reverse Preemption.

This local law shall be null and void on the day that a statewide law is in effect, incorporating either the same or substantially similar provisions as are contained in this local law or in the event that a relevant state or federal administrative agency issues and promulgates regulations prompting such action by the County of Albany. The Albany County Legislature shall determine by resolution whether or not the identical or substantially similar statewide law or relevant pre-emptive state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 10. Effective Date.

The effective date of this local law will be 6-(six)-months-from-the-date-of-its-filing with the Secretary of State, simultaneous to the effective date of the single-use statewide bag ban, March 1, 2020.
LOCAL LAW NO. “E” FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, [RESTRICTING] PROHIBITING THE SALE OF FLAVORED TOBACCO PRODUCTS

Introduced: 3/11/19
By Messrs. Miller, Clay, Ms. Cunningham, Messrs. Ethier, Beston, Cahill, Commissio, Frainier, Mss. McKnight, Willingham, Messrs. Mayo, Domaiewicz, Mss. Lekakis, McLean Lane, Plotsky, Messrs. Reinhardt and Simpson:

BE IT ENACTED by the Legislature of the County of Albany as follows:

The Legislature of Albany County hereby finds and declares that:

Section 1: Findings and Intent

This Legislature finds that 81% of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products. As tobacco companies well know, menthol, in particular, cools and numbs the throat to reduce throat irritation and make the smoke feel smoother, making menthol cigarettes an appealing option for youth who are initiating tobacco use. Tobacco companies have used flavorings such as mint and wintergreen in smokeless tobacco products as part of a “graduation strategy” to encourage new users to start with tobacco products with lower levels of nicotine and progress to products with higher levels of nicotine. It is therefore unsurprising that young people are much more likely than adults to use menthol-, candy- and fruit-flavored tobacco products, including not just cigarettes but also cigars, cigarillos, and hookah.

Tobacco use causes death and disease and continues to be an urgent public health threat as evidenced by the fact that every year 480,000 people die prematurely in the United States from smoking-related diseases and 28,000 people die prematurely from second hand smoke making tobacco use the leading cause of preventable death. Tobacco use can cause disease in nearly all organ systems and is responsible for 87 percent of lung cancer deaths, 79 percent of all chronic obstructive pulmonary disease deaths, and 32 percent of coronary heart disease deaths.

The 2018 National Youth Tobacco Survey cites research showing that youth and young adults identify flavors as a primary reason for e-cigarette use. Given the highly addictive nature of nicotine, it is not surprising that high school students who were current flavored e-cigarette users reported an increase in their frequency of vaping. Some brands have particularly high levels of nicotine in that one single e-cigarette may contain as much nicotine as a pack of 20 cigarettes.
Much as youths disproportionately use flavored tobacco products, the same can be said of certain minority groups. According to the Food and Drug Administration (FDA), 85% of African American smokers, 44% of Hispanic smokers, 38% of Asian smokers and 28% of White smokers smoke menthol cigarettes. Native Americans, people who identify as LGBT, and young adults with mental health problems also have disproportionately high rates of smoking menthol cigarettes. Menthol products are more addictive, and both youth and racial/ethnic minorities find it harder to quit smoking menthol cigarettes.

According to the NAACP, “for decades, data has shown that the tobacco industry has successfully and intentionally marketed mentholated cigarettes to African Americans and particularly African American women as “replacement smokers”. The recognition of this harsh reality led the NAACP to adopt a unanimous resolution at their 2016 National Convention supporting state and local efforts to restrict the sale of menthol cigarettes and other flavored tobacco products.

Younger smokers are more likely than older smokers to try these products. When Congress enacted the FSPTCA, it found that the use of tobacco products by the nation’s children is a “pediatric disease of considerable proportions” that results in new generations of tobacco dependent children and adults.

Although the manufacture and distribution of flavored cigarettes (excluding menthol) are banned by federal law, neither federal law nor New York State law restricts the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigars, cigarillos, smokeless tobacco, hookah, electronic smoking devices and the solutions used in these devices.

According to the 2018 Surgeon General’s Advisory Regarding the E-cigarette Epidemic Among Youth, e-cigarettes entered the U.S. marketplace around 2007, and since 2014, they have been the most commonly used tobacco product among U.S. youth. E-cigarette use among U.S. middle and high school students increased 900% during 2011-2015. During the past year, current e-cigarette use increased 78% among high school students from 12% in 2017 to 21% in 2018. More than 3.6 million U.S. youth, including 1 in 5 high school students and 1 in 20 middle school students currently use e-cigarettes.

Also according to the Surgeon General, nicotine exposure during adolescence can harm the developing brain that continues to develop until about age 25. Nicotine exposure during adolescence can impact learning, memory, and attention. Using nicotine in adolescence can also increase the risk for future addiction to other drugs. In addition to nicotine, the aerosol that users inhale and exhale from e-cigarettes can potentially expose both themselves and bystanders to other harmful substances.
including heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deeply into the lungs.

Since the industry will not reveal what chemicals are in the flavorings in the vapor products, it may be years before we know the full negative impact of the explosive increase in use of e-cigarettes. Scientists have discovered that cinnamon, vanilla, and cherry flavors react with propylene glycol, a main ingredient in many vape juices, to create entirely new chemicals, according to a study published in the journal Nicotine & Tobacco Research. Oct 18, 2018.

The federal government’s National Institute on Drug Abuse reported that teen use of e-cigarettes soared in 2018. The survey, which polled 8th, 10th and 12th graders across the country, found the rise in nicotine vaping was the largest spike for any substance recorded by the study in 44 years.

Flavors appeal to youth and drive youth experimentation with tobacco products:
- Beyond improving palatability, perceptible flavor provides an avenue for youth marketing;
- Youth tobacco users typically begin with flavored products and, overall, use flavored products at higher rates than their older peers;

Flavored tobacco products promote youth tobacco initiation and drive young occasional smokers to daily smoking; Consumers incorrectly perceive flavored tobacco products to be less harmful:
- The presence of characterizing flavors signals product palatability, which incorrectly associated with lower relative harm, influencing consumer brand preference and use;
- Adolescents are more likely to believe that fruit and chocolate or other sweet flavors are less harmful than flavors like alcohol, tobacco, and spice flavors;
- Youth e-cigarette users perceive lower harm from flavored e-cigarettes than from unflavored e-cigarettes despite research documenting harmful constituents present in e-cigarette flavoring.
- The majority of youth who use tobacco choose flavored tobacco products;

E-cigarettes can also be used to deliver other drugs including marijuana. In 2016, one-third of U.S. middle and high school students who ever used e-cigarettes had used marijuana in e-cigarettes.

Albany County has a substantial and important interest in ensuring that existing state and local tobacco sales regulation is effectively enforced;

- Although it is unlawful to sell tobacco products to minors, 5 percent of New York retailers sold to minors between 2010 and 2012;
• A local tobacco retail licensing system will help ensure that tobacco sales comply with the Adolescent Tobacco Use Prevention Act, other tobacco control laws, and the business standards of Albany County;
• Licensing laws in other communities have been effective in reducing the number of illegal tobacco sales to minors;

A local licensing system for retailers of tobacco products, electronic cigarettes, and other products regulated by Article 13-F of New York State Public Health Law is necessary and appropriate for the public health, safety, and welfare of our residents;

Neither federal nor New York law restricts the sale of menthol cigarettes or flavored non-cigarette tobacco products, such as cigarillos, cigars, smokeless tobacco, shisha, e-cigarettes or e-cigarette solutions. It is the intent of Albany County to implement effective measures through this Bill to restrict access to flavored iterations of these products, and thus reduce tobacco experimentation, promote successful cessation, and narrow tobacco-related health disparities; prevent the sale or distribution of contraband tobacco products, and facilitate the enforcement of tax laws and other applicable laws relating to tobacco products.

Section 2: Definitions

As used in this [Bill]Law, the following terms shall have the meanings indicated:

ACCESSORY means any product that is intended or reasonably expected to be used with or for the human consumption of a Tobacco Product or Electronic Aerosol Delivery System; does not contain tobacco and is not made or derived from tobacco; and meets either of the following: (1) is not intended or reasonably expected to affect or alter the performance, composition, Constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System; or (2) is intended or reasonably expected to affect or maintain the performance, composition, Constituents, or characteristics of a Tobacco Product or Electronic Aerosol Delivery System but [(a)] solely controls moisture and/or temperature of a stored Tobacco Product or Electronic Aerosol Delivery System.

APPLICANT means an individual, partnership, Limited Liability Company, corporation, or other business entity seeking a Tobacco Retail License.

COMMISSIONER means the Commissioner of the Albany County Department of Health.

COMPONENT OR PART means any software or assembly of materials intended or reasonably expected: (1) to alter or affect the Tobacco Product’s or Electronic Aerosol Delivery System’s performance, composition, Constituents, or characteristics; or (2) to be used with or for the human consumption of a Tobacco Product or Electronic
Aerosol Delivery System. Component or Part excludes any Constituent and any Accessory, and includes, but is not limited to e-liquids, cartridges, certain batteries, heating coils, programmable software, rolling papers and flavorings for Tobacco Products or Electronic Aerosol Delivery Systems.

CONSTITUENT means any ingredient, substance, chemical or compound, other than tobacco, water, or reconstituted tobacco sheet, which is added by the manufacturer to a Covered Product during the processing, manufacture, or packing of the Covered Product. This term shall include smoke and aerosol constituent.

COVERED PRODUCT means a Tobacco Product, Electronic Aerosol Delivery System, or another product regulated by Article 13-F of the New York State Public Health Law.

DEPARTMENT means the Albany County Health Department.

ELECTRONIC AEROSOL DELIVERY SYSTEM means an electronic device that, when activated, produces an aerosol that may be inhaled, whether or not such aerosol contains nicotine. Electronic Aerosol Delivery System includes any Component or Part but not Accessory, and any liquid or other substance to be aerosolized, whether or not separately sold. Electronic Aerosol Delivery System does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

EMISSION means any substance, chemical, or compound released or produced during use of a Covered Product. This term shall include, but is not limited to, smoke, aerosol, saliva, sputum.

FLAVORED PRODUCT means any Covered Product containing a Constituent that imparts a [p]Perceptible taste or aroma different from tobacco or produces an Emission or byproduct that imparts a [p]Perceptible taste or aroma different from tobacco, either before or during use of the Covered Product. A Covered Product is presumed to be a Flavored Product if a Tobacco Retailer, manufacturer, or a manufacturer's agent or employee has:

i. made a statement or claim directed to consumers or the public, whether expressed or implied, that the Covered Product, Emission, or byproduct of the Covered Product smells or tastes different from tobacco, or

ii. Taken action that would be reasonably expected to result in consumers receiving the message that the Covered Product, Emission, or byproduct of the Covered Product smells or tastes different from tobacco.
No product shall be determined to be a Flavored Product solely because of the use of additives or flavorings or the provision of ingredient information.

NEW TOBACCO RETAIL LICENSE means any Tobacco Retail License that is not a Renewed Tobacco Retail License.

PERSON means any natural person, company, corporation, firm, partnership, business, organization, or other legal entity.

PERCEPTIBLE means perceivable by the sense of taste or smell.

RENEWED TOBACCO RETAIL LICENSE means a Tobacco Retail License issued to an Applicant for the same location at which the Applicant possessed a valid Tobacco Retail License during the previous 12 months.

TOBACCO PRODUCT means any product made or derived from tobacco or which contains nicotine, marketed or sold for human consumption, whether consumption occurs through inhalation, or oral or dermal absorption. Tobacco Product includes any Component or Part, but not Accessory. Tobacco Product does not include drugs, devices, or combination products authorized for sale by the state or U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

TOBACCO RETAILER means a retailer licensed pursuant to this [Bill]Law.

TOBACCO RETAIL LICENSE means a license issued by the Department to a Person to engage in the retail sale in Albany County of a Covered Product.

Section 3: Requirement for Tobacco Retail License

(A)(1) No Person shall sell, offer for sale, or permit the sale of a Covered Product by retail within Albany County, without a valid Tobacco Retail License. A Tobacco Retail License is not required for a wholesale dealer who sells products to retail dealers for the purpose of resale only and does not sell a Covered Product directly to consumers.

(A)(2) Notwithstanding the requirements set forth in Section 3(A) (1), this [Bill]Law shall not apply to registered organizations pursuant to Title V-A of Article 33 of New York Public Health Law.

(B) A Tobacco Retail License issued pursuant to this [Bill]Law is nontransferable and non-assignable and valid only for the Applicant and the specific address indicated on the Tobacco Retail License. A separate Tobacco Retail License is required for each
address where a Covered Product is sold or offered for sale. A change in business ownership or business address requires a New Tobacco Retail License.

Section 4: License Application and Application Fee

(A) An application for a New Tobacco Retail License or Renewed Tobacco Retail License shall be submitted to the Department in writing upon a form provided by the Department and shall contain information as required by the Department. The Department may require such forms to be signed and verified by the Applicant or an authorized agent thereof.

(B) Each application for a Tobacco Retail License shall be accompanied by a nonrefundable application fee of $50, or as determined by the Commissioner.

(C) Upon the receipt of a completed application for a Tobacco Retail License and the application fee required by Section 4(B), the Department shall inspect the location at which tobacco sales are to be permitted. The Department may ask the Applicant to provide additional information that is reasonably related to the determination of whether a license may issue.

Section 5: Issuance of Licenses

(A) No Tobacco Retail License shall be issued to any seller of a Covered Product that is not in a fixed, permanent location.

(B) The issuance of a Tobacco Retail License pursuant to this Bill is done in Albany County’s discretion and shall not confer upon licensee any property rights in the continued possession of such a license.

(C) The Department shall collect from the Applicant the Tobacco Retail License fee proscribed in Section 6 prior issuing the Tobacco Retail License.

(D) The Department may refuse to issue a Tobacco Retail License to an Applicant if it finds that one or more of the following bases for denial exists:

1. The information presented in the application is incomplete, inaccurate, false, or misleading;

2. The fee for the application has not been paid as required;

3. The Applicant does not possess valid certification of registration or licensure required by state or federal law for the sale of a Covered Product;
(4) The Department has previously revoked a Tobacco Retail License issued under this Bill to the Applicant;

(5) The Department has previously revoked a Tobacco Retail License issued under this Bill for the same address or location;

(6) The Applicant has been found by a court of law or administrative body to have violated any federal, state, or local laws pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs, (b) the payment or collection of taxes on a Covered Product, (c) the display of a Covered Product or of health warnings pertaining to a Covered Product, or (d) the sale of a Covered Product;

(7) The Applicant has not paid to Albany County outstanding fees, fines, penalties, or other charges owed to Albany County, including the fee for the Tobacco Retail License required by Section 6; or

(8) The Department determines, in accordance with written criteria established to further the purposes of this Bill, that the Applicant is otherwise not fit to hold a Tobacco Retail License.

Section 6: License Term and Annual License Fee

(A) A Tobacco Retail License issued pursuant to this Bill shall be valid for no more than one year and shall expire on the thirty-first day of December of the calendar year for which it is issued. As set forth in Section 8, a Tobacco Retail License may be revoked for cause by the Department prior to its expiration for cause.

(B) The Department shall charge an annual Tobacco Retail License fee of $250 or as determined by the Commissioner.

(C) The Commissioner may discount the Tobacco Retail License fee required by Section 6(B) for an application received within ten (10) months of the expiration date.

(D) Beginning two years from the effective date of this Bill, the Department may, on an annual basis, modify the Tobacco Retail License fee required pursuant to Section 6(B). The Tobacco Retail License fee shall be calculated so as to recover the cost of administration and enforcement of this Bill, including, for example, issuing a license, administering the license program, hiring and training staff, identifying Flavored Products, retailer and community education, retailer inspection and compliance checks, documentation of violations, and prosecution of violators, but shall not exceed the cost of the regulatory program authorized by this Bill. All fees and interest upon
proceeds of fees shall be used exclusively to fund the program. Fees are nonrefundable except as may be required by law.

Section 7: License Display

(A) A Tobacco Retail License issued pursuant to this Bill shall be conspicuously displayed at the location where a Covered Product is sold so that it is readily visible to customers.

(B) Selling, offering for sale, or permitting the sale of any Covered Product without a valid Tobacco Retail License displayed in accordance with Section 7(A) constitutes a violation of this Bill.

Section 8: Sale of Flavored Products [Restricted] Prohibited

[(A)(1) Except as specified in Section 8(A) (2),] [(n)] No Tobacco Retailer shall distribute without charge, sell, offer for sale, or possess with intent to sell, offer for sale, or distribute without charge a Flavored Product. This applies to remote transactions, including but not limited to internet or mail-order sale, by a Tobacco Retailer licensed pursuant to this [Bill]Law.

[(A)(2) Section 8(A) (1) shall not apply to a Tobacco Retailer that:
   i. is also a retail tobacco business or retail electronic cigarette store, as defined by N.Y. Public Health Law §§ 1399-n (7 and 11), and
   ii. does not permit entry to persons below age 21 years or Albany County minimum legal sales age for a Tobacco Product, whichever is higher, and
   iii. Sells, offers for sale, or distributes a Covered Product exclusively for use on the premises of the Tobacco Retailer.]

Section 9: Revocation of Licenses

(A) The Department may suspend or revoke a Tobacco Retail License issued pursuant to this Bill for violations of the terms and conditions of this Bill or for violation of any federal, state, or local law or regulation pertaining to (a) trafficking in contraband Tobacco Products or illegal drugs, (b) the payment or collection of taxes on Covered Products, (c) the display of Covered Products or of health warnings pertaining to Covered Products, or (d) the sale of a Covered Product.

(B) The Department may revoke a Tobacco Retail License if the Department finds that one or more of the bases for denial of a license under Section 5 existed at the time application was made or at any time before the license issued.

Section 10: Violations and Enforcement
(A) The Department or its authorized designee(s) shall enforce the provisions of this Bill. The Department may conduct periodic inspections to ensure compliance with this Bill.

(B) In addition to the penalties provided for in Section 8, any Person found to be in violation of this Bill shall be liable for civil penalty of not more than $500 for the first violation, not more than $1000 for the second violation within a two-year period, and not more than $5000 but no less than $1500 for the third and each subsequent violation within a two-year period, or as determined by the Commissioner. Each day on which a violation occurs shall be considered a separate and distinct violation. These fines will be used for County anti-smoking/anti-vaping public health efforts.

Section 11: Rules and Regulations

The Department may issue and amend rules, regulations, standards, guidelines, or conditions to implement and enforce this Bill.

Section 12: Severability

The provisions of this Bill are declared to be severable, and if any section of this Bill is held to be invalid, such invalidity shall not affect the other provisions of this Bill that can be given effect without the invalidated provision.

Section 13: Effective Date

The effective date of this ordinance shall be 120 days subsequent to its filing with the Office of the Secretary of State.

Referred to Law and Health Committees - 3/11/19
COUNTY OF ALBANY, N.Y.
OFFICE OF THE COUNTY CLERK

INTEROFFICE MEMORANDUM

To:       Honorable Daniel P. McCoy, County Executive
          Honorable Andrew Joyce, Chairman of the County Legislature

From:     Bruce A. Hidley, County Clerk

Subject:  Request permission for a one (1) year contract extension with Info Quick Solutions Inc. to continue the County Clerk’s system for Cashiering, Scanning and Indexing.

Date:     April 4, 2019

Attached is a Request for Legislative Approval to renew the contract with Info Quick Solutions for a one (1) year contract extension per Resolution No. 170 of 2015 from June 1, 2019 thru May 31, 2020 per Article V, Term of Agreement of the original contract.

The agreement would allow the Albany County Clerk’s Office and Info Quick Solutions to continue the County Clerk’s system for Cashiering, Scanning and Indexing.

We respectfully request to renew this contract for another one (1) year term to further the technological advancement needs of the County of Albany, County Clerk’s Office. There will be no additional charges for this renewal; all terms from the original contract are to remain in effect.

I personally hope that you will give this contract renewal serious consideration. I am very excited to have this opportunity to assist Albany County with the much needed technological advancements of the Cashiering, Scanning and Indexing system for the County Clerk’s Office.

Thank you in advance for your consideration.

CC:       Dennis Feeney, Majority Leader
          Frank Mauriello, Minority Leader
          Kevin Cannizzaro, Majority Counsel
          Arnis Zilgme, Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

DATE:
April 12, 2018

DEPARTMENT: County Clerk
Contact Person: Bruce A. Hidley
Telephone: (518) 487-5115
Dept. Representative Attending
Committee Meeting: Bruce Hidley/Geraldine Gould

PURPOSE OF REQUEST:
Adoption of Local Law
Amendment of Prior Legislation
Approval/Adoption of Plan/Procedure
Bond Approval
Budget Amendment (See below)
Contract Authorization (See below) X
Environmental Impact
Home Rule Request
Property Conveyance
Other: (State briefly if not listed above) Request for renewal for a one-year period of the Info Quick Solutions Contract per Resolution No. 170 of 2015

CONCERNING BUDGET AMENDMENTS
STATE THE FOLLOWING:
Increase Account/Line No.
Source of Funds:
Title Change:

CONCERNING CONTRACT AUTHORIZATION
STATE THE FOLLOWING:
TYPE OF CONTRACT
Change Order/Contract Amendment
Purchase (Equipment/Supplies)
Lease (Equipment/Supplies)
Requirements
Professional Services X
Education/Training
Grant:
New
Renewal
Submission Deadline Date:
Settlement of a Claim
Release of Liability
Other: (State briefly) Request for permission to renew the contract for a one year period, from June 1, 2019 thru May 31, 2020 per Article V. Term of the Agreement of the original contract
CONCERNING CONTRACT AUTHORIZATION (Cont'd)
STATE THE FOLLOWING:
Contract Terms/Conditions:
Party (Name/Address):
Info Quick Solutions Inc., 7460 Morgan Road, Liverpool, New York 13090

Amount/Rate Schedule/Fee:

Term: 1 year renewal of original contract dated
June 1, 2015 thru May 31, 2018

Scope of Services: To provide a cashiering, Scanning and Indexing system
for the Albany County Clerk's Office.

Contract Funding:
Anticipated in Current Budget: Yes X No
Funding Source: __________________________
County Budget Accounts:
Revenue: __________________________
Appropriation: A91410 – 44046 Fees for Services
Bond (Res. No. & Date of Adoption) __________

CONCERNING ALL REQUESTS:
Mandated Program/Service: Yes No X
If Mandated Cite: Authority __________________________
Anticipated in Current Adopted Budget: Yes X No
If yes, indicate Revenue/Appropriation Accounts: __________________________
A91410 – 44046 Fees for Services

Fiscal Impact - Funding: (Dollars or Percentages) N/A
Federal __________________________
State __________________________
County 100% __________________________
Term/Length of Funding N/A

Previous Requests For Identical or Similar Action:
Resolution/Law Number:
Date of Adoption:

Justification: (State briefly why legislative action is requested) In order to continue
the County Clerk's system for Cashiering, Scanning and Indexing, we request to
renew this contract for another one year term to further the technological needs of
the County of Albany. There will be a charge of $96,000 for this renewal agreement as
per Resolution No. 170 of 2015 and all other terms of the original contract are to
remain in effect.

Back-up Material Submitted: (i.e., application/approval notices from funding
source, bid tabulation sheet, civil service approval notice, program announce-
ment, contracts and/or any materials which explain or support the request for
legislative action.) See Attached

Submitted By: Bruce A. Hidley
Title: County Clerk
AGREEMENT
BETWEEN THE COUNTY OF ALBANY
AND INFO QUICK SOLUTIONS, INC.

For a Cashiering, Scanning and Indexing System for the Albany County Clerk’s Office

Pursuant to Resolution No. 170 for 2015, adopted 5/11/15

THIS AGREEMENT is made by and between the County of Albany, a municipal corporation organized under the laws of the State of New York, acting by and through its County Executive, on behalf of the Albany County Clerk, located at 16 Eagle Street, Room 128, Albany, New York 12207 (hereinafter, the “County”), and Info Quick Solutions, Inc., with its principal office at 7460 Morgan Road, Liverpool, New York 13090 (hereinafter, the “Contractor”).

WITNESSETH:

WHEREAS, the County has heretofore issued a request for proposals for a cashiering, scanning and indexing system to be installed with related usage training and provision of upgrades as necessary at the Albany County Clerk’s Office (hereinafter, the “Clerk’s Office” or “County Clerk”), said request having been denominated RFP #2014-119, and having been issued by the Clerk’s Office through the Albany County Purchasing Division on November 10, 2014 and published on November 13, 2014 (hereinafter called the “RFP”); and

WHEREAS, the County has issued an addendum to the RFP on November 26, 2014 (hereinafter called “Addendum 1”); and

WHEREAS, the County has issued an addendum to the RFP on December 16, 2014 (hereinafter called “Addendum 2”); and

WHEREAS, the Contractor submitted a proposal for such services on December 19, 2014 (hereinafter called the “Proposal”); and

WHEREAS, the County has accepted the Proposal of the Contractor to provide the aforesaid cashiering, scanning and indexing system at the Clerk’s Office, Albany County Court House, 16 Eagle Street, Room 128, Albany, New York 12207; and

WHEREAS, in furtherance thereof, the parties hereto desire to formalize their understanding and agreement regarding the provision of the aforementioned services, and to execute a fully-integrated agreement with respect thereto;

NOW, THEREFORE, THE PARTIES HERETO DO MUTUALLY COVENANT AND AGREE AS FOLLOWS:
ARTICLE I. THE CONTRACT DOCUMENTS: INTERPRETATION

1.1 The Contract Documents consist of the following: this Agreement; the RFP, which is incorporated herein and made a part hereof in its entirety by reference; Addendums 1 and 2, which are incorporated herein and made a part hereof in their entirety by reference; and the Proposal, which is incorporated herein and made a part hereof in its entirety by reference (collectively called "the Agreement" hereinafter).

1.2 In the event of any discrepancy, disagreement, or ambiguity among the documents which comprise this Agreement, the documents shall be given preference in the following order to interpret and to resolve such discrepancy, disagreement, or ambiguity: 1) this Agreement; 2) Addendums 1 and 2; 3) the RFP; 4) the Proposal.

ARTICLE II. SCOPE OF SERVICES TO BE PERFORMED BY CONTRACTOR

2.1 INDEXING AND DOCKETING SOFTWARE (GENERAL REQUIREMENTS)

2.1.1 Contractor shall provide the following indexing and docketing software which will allow for effective data entry of names, addresses, and other pertinent information. Contractor shall provide indexing capability into a report for quick and efficient employee and customer searches, inquiries and retrievals. The software shall provide for the quick and efficient production of all applicable land, court, miscellaneous and other reports on hard copy as required by the County Clerk. Software must have flexible workflow to adjust to County processes.

2.1.2 The County Clerk requires the following software:
   a. Land indexing
   b. Judgment/lien indexing/docketing
   c. Court record indexing/docketing
   d. Pistol Permit indexing/docketing
   e. Miscellaneous lien indexing (UCCs, Social Service Lien) as defined by the County Clerk
   f. Business Certificates indexing (DBAs, Partnerships)
   g. Corporation indexing
   h. Map indexing
   i. Notary Public indexing
   j. Other miscellaneous documents (Veteran's Discharge)

2.2 INDEXING-TECHNICAL SPECIFICATIONS

2.2.1 All software shall meet or surpass all existing federal and state laws and standards for archiving and preservation of records.
2.2.2 The system shall provide a report of documents needed to be fully indexed.

2.2.3 The system shall allow an unlimited number of grantor/grantee/parties entries per document.

2.2.4 The system shall support all document types received by the office.

2.2.5 The cashiering module shall allow operator to enter the name and address or firm submitting the document(s). It must also be able to have default entry in name and address field and/also the ability to choose between manually keying the name or selecting a valid name from a custom table.

2.2.6 The system shall provide user-defined custom data selection tables that permit, for example, the entry of a corporation name simply by selecting that name from a user-defined pop-up table of local corporation names or by typing a letter code associated with that name in order to reduce keystrokes and promote data uniformity and accuracy.

2.2.7 The system shall provide the ability to duplicate field entries with the same document and the ability to duplicate field entries between different documents.

2.2.8 The system shall use a database that is ODBC compliant.

2.2.9 The system shall use Group IV, multi-page TIFF format/compression standards for image storage. Contractor shall provide standards for image storage.

2.2.10 All internal operation workstations and public viewing/printing workstations shall be controllable by keyboard and/or mouse information at the user's preference.

2.2.11 The system shall have the ability to retrieve and display on a suitably configured desktop workstation, document indexes and images.

2.2.12 The software shall provide the ability to retrieve documents to be indexed or verified using flexible methods that should include, but not be limited to: instrument number, book and page number, document type, document status (recorded, unverified etc.).

2.2.13 The software shall provide the ability to retrieve documents that have been fully and/or partially indexed.
2.2.14 The system shall have the ability to use charge accounts for users to print copies. The system shall have the capability to assign each user with an account ID and password.

2.2.15 The system shall be easy for cashiers with basic PC and Windows skills to learn and operate.

2.2.16 The system shall seamlessly integrate cashiering workstations and all required functions as further described in this Agreement.

2.2.17 The system shall support cashiering operation for all document types received by the office and allow for the collection of fees not associated with a document type.

2.2.18 The cashiering module shall allow operator to capture the name and address of person or firm submitting the document(s). An operator must be able to choose between manually keying the name or selecting a valid name from a custom table. The system shall allow for this feature to be turned off if the office chooses not to utilize this function.

2.2.19 The cashiering module shall require an operator to enter document type and number of pages.

2.2.20 When recording or filing a document, an operator shall be allowed to either manually key the document type or invoke the document type table for selection of valid entry. If manually keyed, the document type must be validated against the type table.

2.2.21 The cashiering module shall reference user-defined table(s) to determine correct calculations for fees and taxes due. Depending on the document type, the cashiering module shall require the operator to input the number of document pages or allow the system to automatically determine the number of pages, number of names and/or descriptions which will be used to automatically determine the correct fee(s). The system shall also allow blank fields to be set up in calculation fields to allow the operators to collect Non-Document fees (ex. court surcharges, copies, etc.) at random amounts.

2.2.22 The computed fees and taxes shall be displayed on the cashiering workstation. Each fee shall be accessible for display.

2.2.23 The cashiering module shall include appropriate internal controls to assure the integrity of handling funds and allow for timely deposits and disbursements.
2.2.24 The system shall have an option to override the calculated fees (exemptions, corrections).

2.2.25 The system shall have the option to move a recording line item before or after another recording line item entry without having to re-enter the recording line item.

2.2.26 The system shall allow the flexibility to index several court document types received at the same time (ex. Summons & Complaint, affidavits), without having to re-index the party names (with our current system, we assign one document number and check off a list what is being filed at that time). Subsequent filings on another day would get a new document number. This information shall be available as search information.

2.2.27 The system shall have the ability to mark court files as “checked out” to track the availability of court records and allow the Clerk’s Office to maintain an efficient and easy access audit of sensitive documents. The system should track the files by assigned Index Number and allow the Clerk’s Office to mark whether all or only part of the file has been checked out. It should track when the file was checked out and who the file was given to and the operator ID of the operator responsible for handing over the file. Upon return, the file should be marked “file checked in” with the date and the operator ID. The system shall be able to run a history report of the document even after it is “checked” back in.

2.2.28 For transactions not related to the recording process, an operator must be able to conduct a miscellaneous transaction and enter the full amount at the keyboard.

2.2.29 The system shall allow an operator to record/file a document that is exempt from taxes and other fee and reset the fee to 0.00. The system shall allow a receipt to be generated for no fee filings.

2.2.30 For all fee transactions, the system shall create an audit trail that includes the following information: operator ID, date, time, transaction detail, fee amount, name of person or firm submitting document, instrument number, document type, fee type, payment type, check number, book and page.

2.2.31 To meet the requirements for commercial account bulk recordings, the system shall provide the ability to enter unlimited transactions and document types against one receipt, assigning instrument numbers in sequential order.

2.2.32 The system shall be able to automatically assign instrument numbers and instrument pages in sequential fashion and automatically assign book and page numbers which conform to book and page requirements.
2.2.33 The system shall generate instrument numbers which carry the year and whose sequence portion resets each year.

2.2.34 The system shall carry forward all document indexing data that was both automatically captured and manually entered during the cashiering/recording process into the indexing module without requiring redundant data entry.

2.2.35 The system shall provide the ability to take any combination of cash payments, check payments, money orders, the anticipation of credit cards, and customer “draw down” payments for any transaction.

2.2.36 If a check is presented for payment, the system shall prompt the operator to enter the check number, the check amount, and the name of payer. All of these fields shall be searchable.

2.2.37 The system shall support the processing of missed pages within the same instrument number for the book and page numbering scheme. The system must support later additions of missed pages for a particular instrument.

2.2.38 The system shall provide the ability for the operator to cancel and redo a step without the need to void at any point during a transaction up until the approval and request for receipt.

2.2.39 The system shall provide the ability for the operator to accept or reject an entire transaction after all documents and data have been entered on the screen, and fees have been calculated, but prior to printing receipt.

2.2.40 The system shall not generate any part of the index, including sequential instrument number, the book and page number, the unique date and time, until the entire transaction has been approved, the money has been taken and the receipt has been requested.

2.2.41 The system shall have the ability to void a transaction by a supervisor after the document has been cashiered and be able to track this voided transaction for audit trail. The system must allow for the input of an explanation as to why the transaction is being voided.

2.2.42 Upon receipt of payment, the system shall generate a receipt with date and time recorded, receipt number, operator ID, instrument numbers, detailed list of fees and taxes by instrument number, document type by instrument number, payment types and amounts, name, total amount due, and total amount tendered. The system shall allow the user to search by any of these fields.
2.2.43 The system shall capture and track detailed transaction information that can be used to create and print a detailed audit report. This detailed information must be sufficient for use as an additional cash-balancing tool, report distribution tool, or as an investigative tool.

2.2.44 The system shall provide a computerized method of placing document recorded information such as date, time, instrument number, book and page numbers, recording fee, document taxes (stamps) and name of County on the first page of the document in the form of a generated Cover Page.

2.2.45 The system shall provide the ability to allow each cashiering/recording workstation to handle receipt printing. This feature is to be controlled by each cashier's workstation and can have multiple users print to one printer.

2.2.46 The following types of security and audit(s) shall be supported for each cashiering module: sign on password security and operator ID stored with all transactions.

2.2.47 Contractor must address the ability to digitize historical indices with the ability to search this information and link the indices to the images.

2.3 CASHIERING (DOCUMENT REPORTING)

2.3.1 The cashiering module shall allow the Clerk's Office to make timely and accurate deposits and disbursements to many agencies.

2.3.2 All State of New York reports, mortgage and real estate reports shall be printable from the system. These include but are not limited to:

- Statement of Mortgages
- Reporting of Held Mortgages (Apportionments)
- Semi-Annual State Mortgage Report
- Real Property Transfer Tax Transmittal Report
- Real Estate Transfer Taxes Summary
- Court Report (including eFiling)
- Notary Report
- RP5217 Report
- Record Management Report

2.3.3 All cashiering reports shall allow for date and time selection to produce daily, weekly, monthly, quarterly, semi-annual and annual reporting.

2.3.4 The system shall provide a partial index report that prints every partial index in the selected date.
2.3.5 The system shall provide receipt reporting. Exact receipt information that was printed for the customer's receipts must print through the receipt reporting functions. The detailed receipt information shall include, but not be limited to: what portions of each fee was check, cash, or "draw down" account. These reporting functions must be available by operator ID or consolidated over all cashiering operators, showing the totals for the day.

2.3.6 The system shall generate a check report. This report shall list all check transactions. The information printed shall include, but not be limited to: date, time, operator ID, check number, check amount, submitter and payer. The check report shall also include subtotals by operator ID and totals at the end of the report.

2.3.7 The system shall generate a receipt category report. This report shall show a breakdown of all fees collected by document type, recording fees, filing fee or fee name within a given date range. State and County fees shall be shown separately regardless if they were collected for one document. This report shall be generated daily, weekly, monthly and annually.

2.3.8 The system shall generate a void report. This report shall include, but not be limited to: date, time, operator ID, instrument number, book and page numbers and other transaction detail.

2.3.9 The system shall generate a summary report that shows the total number of documents that were recorded/filed in a user-specified date range. Totals shall be broken down by document type.

2.3.10 The system shall generate a Daily Mortgage Tax report. This report must show, by town or city, the breakdown of the tax collected on any given day with the total tax for the day at the end of the report. Mortgages Held for Apportionment shall not be on this report until they are released by the State of New York.

2.3.11 The system shall create and print the mortgage Certificate of Valuation and Statement of Facts forms for mortgages held (apportionments).

2.3.12 The system shall generate a daily deed transaction report. The report shall include: date, name of Grantee and Real Estate Tax collected.

2.3.13 The system shall generate a report for "draw down" account activity. The report shall include, but not be limited to: date of transaction, account name, account number, account user and amount of fee charged to the account.
2.3.14 The system shall generate a report showing "draw down" accounts and current balances. It shall be allowed to create for one account or for all accounts at once.

2.3.15 The system shall generate a report to show the daily deposits to the "draw down" accounts. This report must show a breakdown of account name, account number and the individual deposits by cash or check on the given day by each individual user for that account.

2.3.16 The system shall generate a report for Pistol Permits. This report shall allow the office to view any permits in process and the status of each permit.

2.3.17 The system shall generate a report for Pistol Permits showing all permit holders who have opted out of the Public Information Law.

2.3.18 The system shall provide the ability to track and report any documents that were "rejected" or sent back for corrections. Details must include, but not be limited to: what was sent back, when it was returned, who it was sent back to, check numbers and amounts, the reason for return and the operator ID of the employee who handled the return.

2.3.19 The system shall allow the flexibility to have user-defined reports created if one does not exist in current software or as the need for a new report arises.

2.4 DOCUMENT SCANNING AND IMAGING

2.4.1 The system shall support scanning of an individual document.

2.4.2 The system shall provide bar code generation for scanning, specifically, barcode labels and/or barcoded cover or trailer sheets.

2.4.3 The system shall support scanning and document immediate return to customers.

2.4.4 The system shall support batch scanning and single scanning at time of index allowing the ability to interface with bar code scanning for speed of processing.

2.4.5 The system shall automatically link document image(s) to the corresponding partial index.

2.4.6 The system shall support multiple scanning methods (batch, interactive, etc.) for subsequent indexing at multiple workstations.
2.4.7 The system shall validate the number of pages scanned against the manually entered document page count.

2.4.8 The system shall provide a method to correct inconsistencies between scanned page count and manually entered page count.

2.4.9 The system shall be able to display the scanned image and the index screen on the monitor in separate windows that the user can easily switch between.

2.4.10 The system shall permit documents with multiple pages to be under a single document index.

2.4.11 The system shall permit appending and insertion of additional pages to existing documents. These pages would be missing pages within a book and page numbering scheme or listed as A, B pages if additional to standard numbering.

2.4.12 The system shall support the scanning and display of documents measuring 8.5" x 11" and 8.5" x 14".

2.4.13 The system shall support various paper weights and qualities.

2.4.14 The system shall support simplex and duplex scanning.

2.4.15 The system architecture shall be scalable and the system shall be expandable to handle the County's growing needs.

2.4.16 Scanning stations shall be easy to operate for users with minimal or no PC, Windows, imaging or related experience.

2.4.17 The System shall support current industry standards for information storage.

2.4.18 The system shall provide the ability to specify a range of instruments representing an image book; download the images according to a set schedule to CD ROM and/or DVD-R.

2.4.19 The system shall provide the ability to view and review images in book and page order allowing for the review of images by staff and/or public.

2.5 DOCUMENT INDEXING

2.5.1 Indexing stations shall be easy to operate for users with minimal or no PC, Windows, imaging or related experience.
2.5.2 The system shall provide the ability to retrieve documents to be indexed or verified using flexible methods that shall include, but not be limited to: instrument number, book and page number, document type, document status (recorded, unverified, etc.) either by keying in the number, scanning the barcode or by auto-indexing from the document.

2.5.3 The system shall display all partial index information for each document and prompt the operator for the additional indexing fields relevant to that document type.

2.5.4 The system shall provide the ability to easily duplicate field entries between different documents and within the same document.

2.5.5 The system shall allow commonly used party names to be retrieved from a user-defined table, as manually keyed. It must also allow the use of predetermined codes used for corporations and attorneys with the ability to add to this table as needed.

2.5.6 The system shall provide a report of documents that need to be fully indexed.

2.5.7 The system shall provide the ability to retrieve documents that have been fully and/or partially indexed.

2.5.8 The system shall be able to allow operators to switch from task to task rapidly (i.e. hot-key functionality).

2.5.9 The system shall provide the ability to establish security profiles for users that can be used to restrict access to specific types and groups of documents.

2.5.10 The system shall provide the ability to establish security profiles for users that can be used to restrict access to specific types of activities. This would include, but not be limited to: entering new documents, updating documents, indexing documents, verifying documents, viewing document images, viewing secured documents, and updating secured documents.

2.5.11 The system shall provide the ability to restrict public access to "confidential" and/or sealed documents.

2.5.12 The system shall have pop-up or pull-down windows present in any module involving data input. All table-driven data such as document type, codes, and common names, etc. will be presented either as "drop down list boxes" or as pop-up selection windows, as appropriate. The system must allow for these features to be turned off for operators that choose not to use them and still allow the use of predetermined codes if needed.
2.5.13 The system shall provide the ability to enter multiple counties, cities, or towns on one document (apportionments).

2.5.14 The system shall allow for related documents to be linked by book and page, index number or other locators to the original document (satisfactions, court filings, etc.) upon indexing. When indexing the related document, the system shall be able to fill in the fields copied from the original document without having to manually key the information again. Related documents shall be linked in the search.

2.5.15 The system shall allow for several predetermined party name fields such as, but not limited to: grantor, grantee, mortgagor, mortgagee, plaintiff, defendant, attorney, judge, assignor, assignee. Said fields shall be set up for each document type.

2.5.16 The system shall address the ability to "back-date" documents allowing for the entry of documents that were received prior to the current date for filing and/or recording. (In the event of a backlog, documents would need to have the received date as the date of entry).

2.6 DOCUMENT PROOFING AND VERIFICATION

2.6.1 The system shall provide Print, Visual and Re-key verification options.

2.6.2 The system shall automatically flag documents as "completed."

2.6.3 The system shall provide a verification report definable by a specified recording date.

2.6.4 All edit rules and edit checks that are available in the indexing module shall be available in the verification process.

2.6.5 All field duplication features that are available in the indexing module shall be available in the verification process.

2.6.6 All user-defined tables and/or the use of codes that are used to simplify data entry in the indexing module shall be available in the verification process.

2.6.7 The system shall support modifications of previously verified data with the appropriate level of security for modifications.

2.6.8 The system shall track changes made to a completed document by date, time, operator ID and the original and new values.
2.6.9 The system shall allow for the changes to be documented and viewed by both the operators and the public with options to do both or only operator view for notes that are not to be released to the public.

2.6.10 The system shall allow for a separate report of mortgage tax information to be validated by a separate operator for a check and balance audit trail. This information shall show: date, book and page, mortgage amount, four taxes collected, town, and whether or not the property is a 1 or 2 family on a daily basis. It shall be viewable from the screen without having to print. The system shall allow for any needed corrections to print on a report for a supervisor to make separately.

2.7 DOCUMENT RETRIEVAL AND PUBLIC ACCESS

2.7.1 Index search functions shall be simple for the public to use without needing prolonged assistance, training, or intervention from County personnel.

2.7.2 The document retrieval module shall be keyboard and mouse capable.

2.7.3 The system shall provide the public with full-featured and robust search functions that will allow the public to easily locate the specified documents.

2.7.4 The system shall provide the capability to search all modules within one search.

2.7.5 The system shall provide capability to search:
- Individual name
- Corporation
- Document Type
- Document Number
- Book and Page (including ability to toggle through a whole book)
- Date range (from and to)
- Index party type (grantor/grantee)

2.7.6 The system shall provide a query results screen that lists index records resulting from a query. Users shall be able to retrieve expanded information about the index record.

2.7.7 The system shall provide the ability for a user to select from the retrieved list of index records one document or multiple documents at once.

2.7.8 The system shall provide the ability to display all index data and image side-by-side without having to resize the windows.
2.7.9 The system shall provide the ability for a user to return to the index reference screen without viewing all selected documents.

2.7.10 The system shall support the display of multiple grantor/grantee names in alphabetical order.

2.7.11 The system shall support the following movements through an image display: page-by-page, forward and backward, selecting a specific page for viewing, jump to first or last page.

2.7.12 The system shall support the retrieval of a document by multiple users at the same time without decrease in response time.

2.7.13 The system shall support the ability to ensure that "secured" documents cannot be accessed by the public, or by any member of internal staff, without the proper system security rights.

2.7.14 The system shall support full size display of 8.5" x 11" documents.

2.7.15 The system shall support scaled full image display of 8.5" x 14" or larger documents.

2.7.16 The system shall provide minimum image resolution of 200 dpi.

2.7.17 The system shall provide the following image manipulation functions: zooming in and out, panning back and forth, scrolling, rotating and flipping.

2.7.18 The system shall meet the following index retrieval performance requirement: results of an index query must return from a search within 3 seconds.

2.7.19 The system shall meet the image display performance requirement of 5 seconds for an image request.

2.7.20 The system shall support the following printing capabilities:

- Banding-selecting a certain area of a page to print
- Specific page selection
- Page range
- Current page
- The ability to watermark on all printed pages to identify a copy from an original or certified copy, if desired
- 8.5" x 11", 8.5" x 14", 11" x 17"
- Printing of retrieved indexed list
- Screen print of current screen
2.7.21 The system shall support filer account printing or queued printing so that all prints can be monitored and controlled by the County. The system should allow the grouping and/or batching of jobs (list of current print jobs) before printing to allow print jobs to be modified or jobs cancelled before print.

2.7.22 The system shall support the capability for the public to print to a County printer behind the desk and for filers with an account to print to two separate predetermined printers after their account has been charged.

2.7.23 Contractor shall provide the ability to redact partial images and/or data.

2.8 INTERNET CAPABILITY REQUIREMENTS

2.8.1 The system shall provide a browser-based public inquiry module.

2.8.2 Contractor shall provide replicated image and index data for web-based public inquiry solutions and address on premise and hosted options.

2.8.3 Contractor shall provide the County with user transaction reporting of web activity for the Contractor’s web-based public inquiry solution.

2.8.4 Contractor shall provide the ability to generate revenue via its web-based public inquiry solution. The web-based portal must have a flexible fee based system that includes per transaction charges and account based charges.

2.8.5 Contractor’s web-based public inquiry solution shall provide the ability to accept and process credit card payments from public searchers.

2.8.6 Contractor’s system shall offer a Web-enable Title Module with an internet interface that allows attorneys, title agents, title examiners, abstract companies and insurance companies to access and use the County system for searching from their offices via the internet.

2.8.7 Contractor’s web-based system shall allow legal, title and financial searchers to access the following types of information from the County system, via the internet: deed records, mortgage records, judgments, mechanic liens, federal tax liens, lis pendens, UCCs and other miscellaneous documents available to the public.

2.8.8 Contractor’s Web-enabled Title Module shall be available over the internet to perform all required functions 24 hours a day, seven days a week.
2.8.9 Contractor's Web-enabled Title Module shall offer current document indices and images that are updated on a daily basis.

2.8.10 Contractor's Web-enabled Title Module shall provide the ability to limit access to County approved users.

2.8.11 Contractor's Web-enabled Title Module shall be able to provide the County with comprehensive reports on system usage.

2.9 e-RECORDING MODULE REQUIREMENTS

2.9.1 Contractor’s system shall include an eRecording Module that provides remote users with the ability to record document types entirely electronically online, via the internet, without the movement of paper documents and without physically traveling to the County Clerk’s Office.

2.9.2 Contractor’s eRecording Module shall allow the County’s system to electronically accept and authenticate the source of electronic recordings with all information verified as unaltered from the time the filer submitted the records for recording.

2.9.3 Contractor’s eRecording Module shall be able to format and automatically populate the incoming indexing information into the system so that no data has to be re-keyed.

2.9.4 Contractor’s eRecording Module shall be able to pre-edit and format indexing data and documents to County-specific requirements.

2.9.5 Contractor’s eRecording Module shall provide for electronic funds transfer and must process payments in a variety of payment methods and issue secure, authenticated recordation fee receipts back to remote users.

2.9.6 Upon completion of the eRecording process, the Contractor’s eRecording Module shall apply the electronic signature of the County Clerk to the recorded documents and data to ensure a safe, secure return of recording information and date to the filing agent.

2.9.7 Contractor’s eRecording Module shall provide a full audit trail.

2.9.8 Contractor’s eRecording Module shall be an open, secure, internet-based connection between participating filing companies and the County, committed to evolving industry standards and creating a collaborative internet environment for all filers and the County.
2.10 e-FILING MODULE REQUIREMENTS

2.10.1 Contractor's system shall include an eFiling Module that allows for the integration/extraction of court documents electronically filed via the NYS Court eFiling Website (www.nycourts.gov/efiling) and the County's system.

2.10.2 Contractor's eFiling Module shall support the transfer of information from the NYSCEF site to the County's system so that no data has to be re-keyed.

2.10.3 Contractor's eFiling Module shall support the transfer of images (PDF) to be linked to the eFiling data and Index Number assigned.

2.10.4 Contractor's eFiling Module shall be able to pre-edit and format indexing data and documents to County-specific requirements.

2.10.5 Contractor's eFiling Module should allow for associated fees collected on the NYSECF website to be incorporated within the system's financial reports and Cashiering Module.

2.11 ELECTRONIC TRANSFER OF NYS TAX WARRANTS AND CORPORATION FILINGS

2.11.1 The system shall allow for the electronic transfer of NYS Tax Warrants and Corporation filings to the County system.

2.11.2 The system shall support the receipt of a warrant file (SFTP) with the indexing data once a day from the NYS Department of Taxation and Finance. This file is then processed by the County (uploaded into our current system) afterhours (6:30PM) and a reply is sent back to them (again SFTP). Files need to fit a certain format.

2.11.3 The system shall generate a report that extracts this data creating a Certification of Tax Warrant. The report shall have Judgment Creditor, Judgment Debtor, Warrant ID#, Warrant#, amount of Warrant, Perfected Date and Filing Date. The report must also have the Tax Warrant description (citing that is was imposed by the New York State Tax Law, etc.) and a Clerk Certification on the bottom allowing for signature and seal of the County Clerk.

2.11.4 The system shall also create a report showing all Tax Warrant Activity (eg. Satisfied, Vacated).

2.11.5 The system shall allow tax warrants to be searched with the judgments on the County's system.
2.11.6 The system shall allow for electronically transmitted Corporation filings. The system shall have the ability to allow this transfer to the County's system.

2.12 PISTOL PERMITS

2.12.1 Contractor shall provide a Module included in their system that provides the processing of Pistol Permits in the County.

2.12.2 The system shall provide the ability to index and scan applications, amendments, dealer permits, transfers in and out of the County, and opt out affidavits.

2.12.3 The system shall provide the ability to generate plastic picture ID cards for permit holders. This module shall also be able to provide IDs for Veterans and/or County employees if needed.

2.12.4 The system shall provide the ability to track Pistol Permits at any time during the process (i.e. waiting for Judge's signature, needs letter for pickup, etc.).

2.12.5 The system shall assign numbers in sequential order for new permits. The system shall store subsequent filings (i.e. Amendments) under the same number and link scanned images to the original permit.

2.12.6 The system shall provide the conversion of previous pistol permit index and images to the County system.

2.12.7 The system shall create a back entry for amendments filed when the permit pre-dates our computer system but a Permit Number was already assigned.

2.13 ARCHIVING

2.13.1 The system shall have the ability to download images to CD ROM or equivalent medium for conversion to microfilm.

2.13.2 The system shall have the ability to download images to DVD-R, by date range, for monthly sales of images to County customers.
2.14 TECHNICAL REQUIREMENTS

Albany County's Preferred Environment

VMWare ESXi for Virtual Server Environment. Virtual machines operate within a VMWare VSphere HA/DRS virtual server environment with tiered iSCSI storage

Windows 2008 R2 operating system (64-bit preferred) or better

MS-SQL 2008 R2 (64-bit preferred) or better

Active Directory 2010 in native mode for directory services

Server-Albany County requires the selected system to run in a virtual environment on the VMWare platform. The Contractor shall provide the technical requirements of the solution to include Hard Disk space requirements, RAM requirements, Operating Systems, and Data Base requirements (must be ODBC compliant) for all required servers including the public web server. The Contractor shall also provide the application-level security design and configuration. The virtual environment will be maintained by Albany County Division of Information Services.

Desktop/Client-Albany County uses the Windows 7 Operating System and MS-Office 2010. Contractor shall provide technical requirements for the County Clerk's configuration, web browsers and any minimum hardware requirements to work on these systems or better. Users authenticate without administrative rights, therefore client software should not require UAC elevation. The Contractor shall also provide any requirements for 3rd party software and/or drivers.

Public Web Access- Contractor shall provide public access to indexes and images taking security in to consideration.

Data Conversion- It is anticipated that data conversion will occur when migrating to the new application. The Contractor shall be required to assist with any electronic data conversion and be responsible for the overall data conversion coordination, import, and validation of the data into the new application.

Backup and Recovery- The system shall provide the ability for full backup and recovery in case of any type of malfunction. Backups must include images and index data with flexibility for the system administrator to control and adjust backup procedures. Currently the County standard is to capitalize on Veeam to create image level backup of virtual servers and to backup replicas to off-site storage. This requires the underlying database to be VSS
aware/compliant. Contractor shall provide backup/recovery procedures and policies. The County's data shall remain the property of the County, regardless of storage location.

**Peripheral Devices** - The Contractor shall provide information regarding compatible peripheral devices to include scanners and printers.

**Support** - The Contractor shall provide access including remote access to support the application and should also provide the process by which the solution is patched and/or upgraded.

**Training** - The Contractor shall include training for IT staff with regard to system and database maintenance.

**ARTICLE III. COMPENSATION**

3.1 In consideration of the terms and obligations of this Agreement, the County agrees to pay and the Contractor agrees to accept an amount not to exceed TWO HUNDRED EIGHTY-EIGHT THOUSAND AND 00/100 DOLLARS ($288,000.00) (US currency) as full compensation for all goods and services rendered under this Agreement.

3.2 The prices set forth in the Proposal shall remain fixed for the entire term of this Agreement and any renewals.

3.3 The County is not subject to federal, state or local taxes.

**ARTICLE IV. PAYMENT**

Payment shall be made to the Contractor by the County upon the Contractor's submission of a properly executed Albany County Claim Form, plus all supporting documentation, to the Clerk's Office, and acceptance by the County of the claim form.

**ARTICLE V. TERM OF THE AGREEMENT**

The term of this Agreement shall commence on June 1, 2015 and will continue in effect through May 31, 2018. At the end of this initial period, the parties may, by mutual agreement, renew the contract for up to two (2) additional, consecutive one-year terms with the prices set forth in Contractor's Proposal.

**ARTICLE VI. TERMINATION OF AGREEMENT; REMEDY FOR BREACH**

6.1 This Agreement may be terminated by the County or the Contractor as follows:

6.1.1 The County may terminate this Agreement if the Contractor refuses or fails to supply enough properly skilled workers or proper materials to meet
any of its requirements, if the Contractor fails to make payment to County-approved subcontractors for materials or labor, or disregards laws, ordinances or rules and regulations or orders of a public entity having jurisdiction over the work, or if the Contractor is substantially in breach of any of its provisions. Additionally, the County may, without cause, order the Contractor in writing, to suspend, delay or interrupt the work in whole or in part for such period of time as the County may determine.

6.1.2 The Contractor may terminate this Agreement if the County is substantially in breach of it.

6.2 In the event of a breach by the Contractor, the Contractor shall pay to the County all direct and consequential damages caused by such breach, including, but not limited to, all sums expended by the County to procure a substitute Contractor to satisfactorily complete the work, together with the County’s own costs incurred in procuring a substitute Contractor.

ARTICLE VII. ASSIGNMENT

7.1 Pursuant to §109 of the General Municipal Law, the Contractor is prohibited from assigning, transferring, conveying, subcontracting or otherwise disposing of this Agreement, or of its right, title or interest therein, to any other person or entity without the prior written consent of the County.

7.2 The Contractor shall not subcontract for any portion of the services required under this Agreement without the prior written approval of the County. Any such subcontractor shall be subject to the terms and conditions of this Agreement and any additional terms and conditions the County may deem necessary or appropriate.

ARTICLE VIII. AVAILABLE DATA

All technical or other data relative to this Agreement in the possession of the County or in the possession of the Contractor shall be made available to the other party to this Agreement without expense to the other party.

ARTICLE IX. COOPERATION

Contractor shall cooperate with the agents, representatives and employees of the County and the County shall cooperate with the agents, representatives and employees of the Contractor to ensure that the work delineated herein proceeds and concludes as expeditiously as possible.
ARTICLE X. NON-DISCRIMINATION

In accordance with Article 15 of the Executive Law (also known as the Human Rights Law), and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor agrees that neither it nor its County-approved subcontractors shall, by reason of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, or marital status refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

ARTICLE XI. COMPLIANCE WITH MACBRIDE PRINCIPLES

Contractor hereby represents that it is in compliance with the MacBride Principles of Fair Employment as set forth in Albany County Local Law No. 3 for 1993, in that Contractor either (a) has no business operations in Northern Ireland or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Principles, and shall permit independent monitoring of its compliance with such principles. In the event of a violation of this stipulation, the County reserves all rights to take remedial measures as authorized under § 4 of the said Local Law No. 3 for 1993 including, but not limited to, imposing sanctions, enforcing compliance, recovering damages, declaring the Contractor in default, and/or seeking debarment or suspension of the Contractor.

ARTICLE XII. IRANIAN ENERGY SECTOR DIVESTMENT

Contractor hereby represents that Contractor is in compliance with New York State General Municipal Law Section 103-g entitled “Iranian Energy Sector Divestment,” in that Contractor has not:

(a) Provided goods or services of $20 Million or more in the energy sector of Iran including but not limited to the provision of oil or liquefied natural gas tankers or products used to construct or maintain pipelines used to transport oil or liquefied natural gas for the energy sector of Iran; or

(b) Acted as a financial institution and extended $20 Million or more in credit to another person for forty-five days or more, if that person’s intent was to use the credit to provide goods or services in the energy sector in Iran.

ARTICLE XIII. RELATIONSHIP OF THE PARTIES

Contractor is, and will function as, an independent Contractor under the terms of this Agreement, and shall not be considered an agent or employee of the County for any purpose. The agents, representatives and employees of the Contractor shall not in any manner be, or be held out to be, the agents, representatives or employees of the County.
ARTICLE XIV. INDEMNIFICATION

Contractor shall defend, indemnify and save harmless the County, its agents representatives and employees, from and against any and all claims, damages, losses and expenses (including, but not limited to, reasonable attorney's fees) arising out of or in consequence of any negligent or intentional act or omission of the Contractor, its agents or employees, to the extent of its or their responsibility for such claims, damages, losses or expenses.

ARTICLE XV. INSURANCE COVERAGE

15.1 Contractor shall procure and maintain for the entire term of this Agreement, without additional expense to the County, insurance policies of the kinds and in the amounts provided in the Schedule "A" attached hereto and made a part hereof. The insurance policies shall name the County as an additional insured. Such policies may only be changed upon thirty (30) days prior written approval by the County.

15.2 Contractor shall, prior to commencing any of the services outlined herein, furnish the County with Certificates of Insurance showing that the requirements of this article have been met. The Contractor shall also provide the County with updated Certificates of Insurance prior to the expiration of any previously-issued Contractor. No work shall be commenced under this Agreement until the Contractor has delivered the Certificates of Insurance to the County. Upon failure of the Contractor to furnish, deliver and maintain such insurance certificates as provided above, the County may declare this Agreement suspended, discontinued or terminated.

15.3 As required by Section 108 of the N.Y. General Municipal Law, this Agreement shall be of no force and effect unless the Contractor shall secure compensation for the benefit of, and keep insured during the life of this Agreement, all employees engaged thereon in compliance with the provisions of the N.Y. Workers' Compensation Law. The Contractor shall require any subcontractor authorized by the County to do likewise for all of their employees engaged thereon, all in compliance with the provisions of the N.Y. Workers' Compensation Law and of Schedule "A" of this Agreement.

ARTICLE XVI. NON-COLLUSIVE BIDDING

By execution of this Agreement, Contractor warrants, under penalty of perjury, that to the best of knowledge and belief, the prices communicated to the County in establishing the costs of goods and services covered in this Agreement have been arrived at independently without collusion, consultation, communication or agreement for the purpose of restricting competition. Contractor warrants that it is in compliance with NYS General Municipal Law Sec. 103-d with regard to the prices of goods and services covered in this Agreement.
ARTICLE XVII. NO WAIVER OF PERFORMANCE

Failure of the County to insist upon strict and prompt performance of the provisions of this Agreement, or any of them, and the acceptance of such performance thereafter shall not constitute or be construed as a waiver or relinquishment of the County's right thereafter to enforce the same strictly according to the tenor thereof in the event of a continuous or subsequent default on the part of the Contractor.

ARTICLE XVIII. ACCOUNTING RECORDS

18.1 Contractor shall maintain complete and proper accounting records that shall clearly identify all costs associated with and revenue derived from the work performed under this Agreement. Such records shall be subject to periodic and final audit by the County upon request.

18.2 Contractor shall provide the County and authorized State and/or Federal personnel access to any and all books, documents, records, charts, software or any other information relevant to performance under this Agreement, immediately upon request.

18.3 Contractor shall retain all of the above information for six (6) years after final payment or the termination of this Agreement, and shall make such information available to the County and authorized State and/or Federal personnel during such period.

ARTICLE XIX. NON-APPROPRIATIONS

Notwithstanding anything contained herein to the contrary, no default shall be deemed to occur in the event no funds or insufficient funds are appropriated and budgeted by or are otherwise unavailable to the County for payment under this Agreement. The County will immediately notify the Contractor of such occurrence and this Agreement shall terminate on the last day of the fiscal period for which appropriations were received without penalty or expense to the County of any kind whatsoever, except as to those portions herein agreed upon for which funds shall have been appropriated and budgeted.

ARTICLE XX. PRIVACY OF PERSONAL HEALTH INFORMATION (HIPAA)

In order to comply with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Contractor, its employees, administrators and agents shall not use or disclose Protected Health Information (PHI), (as defined in 45 CFR § 160.103) other than as permitted or required by this Agreement with the County or as Required By Law (as defined in 45 CFR § 164.103). The Contractor shall maintain compliance with all U.S. Department of Health and Human Services, Office for Civil Rights, policies, procedures, rules and regulations applicable in the context of this
Agreement, as more particularly set forth in Appendix "A" attached hereto and made a part hereof.

ARTICLE XXI. EXTRA WORK

If the Contractor is of the opinion that any work it has been directed to perform is beyond the scope of this Agreement and constitutes extra work, the Contractor shall promptly notify the County of that opinion. The County shall be the sole judge as to whether or not such work is in fact beyond the scope of this Agreement and whether or not it constitutes extra work. In the event the County determines such work does constitute extra work, it shall provide extra compensation to the Contractor on a negotiated basis.

ARTICLE XXII. CHANGE IN LEGAL STATUS OR DISSOLUTION

During the term of this Agreement, the Contractor agrees that, in the event of its reorganization or dissolution as a business entity or change in business, the Contractor shall give the County thirty (30) days written notice in advance of such event.

ARTICLE XXIII. LICENSES

The Contractor shall at all times obtain and maintain all licenses required by New York State, or other relevant regulating body, to perform the services required under this Agreement.

ARTICLE XXIV. PARTIAL INVALIDITY

If any term, part, provision, section, subdivision or paragraph of this Agreement shall be held to be unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions or paragraphs.

ARTICLE XXV. AFFIRMATIVE ACTION REQUIREMENTS

It is the policy of the County of Albany that Minority Business Enterprises (MBE) and Women Business Enterprises (WBE) are afforded the maximum opportunity to participate in the performance of contracts in excess of $100,000 let by the County and its several agencies and authorities, and that Contractors and subcontractors utilize minority and women labor to the extent feasible. Contractor acknowledges this policy and agrees to implement the same by making every reasonable effort to award any subcontracts (none are hereby authorized) to MBEs and WBEs and to utilize minority and women labor in the performance of this Agreement.
ARTICLE XXVI. REVENUE SHARING PLAN

Any and all revenue generated by internet record searches shall be shared between the parties as follows, in accordance with Contractor's correspondence attached hereto as Exhibit A and made a part hereof:

Ninety percent (90%) – the County
Ten percent (10%) – the Contractor

ARTICLE XXVII. NOTICES

All notices, consents, waivers, directions, requests or other instruments or communications provided for under this Agreement shall be deemed properly given if, and only if, delivered personally, sent by registered or certified United States mail, postage prepaid, or, with the prior consent of the receiving party, dispatched via facsimile transmission.

ARTICLE XXVIII. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

ARTICLE XXIX. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties and no representations or promises have been made except as expressly set forth herein.

ARTICLE XXX. MODIFICATION

This Agreement may only be modified by a formal written amendment executed by the parties.

ARTICLE XXXI. EXECUTION OF DOCUMENTS

This Agreement may be executed in one or more counterparts, each of which shall constitute an original Agreement, but all of which together shall constitute one and the same instrument.
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) hereunder set forth.

COUNTY OF ALBANY

DATED: 6/1/15

BY: [Signature]
Daniel P. McCoy
Albany County Executive
or
Philip F. Calderone, Esq.
Deputy County Executive

INFO QUICK SOLUTIONS, INC.

DATED: 6/11/2015

BY: [Signature]
President
STATE OF NEW YORK  )
COUNTY OF ALBANY   ) SS.:

On the ____ day of __________________, 2015, before me, the undersigned, personally appeared DANIEL P. McCOY personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

__________________________
NOTARY PUBLIC

STATE OF NEW YORK  )
COUNTY OF ALBANY   ) SS.:

On the ___^{th} day of ____________, 2015, before me, the undersigned, personally appeared PHILIP F. CALDERONE, ESQ. personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

__________________________
NOTARY PUBLIC

STATE OF NEW YORK  )
COUNTY OF __Onondaga__) SS.:

On the ___^{th} day of June ____________, 2015, before me, the undersigned, personally appeared Bernard J. Owens personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

__________________________
NOTARY PUBLIC
April 1, 2014

Ms. Karen A. Storm
Albany County Purchasing Agent
112 State Street, Room 820
Albany, New York 12207-2021

Dear Ms. Storm:

This letter is to inform you that IQS agrees to the following revenue sharing plan for the search of records on the Internet.

90% Albany County

10% IQS

Please feel free to contact me with any further questions. Thank you.

Sincerely,

[Signature]

Bernard J. Owens
President
IQS
**CERTIFICATE OF LIABILITY INSURANCE**

**Contact Information:**
- **Name:** Michele Reitz
- **Phone:** 315-474-3374 Ext 251
- **Fax:** 315-474-9257
- **Email:** mreitz@bbempirestate.com

**Insured:**
- Info Quick Solutions, Inc.
  7460 Morgan Road
  Liverpool NY 13090

**Coverages:**

<table>
<thead>
<tr>
<th>Type of Insurance</th>
<th>Policy Number</th>
<th>Policy Eff</th>
<th>Policy Exp</th>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A COMMERCIAL GENERAL LIABILITY</strong></td>
<td>S2069209</td>
<td>3/1/2014</td>
<td>3/1/2015</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>DAMAGE TO RENTED PREMISES (Ex. premises) $10,000,000</td>
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<td>MED EXP (Any one person) $100,000</td>
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<td></td>
<td>PERSONAL &amp; ADV INJURY $1,000,000</td>
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<td></td>
<td>GENERAL AGGREGATE $12,000,000</td>
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<td></td>
<td>PRODUCTS - COMPOUND AGG $12,000,000</td>
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<tr>
<td><strong>A AUTOMOBILE LIABILITY</strong></td>
<td>S2069209</td>
<td>3/1/2014</td>
<td>3/1/2015</td>
<td>EACH OCCURRENCE $1,000,000</td>
</tr>
<tr>
<td>ANY AUTO</td>
<td></td>
<td></td>
<td></td>
<td>BOILLY INJURY (Per person) $1,000,000</td>
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<tr>
<td>SCHEDULED AUTOS</td>
<td></td>
<td></td>
<td></td>
<td>BOILLY INJURY (Per accident) $1,000,000</td>
</tr>
<tr>
<td>NON-OWNED AUTOS</td>
<td></td>
<td></td>
<td></td>
<td>PROPERTY DAMAGE (Per accident) $1,000,000</td>
</tr>
<tr>
<td><strong>A UMBRELLA LIABILITY</strong></td>
<td>S2069209</td>
<td>3/1/2014</td>
<td>3/1/2015</td>
<td>EACH OCCURRENCE $1,000,000</td>
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<td>OCCUR</td>
<td></td>
<td></td>
<td></td>
<td>AGGREGATE $1,000,000</td>
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<tr>
<td>CLAIMS-MADE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>A WORKERS COMPENSATION AND EMPLOYERS LIABILITY</strong></td>
<td>WC7993992</td>
<td>3/1/2014</td>
<td>3/1/2015</td>
<td></td>
</tr>
<tr>
<td>Y/N</td>
<td></td>
<td></td>
<td></td>
<td>E.L. EACH ACCIDENT $100,000</td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td>E.L. DISEASE - E.A. EMPLOYEE $100,000</td>
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<tr>
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<td></td>
<td>E.L. DISEASE - POLICY LIMIT $500,000</td>
</tr>
<tr>
<td><strong>A&amp;SA VALUABLE PAPERS / PROFESSIONAL LIABILITY</strong></td>
<td>S2069209</td>
<td>3/1/2014</td>
<td>3/1/2015</td>
<td>Limit $25,000</td>
</tr>
<tr>
<td>N</td>
<td></td>
<td></td>
<td></td>
<td>Limit $1,000,000</td>
</tr>
<tr>
<td>N</td>
<td></td>
<td></td>
<td></td>
<td>Retention $5,000</td>
</tr>
</tbody>
</table>

**Description of Operations / Locations / Vehicles:**
See attached Acord 101

**Certificate Holder:**
Albany County Clerk's Office
112 State Street, Room 820
Albany NY 12207

**Cancellation:**

Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

Authorized Representative:

© 1968-2014 ACORD CORPORATION. All rights reserved.
The following forms apply to the Certificate Holder in affording coverage:

General Liability:
Additional Insured, Primary & Non-Contributory, Waiver of Subrogation – ElitePAC Technology Industry General Liability Extension CG 79 76 12 11

Commercial Automobile:
Additional Insured & Waiver of Subrogation - Commercial Automobile Extension – CA 77 35NY 03 12
RFP #2014-119
STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
CERTIFICATE OF INSURANCE COVERAGE UNDER THE NYS DISABILITY BENEFITS LAW

PART 1. To be completed by Disability Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name and address of Insured (Use street address only)
INFO QUICK SOLUTIONS INC
7460 MORGAN ROAD
LIVERPOOL NY 13090
13032

1b. Business Telephone Number of Insured
315-463-1400

1c. NYS Unemployment Insurance Employer Registration Number of Insured
572039

1d. Federal Employer Identification Number of Insured or Social Security Number
161573412

2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)
Albany County Clerk's Office
112 State Street, Room 820
Albany, NY 12207

3a. Name of Insurance Carrier
NATIONAL BENEFITS LIFE INSURANCE COMPANY

3b. Policy Number of entity listed in box "1a":
08910-0177438

3c. Policy effective period
January 1, 2015 to January 1, 2016

4. Policy covers:

a. ☐ All of the employer's employees eligible under the New York Disability Benefits Law
b. ☐ Only the following class or classes of the employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability Benefits Insurance coverage as described above.

Date Signed: 01/1/15

By: (Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)
Title: Account Executive

Telephone No. (315) 474-3374

IMPORTANT: If box "4a" is checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.
If box "4b" is checked, this certificate is NOT COMPLETE for purposes of Section 220, subd. 8 of the Disability Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, 20 Park Street, Albany, New York 12207.

PART 2. To be completed by NYS Workers' Compensation Board (Only if box "4b" of Part 1 has been checked)

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD

According to information maintained by the NYS Workers' Compensation Board, the above named employer has complied with the NYS Disability Benefits Law with respect to all of his/her employees.

Date Signed: ____________________________

By: (Signature of NYS Workers' Compensation Board employee)
Title:

Telephone No. ____________________________

Please Note: Only insurance carriers licensed to write NYS disability benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.

DB-120.1 (5-96)
Section 220 Penalties

8. (a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chairman, chairman that the payment of disability benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chairman, that the payment of disability benefits for all employees has been secured as provided by this article.
<table>
<thead>
<tr>
<th>1a. Legal Name &amp; Address of Insured (Use street address only)</th>
<th>1b. Business Telephone Number of Insured</th>
</tr>
</thead>
<tbody>
<tr>
<td>Info Quick Solutions, Inc.</td>
<td>315-463-1400</td>
</tr>
<tr>
<td>7460 Morgan Road</td>
<td></td>
</tr>
<tr>
<td>Liverpool, NY 13090</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1c. NYS Unemployment Insurance Employer Registration Number of Insured</th>
</tr>
</thead>
<tbody>
<tr>
<td>#</td>
</tr>
<tr>
<td>16-1573412</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1d. Federal Employer Identification Number of Insured or Social Security Number</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)</th>
<th>3a. Name of Insurance Carrier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany County Clerk's Office</td>
<td>Selective Insurance Company of South Carolina</td>
</tr>
<tr>
<td>112 State Street, Room 820</td>
<td></td>
</tr>
<tr>
<td>Albany, NY 12207</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3b. Policy Number of entity listed in box “1a”:</th>
<th>3c. Policy effective period</th>
</tr>
</thead>
<tbody>
<tr>
<td>WC7993962</td>
<td>1-Aug-14 - 1-Aug-15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3d. The Proprietor, Partners or Executive Officers are:</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ Included. (Only check box if all partners/officers included)</td>
</tr>
</tbody>
</table>

This certificate that the insurance carrier indicated above in box “3” insures the business referenced above in box “1a” for workers’ compensation under the New York State Workers’ Compensation Law. (To use this form, New York (NY) must be listed under Item 3A on the INFORMATION PAGE of the workers’ compensation insurance policy). The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed above as the certificate holder in box “2”.

The Insurance Carrier will also notify the above certificate holder within 10 days if a policy is canceled due to nonpayment of premiums or within 30 days if there are reasons other than nonpayment of premiums that cancel the policy or eliminate the insured from the coverage indicated on this Certificate. (These notices may be sent by regular mail.) Otherwise, this Certificate is valid for one year after this form is approved by the insurance carrier or its licensed agent, or until the policy expiration date listed in box "3c", whichever is earlier.

Please Note: Upon the cancellation of the workers’ compensation policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of Workers’ Compensation Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Workers’ Compensation Law.

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has the coverage as depicted on this form.

Approved by: Nicholas Dorezynski
(Print name of authorized representative or licensed agent of insurance carrier)

Approved by: [Signature]
(Date) 1-Aug-14

Title: Account Executive
Section 57. Restriction on issue of permits and the entering into contracts unless compensation is secured.

1. The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any compensation to any such employee if so employed.

2. The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in a hazardous employment defined by this chapter, notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that compensation for all employees has been secured as provided by this chapter.

C-105.2 (9-07) Reverse
RESOLUTION NO. 219

AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER

Introduced: 5/13/19
By: Mr. Ethier

WHEREAS, The Albany County Legislature has adopted Rules of Order (the Rules) to detail the steps of the legislative process, organize the various committees and maintain order and decorum as a legislative body, and

WHEREAS, Rule 23 of the Rules of Order states that when a legislative item is referred to committee(s) by the Chairperson, that such item 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

WHEREAS, In order to clarify the meaning of such section and further define the actions required by the committees regarding such items, an amendment to the Rules is necessary, now, therefore, be it

RESOLVED, By the Albany County Legislature, that Rule 23 is amended to read as follows

"Rule 23 – REFERRALS TO COMMITTEE

The Chairperson may at any time on his own motion refer any communication, petition, report, local law or resolution when offered or presented to such committee as he 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, excluding any days which the Local Law or Resolution has been tabled at the request of the sponsor.

A committee may table a Local Law or Resolution at their own motion if (a) the committee has not tabled such item previously, or (b) such Local Law or Resolution does not comport with the legislative Rules of Order or applicable provisions of law."

and, be it further

RESOLVED, That the Clerk of the Legislature forward a certified copy of this resolution to the Chairperson of the Legislature and the appropriate County Officials.

Referred to Law Committee - 5/13/19
RESOLUTION NO. 220

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2019

Introduced: 5/13/19
By Ms. Cunningham and A. Joyce:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “F” for 2019, “A Local Law to Require Albany County Restaurants and Eating Establishments to Provide Straws and Plastic Cutlery Only Upon Request” be held by the County Legislature in the William J. Conboy II Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, June 25, 2019, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referrer to Law and Conservation, Sustainability and Green Initiatives Committees - 5/13/19
RESOLUTION NO. 222

REQUIRING THE SUBMISSION OF AMENDED LOCAL LAWS PRIOR TO LEGISLATIVE ACTION

Introduced: 5/13/19
By: Mauriello

WHEREAS, It is in the public interest to have their elected officials informed of the details of what they are voting on, and

WHEREAS, Proposed Local Laws introduced in the Legislature are required to provide a Fiscal Impact Statement so the Legislature can make informed decisions on major legislative actions that may negatively impact persons or businesses in Albany County, and

WHEREAS, The Legislature and the public should be able to track the current version of proposed Local Laws that have had amendments made to them, and

WHEREAS, Legislative standing committees are integral to the deliberative process and a 21st century legislature should be transparent by only voting on measures they have read and that have been made available for public review through notice and public posting with sufficient time, and

WHEREAS, Public Hearings are often the only opportunity for the public to comment on proposals they support or oppose and are a crucial part of the process in how a bill becomes a law, and

WHEREAS, Convenience for the prime sponsors of legislation has led to Public Hearings being approved by standing committees without the current version of the law being available to Legislators or the public for complete review, now, therefore be it

RESOLVED, That the Albany County Legislature hereby does adopts as policy that all proposed Local Laws shall be in their complete form and delivered to the Majority and Minority Counsels or included in a posting on the County website at least 48 hours before meetings of the Legislative standing committees where they may be acted upon, and, be it further

RESOLVED, That an accurate Fiscal Impact Statement must be included with any and all proposed Local Laws at the time of introduction in compliance with the Rules of the Legislature, and, be it further

RESOLVED, That the Chairman of the Legislature shall return to the sponsor(s) any submissions of a proposed Local Law that is not in complete form and lacking a proper and accurate Fiscal Impact Statement when required, and, be it further

RESOLVED, That amendments made per Resolution 83 of 2016 to proposed Local Laws introduced before and after the effective date of this resolution must be made available to the Legislature and the public via electronic mail and/or the website at least 48 hours before any legislative action (defined as voting for Public Hearings and/or any committee action other than tabling said bill) is taken on the proposed Local Law, and, be it further
RESOLVED, Nothing contained within this Resolution shall be construed to prohibit the timely movement of legislation under Rule 11 of the Rules of the Legislature, and, be it further

RESOLVED, That this resolution shall take effect January 1, 2020, though nothing in this resolution shall prohibit Albany County from adopting these measures before the effective date, 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 - 5/13/19
RESOLUTION NO. 223

CREATING A FACILITIES CONDITION ASSESSMENT COMMITTEE

Introduced: 5/13/19
By: Burgdorf

WHEREAS, The County of Albany has multiple buildings and facilities used by its employees and the public on a daily basis, and

WHEREAS, The Department of General Services has the responsibility to manage and maintain County buildings and real property, and

WHEREAS, Facilities Condition Assessments ("FCA") are a method by which repairs, deferred maintenance, and capital improvements to buildings and facilities can be identified and tracked, and

WHEREAS, FCA's are often conducted by outside vendors, but the County may have the expertise in-house to conduct FCA's, and

WHEREAS, FCA's can be conducted using a variety of different strategies and methodologies that can develop capital project estimates, identify building code and safety compliance issues, and create preventative maintenance programs for the County's expansive building and facility portfolio, and

WHEREAS, It would be prudent to establish an internal committee to decide how the County should proceed with FCA's of its buildings and facilities, rather than simply hiring an outside firm as the first step, now, therefore be it

RESOLVED, That a Facilities Condition Assessment Committee be, and hereby is created, and, be it further

RESOLVED, That the membership of said committee shall consist of two (2) legislators from the Public Works and/or Audit and Finance Committees of which one (1) shall be selected by the Majority Leader and one (1) by the Minority Leader, the Commissioner of the Department of General Services or her/his designee, the Commissioner of the Department of Public Works or her/his designee, the Commissioner of the Department of Management and Budget or her/his designee, and the Director of Purchasing or her/his designee, with the committee voting upon its own chairperson by a majority vote, and, be it further

RESOLVED, That the information to be garnered from this Committee's work shall have an impact on the budget of the County of Albany therefore a report from said Committee to the Public Works Committee and the Audit and Finance Committee shall be provided by September 30, 2019 and said report shall include a list of all County buildings and facilities and its recommendations on how the County of Albany should proceed with Facility Condition Assessments of said buildings and facilities, 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.
LOCAL LAW NO. "M" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 206 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED FOR THE PURPOSE OF RESTRUCTURING THE LEGISLATURE BY REDUCING THE NUMBER OF LEGISLATORS

Introduced: 5/14/18
By Messrs. Higgins, Dawson, Domalewicz and O'Brien:

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER
BE IT ENACTED by the Albany County Legislature as follows:

SECTION 1. The Albany County Charter is hereby amended by amending Section 206. Districts to read as follows:

Section 206. Districts. For the purpose of electing County Legislators, the County shall be divided into twenty nine districts. One County Legislator shall be elected to the County Legislature of the County from each of the districts. The twenty nine districts within the County shall be as described in apportionment plans duly adopted by the County Legislature.

SECTION 2. Upon release of the 2020 federal census and thereafter, the County Legislature shall redraw legislative boundaries to provide for twenty nine (29) legislative districts, effective for the 2023 general election and thereafter, with the term of office to commence January 1, 2024, and amend the Administrative Code to define the redrawn legislative districts.

SECTION 3. Severability. If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

SECTION 4. Effective Date. Pursuant to Municipal Home Rule Law sections 23 and 33, this local law shall not become operative unless and until this local law is approved by the duly qualified voters of Albany County in the manner prescribed by law at a special election occurring not less than sixty days after the adoption this local law.

Referred to Law Committee - 5/14/18
Without Recommendation Law Committee - 4/25/19
Referred to Law Committee - 5/13/19
LOCAL LAW NO. “F” FOR 2019

A LOCAL LAW TO REQUIRE ALBANY COUNTY RESTAURANTS AND EATING ESTABLISHMENTS TO PROVIDE STRAWS AND PLASTIC CUTLERY ONLY UPON REQUEST

Introduced: 5/13/19
By: Ms. Cunningham

Section 1. Findings and Purpose

The Albany County Legislature finds and determines that:

Littered plastic products, including straws and plastic cutlery have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs. Plastics synthesized from petroleum and natural gas do not biodegrade. Even with the emergence of bioplastics, which are derived from renewable biomass sources, such as plants and microorganisms, there is no certified type of bioplastic that biodegrades in a marine environment.

The Albany County Legislature prioritizes the protection of the environment and through public policymaking and adoption of local laws, intends to take initiative to minimize the unnecessary use of plastic in our environment. A reduction in the use of plastic straws and cutlery will further serve Albany County’s goal of reducing plastic litter.

Section 2. Definitions

For the purposes of this ordinance, the following shall have the following meanings:

“Beverage Provider” means any business, organization, entity, group, or individual located in the [name of jurisdiction] that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

“Plastic Cutlery” means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer intended for only one-time use. “Plastic cutlery” includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as wood, bamboo, etc.

“Plastic Beverage Straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer for transferring a beverage from its container to the mouth of the drinker. “Plastic Beverage Straw” includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, grain stalks, bamboo, etc.

“Food service ware” means all containers, bowls, plates, trays, cups, lids, napkins, and other like items that are designed for one-time use for prepared foods, including, without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food vendors. The term “food service ware” does not include items composed of aluminum.
Section 3. Plastic Straws and Cutlery Upon Request

(a) All Albany County restaurants, including fast food restaurants, beverage providers, or vendors shall only offer plastic cutlery and straws, upon request.

(b) Nothing in this section precludes restaurants, including fast food restaurants, beverage providers, vendors, or persons from using or making non-plastic alternatives, such as those made from paper, grain stalks, sugar cane, or bamboo, available to beverage consumers.

Section 4. Designated County Department for Compliance and Enforcement

The County Executive shall designate the appropriate County department that shall oversee implementation, compliance and adherence to this local law. This designated department shall have the authority to enforce this ordinance. Each day of violation, after written notice, is a separate violation. Violations will be subject to the following penalties:

- First Offense: written warning
- Second Offense: $100 penalty
- Third and subsequent offense: $250 penalty

Section 5. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance. Such decision shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

Section 5. Effective Date

This ordinance shall take effect six months after the date of enactment.

*Referred to Law Committee - 5/13/19*