AGENDA

LAW COMMITTEE

JUNE 24, 2019

PREVIOUS BUSINESS:

APPROVING PREVIOUS MEETING MINUTES

1. 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

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

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

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

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

6. RESOLUTION NO. 339: AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER REGARDING SELECTION OF COMMITTEE CHAIRPERSONS
7. **RESOLUTION NO. 340: AMENDING THE ALBANY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING RATIO OF COMMITTEE**

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

9. **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**

10. **RESOLUTION NO. 376: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. **R** FOR 2018**

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

12. **RESOLUTION NO. 494: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. **S** FOR 2018**

13. **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**


15. **LOCAL LAW NO. **A** FOR 2019: A LOCAL LAW TO ESTABLISH THE ALBANY COUNTY FAIR HOTEL CONSUMER PRACTICES LAW**

16. **RESOLUTION NO. 120: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. **D** FOR 2019**

17. **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**

18. **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


20. RESOLUTION NO. 219: AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER

21. RESOLUTION NO. 220: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2019

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


24. 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

CURRENT BUSINESS:

25. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE UPSTATE MODEL FAMILY REPRESENTATION OFFICE GRANT

26. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AGREEMENT WITH NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING GUN INVOLVED VIOLENCE ELIMINATION (GIVE) GRANT AND AMENDING THE 2019 DEPARTMENT OF PROBATION BUDGET
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Law Committee of the Albany County Legislature met on May 30, 2019. Chairperson Plotsky, Messrs. Mayo, Burgdorf, Feeney, Fein, and Touchette were present. Mr. Crouse, Ms. Cunningham, and Mr. Higgins were excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved

1. Authorizing the Renewal of an Agreement with Info Quick Solutions, Inc. Regarding Cashiering, Scanning and Indexing Services: The Albany County Clerk requested authorization to exercise the second of two one-year options to renew the agreement with Info Quick Solutions, Inc. regarding the indexing, cashiering, and scanning system for the County Clerk’s office in the amount of $96,000 for the term commencing June 1, 2019 and ending May 31, 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: After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action without recommendation.


5. Resolution No. 236: Amending the Albany County Rules of Order: Tabled at the Request of the Sponsor.


7. 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: After brief discussion, the Committee voted to move the proposal forward for legislative action without recommendation.


14. 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.


25. Resolution No. 222: Requiring the Submission of Amended Local Laws Prior to Legislative Action: Tabled at the Request of the Sponsor.

26. Resolution No. 223: Creating a Facilities Condition Assessment Committee: After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

27. 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: Tabled at the Request of the Sponsor.


Respectfully Submitted,
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 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 breathe 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 breathe.

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 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 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 19th-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, [see] 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 consent] 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 – 5/14/18
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_
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: 7/9/18
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(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 [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 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.

*Referred 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 ¾ percent or higher and rounded down to the nearest whole person for fractions consisting of less than ¾ 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. "CBP" 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-918, 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 Codes); 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;
   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.

_Refered 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
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

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, Commissio, Crouse, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Ethier, Feeney, Fein, Grimm, Higgins, Hogan, A. Joyce, R. Joyce, Ms. Lekakis, Messrs. Lockart, Maurielo, Mayo, Mss. McKnight, McLean, Mr. Miller, Ms. Plotsky, Messrs. O'Brien, 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
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 and Mr. Reinhardt:

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
advertised 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.

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>
<tr>
<td>[30,000 to 90,000 sq. ft.</td>
<td>$1,500.00]</td>
</tr>
<tr>
<td>[More than 90,000 sq. ft.</td>
<td>$1,750.00]</td>
</tr>
</tbody>
</table>

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. 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 – 90[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.[F]. 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— 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, Messr. Reinhardt, Mss. Lekakis and Pilotsky, 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 to 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 100-250 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, 289,000 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 2015, 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 600 million single-use plastic bags each year. Approximately 96% of these ended up in landfills and cost the people of California $25 million per year to manage. A 2013 study reported that of the 100 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 "spends 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 equals to 91,000 tons of plastic and paper carry-out bags each year and presently costs the City $12.5 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 exists 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 69% 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, foodways, 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.

(e) "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 1/1000 of an inch 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 2.5 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-packaged 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 check-out stand, cash 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 pickup-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 check-out stand, cash 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) 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.

(d) 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.

(e) 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.

(f) 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

(d)(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 $.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.

(e) Covered stores may retain the mandatory bag fee of at least $.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 customer using Supplemental Nutrition Assistance Program (SNAP) and the federal Women-Infants-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 “stock-piling” 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 3 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 outreaches 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 preemption 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.
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<table>
<thead>
<tr>
<th>Part 1 - Project and Sponsor Information</th>
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<tbody>
<tr>
<td>Albany County Legislature</td>
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<tr>
<td>Name of Action or Project:</td>
</tr>
<tr>
<td>Local Law to incentivize the use of reusable shopping bags and institute a fee on the use of Paper Bags in Albany County</td>
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<tr>
<td>Project Location (describe, and attach a location map):</td>
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<tr>
<td>Albany County</td>
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<tr>
<td>Brief Description of Proposed Action:</td>
</tr>
<tr>
<td>Adoption of a local law known as the &quot;Albany County Reusable Shopping Bag Incentive Act&quot; to incentivize the use of reusable shopping bags by imposing a fee on the use of paper bags in covered stores. The intent of the law is to further reduce bag waste. The law is applicable to establishments engaged in the retail sales of personal, consumer, and household items and food service establishments that provide carryout bags. Also all apparel, clothing and shoe stores. No adverse impacts to environmental resources are anticipated from this action. (see attached proposed Local Law No. &quot;D&quot; for 2019).</td>
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| Name of Applicant or Sponsor:           |
| Albany County                          |
| Telephone: (518) 447-7188              |
| E-Mail:                                |

| Address:                                |
| 112 State St. Room 710                  |

| City/PO:                                |
| Albany                                  |
| State: NY                               |
| Zip Code: 12207                         |

| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? |
| NO YES                                  |
| [ ] Yes                                  |
| If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2. |

| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency? |
| NO YES                                  |
| [ ] Yes                                  |
| If Yes, list agency(s) name and permit or approval: |

| 3.a. Total acreage of the site of the proposed action? |
| [ ] acres |

| 3.b. Total acreage to be physically disturbed? |
| [ ] acres |

| 3.c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? |
| [ ] acres |

| 4. Check all land uses that occur on, adjoining and near the proposed action. |
| [ ] Urban |
| [ ] Rural (non-agriculture) |
| [ ] Industrial |
| [ ] Commercial |
| [ ] Residential (suburban) |
| [ ] Forest |
| [ ] Agriculture |
| [ ] Aquatic |
| [ ] Other (specify): |

Page 1 of 4
5. Is the proposed action,  
   a. A permitted use under the zoning regulations?  
   b. Consistent with the adopted comprehensive plan?  

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6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  

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7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?  
If Yes, identify:  

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8. a. Will the proposed action result in a substantial increase in traffic above present levels?  
   b. Are public transportation service(s) available at or near the site of the proposed action?  
   c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?  

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<th>NO</th>
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9. Does the proposed action meet or exceed the state energy code requirements?  
If the proposed action will exceed requirements, describe design features and technologies:  

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<th>NO</th>
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10. Will the proposed action connect to an existing public/private water supply?  
    If No, describe method for providing potable water:  

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<th>NO</th>
<th>YES</th>
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11. Will the proposed action connect to existing wastewater utilities?  
    If No, describe method for providing wastewater treatment:  

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<th>NO</th>
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12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  
   b. Is the proposed action located in an archeological sensitive area?  

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<th>NO</th>
<th>YES</th>
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13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  
   b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:  

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<th>NO</th>
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14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:  
   - Shoreline  
   - Forest  
   - Agricultural/grasslands  
   - Early mid-successional  
   - Wetland  
   - Urban  
   - Suburban  

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<th>NO</th>
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15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?  

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16. Is the project site located in the 100 year flood plain?  

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<th>NO</th>
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17. Will the proposed action create storm water discharge, either from point or non-point sources?  
If Yes,  
   a. Will storm water discharges flow to adjacent properties?  
   b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?  
If Yes, briefly describe:  

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<tr>
<th>NO</th>
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18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?
If Yes, explain purpose and size:

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<thead>
<tr>
<th>NO</th>
<th>YES</th>
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19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?
If Yes, describe:

<table>
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<th>NO</th>
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20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?
If Yes, describe:

<table>
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I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE
Applicant/sponsor name: Laura DeGaetano
Date: June 20, 2019
Signature: ____________________________

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

<table>
<thead>
<tr>
<th>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
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<tbody>
<tr>
<td>✓</td>
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<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>✓</td>
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<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>✓</td>
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<td>4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?</td>
<td>✓</td>
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<td>5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?</td>
<td>✓</td>
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<tr>
<td>6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?</td>
<td>✓</td>
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</table>
| 7. Will the proposed action impact existing:
   a. public / private water supplies?                | ✓                            |                                  |
<p>| b. public / private wastewater treatment utilities? | ✓                            |                                  |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? | ✓                            |                                  |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)? | ✓                            |                                  |</p>
<table>
<thead>
<tr>
<th></th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
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<tr>
<td>10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?</td>
<td>✓</td>
<td>☐</td>
</tr>
<tr>
<td>11. Will the proposed action create a hazard to environmental resources or human health?</td>
<td>✓</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

It has been determined that the adoption of Local Law NO. "D" For 2019 known as "The Albany County Reusable Shopping Bag Incentive Act" will not result in a significant adverse environmental impact. Given the intent to incentivize the use of reusable bags and reduce the amount of non-reusable bag waste there is expected to be a positive impact on the environment.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

✓ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Albany County
Name of Lead Agency
Hon. Andrew Joyce
Print or Type Name of Responsible Officer in Lead Agency
Signature of Responsible Officer in Lead Agency

Date
Chairman
Title of Responsible Officer
Signature of Preparer (if different from Responsible Officer)
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, Miss. McKnight, Willingham, Messrs. Mayo, Domeslewicz, Miss. 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 the 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
APPENDIX A

LEGISLATIVE FISCAL IMPACT STATEMENT

Type of Legislation:  Local Law:  Resolution: 

Title of Legislation:  A local law prohibiting the sale of flavored tobacco products

Requested By:  Paul Miller

Sponsor(s):  

FISCAL IMPACT

1. Projected cost of proposed legislation, if any: 

$62,300 (annually)

2. Method of financing (general revenues, short term notes, bonding, state funding, federal funding, etc.) License fees 

of $75,000 per year

A. If federally funded, state length of time federal funding is available. 

B. If state funded, state length of time funding is available. 

C. If bonded, state amount of total indebtedness this legislation will create and projected cost over course of borrowing.

3. Length of projected cost (one time only, ongoing, etc.)

ongoing

4. Justification for the appropriation/expenditure requested.

The cost of this legislation will be self supporting and we have the option to adjust the fee up or down to cover our costs.

5. Funding options:

________________________________________

Paul Miller
Sponsor/Department Head
Paul Miller

From: Whalen, Elizabeth [Elizabeth.Whalen@albanycountyny.gov]
Sent: Friday, April 12, 2019 5:15 PM
To: paul12203@nycap.rr.com
Cc: Rogers, Lucas; Miller, Maribeth; Marra, Marcia
Subject: RE: Prohibition of flavored tobacco and vape

Paul,

Thanks. I had the chance to go over this with internal staff and the details of anticipated need/fiscal impact to the Health Department are as follows:

½ Keyboard Specialist in 2019 is $16,547
½ Public Health Technician in 2019 is $22,449
Total Cost $38,996 +$23,304 Fringe = $62,300 per annum

Marcia Marra mentioned the inclusion of a “late fee” has been helpful with enforcement. Current practice is to charge other regulated establishments a 50% late fee if the renewal is up to one week late. After one week, that late fee goes up to 100%. This provides good incentive to comply.

As of this week, we have 300 licensed tobacco shops in Albany, and 13 shops that are only selling vape products. The latter are not currently licensed by NYS.

In terms of the duplicate licensure structure, I thought it may be helpful to get some input from our law department, which I await and will provide you with upon receipt.

Happy to discuss more at your convenience.

Best,

Liza

Elizabeth Whalen MD, MPH
Commissioner of Health
Albany County Department of Health
175 Green Street
Albany, NY 12202
Tel (518) 447-4695
Fax (518) 447-4698

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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, Messrs. Reinhardt 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.

Referred 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_
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
June 11, 2019

Hon. Andrew Joyce
Chairman, Albany County Legislature
112 State Street, Room 710
Albany, New York 12207

RE: Request for Legislative Action

Dear Chairman Joyce:

The Public Defender’s Office respectfully submits a Request for Legislative Action seeking authorization to submit a grant proposal to the New York State Office of Indigent Legal Services (OILS) for the Upstate Model Family Representation Office Grant. This is a competitive grant which seeks to achieve superior effectiveness in client-centered, interdisciplinary, and holistic parental representation in counties outside of New York City. The New York State Office of Indigent Legal Services has been authorized to distribute up to $2,610,417. ($870,139 per year for each of the three years) in a single award made by the Office.

We are now in the process of preparing a proposal. If Legislative authorization is granted, we will submit the proposal prior to the deadline of Friday, July 19, 2019.

Please let me know if you have any questions or concerns.

Respectfully submitted,

[Signature]
Stephen W. Herrick
Albany County Public Defender
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Requesting Authorization to Apply for the NYS Office of Indigent Legal Services Upstate Model Family Representation Office Grant

Date: 6/10/19
Submitted By: Stephen Herrick
Department: Public Defender
Title: Public Defender
Phone: 518-447-7153
Department Rep.
Attending Meeting: Stephen Herrick

Purpose of Request:

☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☐ Budget Amendment
☒ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant
   New
   Submission Date Deadline 7/19/2019
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed)

Contract Terms/Conditions:

Party (Name/address):
    New York State Office Of Indigent Legal Services
    80 S. Swan Street
    Suite 1147
    Albany, NY 12210

Additional Parties (Names/addresses):
   Click or tap here to enter text.

Amount/Raise Schedule/Fee: $2,610,417
Scope of Services: Upstate Model Family Representation Office Grant

Bond Res. No.: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes ☐ No ☒
If Mandated Cite Authority: Click or tap here to enter text.
Justification: (state briefly why legislative action is requested)
The Public Defender's Office respectfully submits a Request for Legislative Action seeking authorization to submit a grant proposal to the New York State Office of Indigent Legal Services (OILS) for the Upstate Model Family Representation Office Grant. This is a competitive grant which seeks to achieve superior effectiveness in client-centered, interdisciplinary, and holistic parental representation in counties outside of New York City. The New York State Office of Indigent Legal Services has been authorized to distribute up to $2,610,417 ($870,139 per year for each of the three years) in a single award made by the Office.

We are now in the process of preparing a proposal. If Legislative authorization is granted, we will submit the proposal prior to the deadline of Friday, July 19, 2019.
Upstate Model Family Representation Office Grant

NYS Office of Indigent Legal Services
Request for Proposals

The Office of Indigent Legal Services (Office) and nine-member Indigent Legal Services Board (Board) were created by legislation enacted in 2010, found in Executive Law Article 30, sections 832 and 833. As part of its statutory mission “to monitor, study and make efforts to improve the quality of services provided pursuant to Article 18-B of the county law,” the Office, operating under the direction and pursuant to policies established by the Board, assists county governments in the exercise of their responsibility to provide effective and meaningful representation of persons who are legally entitled to counsel but cannot afford to hire an attorney. The assistance provided by the Office and Board includes distributing state funds and targeting grants to counties in support of innovative and cost-effective solutions to enhance the quality of indigent legal services.

Timelines for This Request for Proposals

<table>
<thead>
<tr>
<th>RFP Release Date</th>
<th>Friday, May 24, 2019</th>
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</thead>
<tbody>
<tr>
<td>Questions Due By</td>
<td>Friday, June 7, 2019 (Q &amp; A period closed)</td>
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<tr>
<td>Answers Posted By</td>
<td>Friday, June 21, 2019</td>
</tr>
<tr>
<td>Proposal Due Date</td>
<td>Friday, July 19, 2019, 5:00 p.m. EST</td>
</tr>
<tr>
<td>Award Announcement</td>
<td>September 2019</td>
</tr>
<tr>
<td>Tentative Contract Start Date</td>
<td>October 2019</td>
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</tbody>
</table>

Intent of this Request for Proposals

The New York State Office of Indigent Legal Services (ILS) announces the availability of funds and solicits proposals from New York State counties for the establishment of a model Family Representation Office (the “Model Office”) in a county outside of New York City to provide legal representation to parents\(^1\) in child protective proceedings under New York Family Court Act Article 10 and termination of parental rights proceedings (“state intervention cases”). New York Counties, other than counties within New York City, are eligible to apply. Proposals

\(^1\) For ease of reference, in this RFP the term "parent" refers to a biological parent or other "legally responsible" person who is eligible for assigned counsel under New York Family Court Act § 262.
must be submitted by an authorized county official or designated employee of the
governing body of the applicant county.2

The intent of this Request for Proposals ("RFP") is to improve the quality of indigent legal
services by establishing, in a county outside of New York City, a demonstration project which
will implement standards and best practices in state intervention cases as embodied in ILS' Standards for Parental Representation in State Intervention Matters.3

New York parents who cannot afford to hire a lawyer are constitutionally and statutorily entitled
to publicly-funded legal representation in state intervention cases. Matter of Ella B., 30 N.Y.2d
352 (1972); Family Court Act §§ 261, 262, and 1120; Surrogate’s Court Procedure Act § 407.
The central goal of effective parent representation in these cases is to maintain children safely
within their families and prevent unnecessary and damaging disruption of the parent-child
relationship.4

In accordance with the ILS Parental Representation Standards, the defining feature of this
demonstration project is implementation of client-centered, holistic, and interdisciplinary
representation that addresses both the legal and social service issues confronting parents affected
by the child welfare system, at all critical stages of their interaction with the system. This “family
defense” model, in which attorneys, social workers, parent advocates, paralegals, investigators,
and experts work as a team, is deemed a best practices approach by the Children’s Bureau of the
United States Health and Human Services Department and the American Bar Association.5 The

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2 This grant may be used to benefit more than one county, with a single grantee county taking the lead position, upon
the express agreement by the governing authority of the other county or counties to accept provision of the services
by the grantee county as described herein.

3 Standards for Parental Representation in State Intervention Matters, New York State Office of Indigent Legal
Services (effective December 2, 2015) (hereinafter ILS Parental Representation Standards), accessible at
https://www.ils.ny.gov/content/parent-representation-standards.

4 Children’s Bureau, “Strengthening families through primary prevention of child maltreatment and unnecessary
parent-child separation,” IM-18-05, (U.S. Department of health and Human Services, Administration for Children

5 The federal government’s indicators of whether parties are receiving "quality, effective representation" includes
whether parents’ attorneys have access to "other multi-disciplinary professionals as partners, team members or
employees such as social workers, investigators, Court Appointed Special Advocates (CASAs), etc." Indicators of
Quality Legal Representation, Program Instruction ACYF-CB-PI-12-02, Instructions for State Courts Applying for
Court Improvement Program (CIP) Funds for Fiscal Years (FYs) 2012-2016, Attachment B (Children's Bureau, U.S.
Department of Health and Human Services, Administration for Children and Families, January 11, 2012),
http://www.acf.hhs.gov/sites/default/files/cb/pii1202.pdf. See also American Bar Association Standards of Practice
for Attorneys Representing Parents in Abuse and Neglect Cases, Standard 26 ("Engage in case planning and
advocate for appropriate social services using a multidisciplinary approach to representation when available.").
http://www.americanbar.org/content/dam/aba/publications-center-on-children-and-the-law/parentrepresentation/A
BA-Parent-Attorney-Standards.authcheckdam.pdf, and ABA National Project to Improve Parental Representation:
An Investment That Makes Sense,
http://www.americanbar.org/content/dam/aba/administrative/child_law/ParentRep/At-a-
glance%20final.authcheckdam.pdf. Most recently, in February 2019, the interdisciplinary approach was endorsed
by the Family Justice Initiative, a collaboration of the ABA Center on Children and the Law, the Children’s Law
Center of California (CLC), the Center for Family Representation (CFR), and Casey Family Programs (CFP), in
Attributes of High Quality Legal Representation for Children and Parents in Child Welfare Proceedings, accessible
family defense model was endorsed by the NYS Unified Court System's Commission on Parental Legal Representation. The commission was established by Chief Judge Janet DiFiore in February 2018 "to examine the current state of mandated Family Court representation and determine how best to ensure the future delivery of quality, cost-effective parental representation." A central recommendation of its February 2019 Interim Report to Judge DiFiore is the creation of a statewide network of interdisciplinary law offices "to ensure the delivery of client-centered, interdisciplinary, holistic representation throughout the State."8

The DiFiore Commission’s recommendation for statewide implementation of the interdisciplinary law office approach is underscored by a study of the family defense system operated by New York City.9 That study found that children whose parents received interdisciplinary law office representation achieved overall permanency, reunification, and guardianship more quickly than children whose parents did not receive this type of representation.10

Implementation of this demonstration project is expected to improve the overall quality of parental representation in the grantee county, and thus, outcomes for child welfare involved children. Furthermore, consistent with the DiFiore Commission’s recommendation, this project will provide an opportunity to explore the potential benefit of expanding a formalized law office structure for delivering interdisciplinary parental representation across the state.

Section I: Background

A parent's interest in his or her child's care and custody is one of the oldest and most fundamental liberty interests recognized by law.11 Depriving a parent of the right to raise one's child is "often . . . the more grievous" compared to a prison sentence.12 The United States Supreme Court has emphasized that parents' fundamental liberty interest in associating with and raising their children "does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State. Even when blood relationships are strained, parents retain a vital interest in preventing the irretrievable destruction of their family

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8 DiFiore Commission Interim Report, supra note 6 at 44.

9 The New York City interdisciplinary family defense model is described herein at 6-7.


Moreover, a child has her own legal interest and right to be raised within her family. Indeed, while the objective of CPS intervention is the protection of children thought to be abused or neglected, social science evidence suggests that children are better off with their families even in "marginal" cases where CPS investigators disagree about whether a child should be taken into state custody.

Recognizing the need for a check on government interference with the fundamental liberty interests of family integrity and family autonomy, in 1972 the New York State Court of Appeals held that poor parents accused of child maltreatment by the government have a constitutional right to publicly-funded legal representation. Citing the "gross inherent imbalance of experience and expertise" between the State and an unrepresented parent, the Ella B. Court held that principles of fundamental fairness, due process, and equal protection require that a parent of limited means be given a publicly-funded lawyer when the State seeks to take that parent's child into protective custody. The Court stressed that "[a] parent's concern for the liberty of the child, as well as for his care and control, involves too fundamental an interest and right to be relinquished to the State without the opportunity for a hearing, with assigned counsel if the parent lacks the means to retain a lawyer."

In 1975, the New York State legislature codified the Ella B. decision in §§ 261 and 262 of the New York Family Court Act. Emphasizing the "fundamental interests and rights" implicated in various types of family law cases, the Legislature declared in Family Court Act § 261 that legal counsel is "indispensable" in ensuring the "practical realization of due process of law" and in assisting the court in making "reasoned determinations of fact and proper orders of disposition." The courts have made it clear that the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings under the New York State Constitution is equally applicable in state intervention cases.

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14 Assessing the private interests at stake in the fact-finding stage of a child protective case, the Santosky Court observed that "the State cannot presume that a child and his parents are adversaries," and that, until the State proves parental unfitness, "the child and his parents share a vital interest in preventing erroneous termination of their natural relationship." Id. at 760.


17 Id. at 356-357 (cites omitted).

18 Brown v. Gandy, 3 N.Y.S.3d 486 (4th Dept. 2015) ("... because the potential consequences are so drastic, the Family Court Act affords protections equivalent to the constitutional standard of effective assistance of counsel afforded defendants in criminal proceedings;" previous decisions requiring a showing of "actual prejudice to prevail on a claim of ineffective assistance of counsel under the New York Constitution" are no longer to be followed); see also Matter of Jakob O., 931 N.Y.S.2d 156 (3rd Dept. 2011); Matter of Eileen R., 912 N.Y.S.2d 350 (3rd Dep't 2010); Matter of Alfred C., 655 N.Y.S.2d 589 (2d Dept. 1997).
For CPS-involved parents, effective assistance of counsel can mean the difference between family preservation and the termination of parental rights, which some have called "the family law equivalent of the death penalty in a criminal case." Given the complex dynamic of legal and social work issues involved, the American Bar Association and the federal Administration for Children and Families recognizes that an interdisciplinary approach is key to effective parental representation in state intervention cases. Strongly endorsed by the DiFiore Commission for implementation statewide, interdisciplinary parental representation in state intervention cases is increasingly prevalent, and is the foundational component of this demonstration project.

In New York, interdisciplinary representation has long been recognized as essential for constitutionally effective parental representation. For example, in a 2000 report, Justice Denied: The Crisis in Legal Representation of Birth Parents in Child Protective Proceedings, the New York City Public Advocate argued that New York's "statutory and constitutional duties of providing representation to indigent adults involved in Family Court matters" would be best met by establishing an interdisciplinary law office that would combine "accountability, specialization, social work support services and institutional resources." The report concluded that "[i]f parents have access to adequate representation, everyone will gain: money will be saved, Family Court will function more effectively, and children will receive the stability and permanence to which they are entitled." The Committee envisioned a model with "[s]taff attorneys who work in conjunction with parent advocates, paralegals or social workers who can

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19 E.g., Stephanie N. Gwilliam, The Death Penalty of Civil Cases: The Need for Individualized Assessment and Judicial Education When Terminating Parental Rights of Mentally Ill Individuals, 29 St. Louis U. Pub. L. Rev. 341 (2009) (citing In re K.A.W., 133 S.W.3d 1, 12 (Sup. Ct., Mo. 2004); see also In re Smith, 77 Ohio A at 3d 1, 16 (1991) ("A termination of parental rights is the family law equivalent of the death penalty in a criminal case. The parties to such an action must be afforded every procedural and substantive protection the law allows.")


21 DiFiore Commission Interim Report, supra note 6, at 13-14.


24 Id. at 46.
educate and assist the parents." In 2001, the First Judicial Department's Committee on Representation of the Poor echoed the Justice Denied report, observing that "the need for interdisciplinary services involving at least a social worker in addition to an attorney suggests that an institutional provider to represent parents in Family Court should be established." 

Observers have also noted the need for comprehensive, holistic advocacy for parents. As explained by the First Judicial Department Committee, "the need for more holistic representation is acute in the area of family law" because child welfare-involved families "often have other needs that affect their ability to resolve the Family Court proceedings successfully." The Committee proposed an institutional law office that would engage in legal and advocacy strategies beyond defending the allegations made against the parent. "To be truly effective, the institutional provider for parents should have the staffing capability to reach out to community services, mental health facilities, parent education, and drug counseling programs. It should also have access to other attorneys who could advise or represent parents in housing, public assistance, disability, and domestic violence problems." 

In the wake of similar calls for an institutional, interdisciplinary, and holistic approach to parental defense by legislators, court-appointed task forces, bar association committees, parents' attorneys and others, beginning in 2007 the New York City Mayor's Office of Criminal Justice entered into multi-year contracts with several organizations. Through these contracts, New York City will have access to a network of legal service providers that are able to address the complex needs of families in Family Court. 

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25 Id. at 45.

26 First Judicial Department Committee on Representation of the Poor, Crisis in the Legal Representation of the Poor: Recommendations for a Revised Plan to Implement Mandated Governmentally Funded Legal Representation of Persons Who Cannot Afford Counsel, at 12 (March 2001) (hereafter Crisis in Legal Representation of the Poor), accessible at http://www.courts.state.ny.us/press/old_keeplAD-rep-poor.shtml.

27 Id. at 14; see also Roger L. Green and William L. Parment, Legislative Report: Losing Our Children: An Examination of New York’s Foster Care System, New York State Assembly, Committee on Children and Families and Committee on Oversight, Analysis and Investigation (July 1999) (hereinafter Losing Our Children) (supporting funding for programs to provide "comprehensive representation" for parents including "legal assistance to help families with their housing, public assistance and domestic relations problems to alleviate any conditions which may have caused abuse or neglect.

28 Crisis In Legal Representation of the Poor, supra note 26, at 14.


30 Heather Appel, New Influx of Lawyers Coming to Family Court, City Limits, April 16, 2007, accessible at http://citylimits.org/2007/04/16/new-influx-of-lawyers-coming-to-family-court/; Testimony of John Feinblatt, New York City Criminal Justice Coordinator, before the City Council, City of New York, Committee on General Welfare (Hearing Transcript, January 11, 2007, at 13-14) (noting issuance of RFP by NYC and awards to legal services providers of contracts that require both legal and social services for parents), accessible at
York City has institutionalized an interdisciplinary model of family defense, including social workers, paralegals, investigators, experts and parent advocates working alongside parent attorneys.\textsuperscript{31} Currently, the Center for Family Representation, Inc., Brooklyn Defender Services, the Bronx Defenders, and the Neighborhood Defender Service of Harlem are the primary providers for the majority of state intervention cases in New York City.\textsuperscript{32}

Consistent with its statutory requirement to improve the quality of legally mandated public defense services throughout the state, the Office of Indigent Legal Services seeks to refine and evaluate the efficacy of the interdisciplinary law office approach to parent representation outside of New York City. As described below, this approach is complemented by an emphasis on timely access to counsel, starting with representation during CPS investigations and ensuring that parents have counsel at their first appearance in court. The project establishes reasonable caseload caps to ensure Model Office staff have the time necessary to provide high quality representation in accordance with prevailing standards and best practices.\textsuperscript{33}

A. \textbf{Interdisciplinary and Holistic Representation}

\textit{Interdisciplinary representation:} Child welfare cases are complex, involving multiple and intertwined legal and social issues. The stress experienced by parents and families entangled in the child welfare and family court systems is exacerbated by the highly compressed, federally mandated deadline by which a child welfare agency must initiate a termination of parental rights proceeding.\textsuperscript{34} Such multifaceted pressures demand a multifaceted approach.

This RFP therefore contemplates an interdisciplinary team approach in which a lawyer and social work staff work (social worker, parent advocate) help parents navigate the demands of the child welfare and court systems.\textsuperscript{35} The lawyer will provide expert legal advocacy, both in and out of


\textsuperscript{31} The City of New York Criminal Justice Coordinator's Office, \textit{Request for Proposals for Indigent Family Court Legal Services for Respondents in Article 10 Cases} (2007) (on file with ILS).


\textsuperscript{33} See \textit{DiFiore Commission Interim Report}, supra note 6 at 34-39 (recommending a caseload cap of no more than 50-60 pending clients for parental representation attorneys, and discussing problems associated with excessive caseloads, including inadequate representation; denial of parents' due process rights; and interference with "judges' ability to make fully informed, just decisions for families.")

\textsuperscript{34} With certain exceptions, child welfare agencies must initiate a termination of parental rights proceeding once a child has been in foster care for 15 of the previous 22 months. N.Y. Soc. Servs. Law §384-B(1)(i) (enacting provisions of the federal Adoption and Safe Families Act of 1997, 42 U.S.C. § 675(4)(E)).

court, and will guide the parent through negotiation and decision-making in relation to the complex laws and procedures governing the legal case. As described in the next section (Holistic Representation), the lawyer will also coordinate legal representation for the parent on related issues that may impact the family’s ability to maintain a child safely within his or her family.

The social worker will assess the strengths and needs of the parent and the family, provide case and crisis management, and work to access appropriate supports and resources to meet parent objectives. The parent advocate—a parent who has successfully navigated the child welfare system—will provide peer-to-peer support; accompany the parent to meetings; assist with interactions with system actors, as needed; and support the parent’s productive engagement with supportive programs.

**Holistic representation:** Allegations of child maltreatment are commonly precipitated by or intertwined with family circumstances and challenges related to other legal issues, including, for example, housing, paternity, child support, domestic violence, and divorce. Criminal justice involvement, poverty-related issues such as lack of access to childcare and medical services, and mental health or addiction challenges may impact a parent’s ability to safely keep or regain custody of a child. Likewise, immigration status may threaten the autonomy and integrity of families involved in the child welfare system.\(^{36}\) Thus, in addition to providing direct legal services in the state intervention case, the Model Office will be expected to provide or coordinate legal representation in collateral legal and administrative proceedings that may affect family unity.\(^{37}\)

On-going community engagement, including the development of a comprehensive understanding of community strengths, resources, needs, and challenges, is an essential component of holistic representation. Consequently, this RFP contemplates that Model Office staff will engage in community education, outreach, and collaboration with individuals and organizations, including other mandated legal representation and civil legal services providers, to identify and address systemic issues affecting families involved with or at risk of CPS involvement.

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\(^{37}\) See ILS Parental Representation Standards, supra note 3, Standard H (Breadth of Representation).
B. Timely Access to Counsel

The child welfare system's goal of keeping families together is best served when parents, children, and the child welfare agency are represented from the earliest stages of a CPS matter. Federal guidelines advise states to provide representation for all parties "very early in the State intervention process, but no later than the point at which legal proceedings are initiated."\(^{38}\)

Timely access by parents to legal representation promises many benefits. As noted by the DiFiore Commission, "Giving parents representation when it matters – before they appear in court – is consistent with principles of equal protection and due process; can prevent unnecessary and prolonged separation of children from their parents; and can mitigate the disruption and trauma that accompanies State intervention into the family. Timely access to counsel may also help reduce the disproportionate percentage of children of color in New York’s foster care system."\(^{39}\) Other benefits include timely and appropriate permanency decisions for children, and conservation of agency and judicial resources.\(^{40}\)

Currently, parents of limited means in New York do not receive public legal representation during CPS investigations. In fact, the DiFiore Commission found that they "sometimes are not provided with legal representation at critical stages when it is constitutionally promised – during court hearings at which a judge decides whether to remove a child into government custody or to continue an extrajudicial CPS removal that has already occurred."\(^{41}\) The lack of timely representation for parents often results in unnecessary separation of children from their families.\(^{42}\)

As a matter of course, the child welfare agency has legal representation from the inception of its investigation into a family. Children are also guaranteed timely legal representation in state intervention proceedings, as New York law requires appointment of an attorney for a child at the earliest occurrence of: the court receiving notice of an extra-judicial emergency removal; the filing of an application for a pre-petition order of removal; or the filing of a petition alleging abuse or neglect.\(^{43}\)


\(^{39}\) *DiFiore Commission Interim Report, supra* note 6, at 16.

\(^{40}\) United States Administration for Children and Families, *High Quality Legal Representation, supra* note 20, at 6-7.

\(^{41}\) *DiFiore Commission Interim Report, supra* note 6, at 17-18.

\(^{42}\) See, e.g., Yasmin Khan, "Family Separations in Our Midst," WNYC, April 17, 2019, accessible at [https://www.wnyc.org/story/child-removals-emergency-powers/](https://www.wnyc.org/story/child-removals-emergency-powers/) ("When the city removes a child without any court process ... the city bypasses protections afforded by due process, namely legal representation. Parents and children do not get access to an attorney until a case is filed in family court, unless they can afford to hire one.")

\(^{43}\) NY Family Court Act § 1016.
In contrast, a parent is typically advised of the right to a publicly-funded lawyer only when he or she “first appears in court.” As a result, many parents do not have legal representation until days, weeks, or sometimes months after having their children taken into state custody. As stressed many years ago in a highly influential New York State Senate committee report, “a number of highly significant events occur prior to the initial appearance and prior to the initial appointment of representation for the respondent. All of these events occur on an ex parte basis and many of the events are of a magnitude to shake the family structure of the respondent.”

As detailed below, this RFP therefore contemplates that Model Office staff will represent clients from the earliest point possible and continuously throughout the duration of the parent’s involvement with CPS.

**Investigation Representation.** Child welfare agencies are prohibited from forcibly taking children into custody without a court order unless there is an "imminent danger to the child’s life or health." Unfortunately, experience has shown that agencies too often wield their emergency removal power in situations where such drastic state action is unnecessary, and without first attempting to address the issues that brought the family to the agency’s attention. Access to

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44 Family Ct. Act § 262. "Parents must appear at court in order to have an attorney assigned. (Thus, for example, a parent who does not appear the day after a child is removed, and therefore is not provided with an attorney, is unlikely to learn that she has a right to demand a hearing to review the removal.)" Special Report on Family Court, supra note 29, at 46.


46 Id. at 131-132 (emphasis added). This Study led to the enactment in the 1990 legislative session of a consolidated bill package addressing child abuse and neglect proceedings in New York State family courts. These new laws "were the result of the committee’s federally funded 1988-89 study of 500 Family Court case histories. . . . Important elements of the package include authority for comprehensive law guardian representation of abuse children, thorough monitoring of implementation of Family Court orders, and clear standards for supervision of abused children and their families." 1990 Annual Report of the New York State Senate Standing Committee on Child Care, p. 2, accessible at https://www.ncjrs.gov/pdffiles1/Digitization/129495NCIRS.pdf. "The conclusions of the study were dramatic and sobering: children and their parents often are denied important due process protections in child abuse proceedings; child protective agencies charged with assisting and monitoring the conduct of abusive families cannot fully perform their duties, and, most important, family court orders in abuse and neglect proceedings are rarely monitored by the court. . . . Implementation of the new laws will mean that courts as well as the Child Protective systems will have an enhanced capacity to ensure that children are protected and that families receive needed services." Id. at 6-7.

47 Family Ct. Act § 1024(a).


49 See, e.g., Special Child Welfare Advisory Panel, Special Report on Family Court, supra note 29, at 47.
counsel during a CPS investigation provides parents a safeguard against unwarranted government interference in family autonomy.⁵⁰

Members of the New York State judiciary, the New York State Bar Association, and, most recently, the DiFiore Commission on Parental Legal Representation have recognized the need for state-financed representation for individuals during government investigations.⁵¹ Investigation representation not only helps avoid unnecessary child removals: it can save significant amounts of taxpayer money that would otherwise be spent on the most expensive child welfare intervention - foster care.⁵²

Thus, in accordance with prevailing standards and best practices, the Model Office will be expected to provide representation to parents during CPS investigations.⁵³ Clients needing assistance may be identified through walk-ins, an in-house Helpline, referrals from criminal defense or civil legal services providers, community-based organizations or service providers, arrangements with the Family Court and/or the child welfare agency, or other means of connecting with parents at risk of CPS intervention.⁵⁴ The local child welfare agency may appreciate the value of legal representation for parents during an investigation, and may agree to

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⁵⁰ See ACF Guidelines, supra note 38, at VII-8 ("A danger exists in child protection cases that personal rights of parents and children will be infringed in the well-intentioned zeal to help children and parents. Even before an attorney is appointed to represent the parents, government intervention in the family may have been initiated that has not been reviewed by any court or magistrate. The goals of the child protection system do not alter the need to recognize and respect the personal integrity and autonomy of parents. Protective State intentions do not justify any relaxation of legal safeguards or procedural protections for parents or children.")

⁵¹ See DiFiore Commission Interim Report, supra note 6 at 16-23 (Recommending that "parents be timely provided with relevant information about the right to counsel, and that parents be granted access to counsel during a child protective agency investigation and sufficiently in advance of the first court appearance."); First Judicial Department Committee, Crisis in Legal Representation of the Poor, supra note 26, at 14 ("While there may be difficult administrative issues for compensating assigned counsel for pre-arrest representation, an effort should be made, perhaps through a resource center or a referral mechanism, to make pre-arrest representation generally available to indigent persons."); Committee to Ensure the Quality of Mandated Representation, 2013 Revised Standards for Providing Mandated Representation, New York State Bar Association, Standard B ("Effective representation should be available for every eligible person whenever counsel is requested during government investigation or when the individual is in custody. Provision of counsel shall not be delayed while a person’s eligibility for mandated representation is being determined or verified.").

⁵² See, e.g., Vivek Sankaren, Using Preventive Legal Advocacy to Keep Children from Entering Foster Care, 40 Wm. Mitchell L. Rev. 1036 (2014), accessible at http://repository.law.umich.edu/cgi/viewcontent.cgi?article=1946&context=articles.


⁵⁴ Indicators of Success, supra note 18, at 9-10 ("In some jurisdictions attorney referral might be based on cases deemed "high risk" but where safety is currently controlled. This may be based on agency safety/risk assessment tools. Cases may also be assigned to attorneys when particular risk categories are established where a parents' attorney may be helpful in preventing removal by dealing with legal issues that might impact the parent's ability to keep children at home, for example, legal assistance for special education, housing, or relative custody.")
refer parents in need of such representation to the Model Office. However, interested applicants are not required to secure any promises or cooperation agreement from CPS to be awarded this grant.

As previously mentioned, any number of circumstances or conditions may affect a parent’s ability to maintain a child safely in the home (e.g., homelessness, inadequate or unsafe housing conditions, domestic violence, addiction or mental health challenges, etc.), and some populations may be particularly vulnerable to CPS intervention (for example, mothers of newborns who test positive for drugs). In all cases, the goal of investigation representation by the Model Office will be to prevent unnecessary removals and to assist the parent to obtain necessary and appropriate services that will keep the family together safely.

Model Office staff will advise and counsel parents about the exercise of their rights during a CPS investigation and provide or coordinate legal representation on matters affecting the child’s safety and the family’s stability. The staff may provide other types of assistance, as appropriate, including: preparing the parent for and/or accompanying the parent at CPS interviews and meetings; advising and counseling the parent regarding voluntary placement of the child with relatives or other suitable caretakers; and advocating for reasonable and realistic service plans.

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55 For example, through a collaboration with the Wayne County, Michigan Department of Human Services and the Juvenile Court, between July 2009 and June 2012, the Detroit Center for Family Advocacy (CFA) represented parents in “preventive cases,” the goal of which was to “eliminate legal barriers that would allow a child to safely remain within the family, thereby diverting foster care placement.” Nearly 90 percent of CFA’s referrals for preventive cases came directly from the Michigan Department of Human Services, and CFA achieved its legal objectives in 98.2 percent of cases. None of the children whose parents were represented by CFA entered foster care. Detroit Center for Family Advocacy, Promoting Safe and Stable Families, accessible at https://artscimedia.case.edu/wp-content/uploads/sites/35/2014/02/14194055/CFAReport.pdf. Another example of collaboration between a local CPS agency and parental representation provider is the Family Preservation Project of the Neighborhood Legal Services Program, Washington, D.C., which was established with a grant from the District of Columbia Child and Family Services Agency (CFSA). The program provides “critical legal advocacy to low-income families at risk of entering the abuse and neglect system and potentially having a child removed from the home.” Family Preservation Project of the Neighborhood Legal Services Program, Washington, D.C. (April 10, 2014), http://www.nlsp.org/resource-center/news/family-preservation-project. See “NLSP Announces Family Preservation Project,” April 10, 2014, accessible at http://www.nlsp.org/resource-center/news/family-preservation-project.


58 See ILS Parental Representation Standards, supra note 3, Standard 1 (Representation prior to court intervention).

Court Action Representation: Access by an accused parent to meaningful legal representation in advance of the first court appearance is crucial to effective representation. At the hearing after a child has been involuntarily removed from his or her family, a judge must decide the critical question of whether, based on evidence presented, there is an "imminent risk" to a child's life or health to justify the removal. This hearing is a "critical stage" of state intervention litigation. Model Office staff will therefore be expected to meet with clients sufficiently in advance of such hearings, and actively participate in the hearings as necessary to protect the parent's interests and advance the parent's goals.

To ensure timely access to counsel for parents, Model Office representation of clients will begin as soon as possible. Because a poor person's right to counsel in Family Court matters is not contingent upon a judge's order of appointment, Model Office staff will represent a client upon its own determination that the person is financially eligible for representation.

In sum, to ensure that parents' rights and interests are protected, and that the attorney has the best opportunity to provide meaningful and effective assistance of counsel, this RFP contemplates that the Model Office will determine and refine mechanisms to ensure that parents have access to counsel from the earliest stages of a state intervention case, including during a CPS investigation; upon notice to the Family Court of an imminent or actual extra-judicial removal of a child by the agency; upon the filing of an application by the agency requesting an order of removal; and, at the very latest, upon the filing with the court of a petition alleging abuse or neglect.

60 United States Administration for Children and Families, High Quality Legal Representation, supra note 20, at 6-7.

61 ACF Guidelines, supra note 38, at 101.

62 ILS Parental Representation Standards, supra note 3, Standard K (Preliminary Court Proceedings).

63 In recognition of the need for timely access to counsel for child-welfare involved parents, the DiFiore Commission Interim Report recommends "that standards for determining eligibility in Family Court matters include a rebuttable presumption of eligibility for counsel for all parents involved in child welfare proceedings, whether a petition has been filed, or the parents are being investigated by CPS and a petition has not yet been filed." DiFiore Commission Interim Report, supra note 6 at 32. See also ILS Parental Representation Standards, Standard 5 (requiring attorneys and programs to provide representation "for every eligible person at the earliest possible time and begin advocating for every client without delay, including while client eligibility is being determined or verified."); New York State Bar Association Revised Standards for Providing Mandated Representation (2015), Standard B (Early Entry of Representation) ("Systematic procedures shall be implemented to ensure that prompt mandated representation is available to all eligible persons, particularly those held in detention facilities and where a child has been removed by a governmental agency from the person's home."). See also People v. Rankin, 998 N.Y.S.2d 573, 802 (County Court, Monroe County, 2014) ("New York State Bar Association Revised Standards for Providing Mandated Representation], applicable to all attorneys tasked with representing indigent individuals, demonstrate, objectively, that effective representation for indigent individuals entails representation without delay pending the judge's eligibility determination . . . there is no scenario under which indigent individuals would not be afforded an impaired quality of representation where the Public Defender's function as counsel is effectively disabled pending receipt of a judge's order of appointment.")

64 ILS Parental Representation Standards, supra note 3, Standard I-5 (Assignment as soon as possible); see also ACF Guidelines, supra note 38, at 107-109.
C. Reasonable Attorney Caseloads

Noting that its “vision for transforming parental representation in New York cannot be accomplished without sound caseload standards,” the DiFiore Commission pointed out in its February 2019 Interim Report that “[u]manageable caseloads often prevent attorneys from carrying out even basis lawyering tasks, with negative effects on the attorney-client relationship, judicial case management and decisions-making, and outcomes for children.”65

Caseload limits are essential to enable attorneys to comply with their full ethical responsibilities. State intervention matters are complicated and labor intensive. Contributing factors include multiple, sometimes geographically dispersed parties; multiple attorneys; expert witnesses; complex substantive law; procedural complexity; and extensive discovery. They generally require more court appearances; interim appeals may be necessary in some matters; and very often other proceedings such as custody, guardianship, family offense or paternity proceedings may be initiated during the pendency of the case, further complicating the representation. Because significant social supports and related legal issues often must be addressed, effective parental representation demands active in-court and out-of-court advocacy, and regular communication with the client, family members, and other professionals.

This RFP therefore contemplates an office average of no more than 50 clients per attorney at any given time.66 This flexible range reflects an understanding that the workload of individual attorneys will vary depending on such things as the attorney’s experience and expertise; differences among the types, complexity, and duration of cases comprising the workload of the office; and the number of active cases in the office. Other factors may also affect workloads, such as the level of activity required at different phases of a case; the availability of multidisciplinary professionals; representation of clients on collateral issues; and engagement in community and professional activities.67 As such, the grantee of this RFP will establish protocols to ensure that the average Model Office caseload does not exceed 50 clients per attorney at any given time.

65 DiFiore Commission Interim Report, supra note 6 at 35; see also United States Administration for Children and Families, High Quality Legal Representation, supra note 20, at 8-10; New York State Office of Indigent Legal Services, Standards and Criteria for the Provision of Mandated Representation in Cases Involving a Conflict of Interest, Standard 2 (“Counties must ensure ... that attorneys and programs providing mandated legal services ... [m]aintain ... manageable workloads that ensure the capacity to provide quality representation.”); American Bar Association, Ten Principles of a Public Defense Delivery System, Principle Five (2002)(“Defense counsel’s workload is controlled to permit the rendering of quality representation.”); and the New York State Bar Association’s Committee to Ensure Quality of Mandated Representation, Revised Standards for Providing Mandated Representation (2015), Standard G-1 (“To permit counsel to satisfy their ethical obligations to their clients, every institutional provider of mandated representation and every assigned counsel plan shall establish workload limits for individual attorneys.”), accessible at http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=44644.

66 See ILS Parental Representation Standards, supra note 3, Standard D (Resources).

Section II: Project Description – What is this RFP seeking to achieve?

The superior effectiveness of client-centered, interdisciplinary, and holistic parental representation has been amply demonstrated in New York City and elsewhere. The New York State Unified Court System’s Commission on Parental Legal Representation, convened by Chief Judge Janet DiFiore, wholeheartedly endorses statewide implementation of this model. This demonstration project, with implementation of the approach by the state for the first time in a county outside of New York City, will allow for assessment of its potential for replication and sustainability statewide, as recommended by the DiFiore Commission on Parental Legal Representation. This RFP therefore solicits proposals for interdisciplinary law office parental representation throughout all phases of a CPS matter.

The grantee will consult with ILS staff regarding hiring, assessment of the need for technical assistance, and identification of providers for consultations, trainings and/or workshops about special issues such as interdisciplinary team dynamics, investigation representation, parent engagement, community outreach, and reunification advocacy, as well as administrative, operational, informational systems, and/or fiscal management.

Proposals must be developed in consultation with representatives of each County Law Article 18-B Family Court mandated representation provider in the applicant’s county, including the person with administrative responsibility for overseeing the county’s Assigned Counsel Plan.

No county may submit more than one proposal.

Proposals that rely on statutory changes for their implementation will not be funded.

Proposed projects must comply with New York County Law 18-B, Section 722.

Section III: Funding and Contract Period

The total available funds for award are $2,610,417 ($870,139 per year for each of three years). Not more than one award will be made by the Office. The selected applicant is not guaranteed the entire amount requested.

The grant will be issued for a period of three years. The Office reserves the right to reduce the award amount of any application based on reasons that include but are not limited to: cost effectiveness and reasonableness of proposed budget, demonstrated need, or inconsistent appropriation levels.

Section IV: Who is Eligible to Apply for this Request for Proposals

Only New York State counties, other than counties within New York City, are eligible to apply. Proposals must be submitted by an authorized county official or designated employee of the governing body of the applicant county. There is no funding match or any other cost to the county to participate in this project.
Section V: Instructions for Completing this Request for Proposals

The RFP is available online at [www.ils.ny.gov](http://www.ils.ny.gov) (hit: Ctrl + (right) Click to follow link or copy and paste link into your web browser). Requests for the RFP may be made by e-mail to [RFP@ils.ny.gov](mailto:RFP@ils.ny.gov) (hit: Ctrl + (right) Click to follow link in Outlook) or by telephone at (518) 486-9713 or (518) 486-2028.

No responses will be provided to inquiries made by telephone other than to request a copy of this RFP.

**RFP Questions and Updates**

Questions or requests for clarification regarding the RFP should be submitted via email, citing the RFP page and section, by Friday, June 7, 2019 to [OA@ils.ny.gov](mailto:OA@ils.ny.gov) (hit: Ctrl + (right) Click to follow link in Outlook).

No responses will be provided to inquiries made by telephone other than to request a copy of this RFP.

Questions will not be accepted orally.

Questions received after the deadline may not be answered.

When corresponding by e-mail, clearly indicate the subject as: “Upstate Model Family Representation Office RFP”. The name of the party submitting the question will not be posted.

Questions and answers will be posted on the “Questions Posted By” date as stated on the cover of this RFP (Friday, June 21, 2019) at the following URL webpage address: [https://www.ils.ny.gov/content/family-court-representation](https://www.ils.ny.gov/content/family-court-representation) (hit: Ctrl + (right) Click to follow link or copy and paste link into your web browser).

**Instructions for Completing this Request for Proposals**

Application Submission (*mail, email, or hand delivery*)

All submissions must contain the complete application.

All applications must be received by Friday, July 19, 2019 by 5:00 p.m. Eastern Standard Time (EST). Late applications will not be considered.

If submitting an application by mail or hand delivery, this RFP requires the submission of one (1) original, and four (4) copies (for a total of five).
Applications must be delivered to:

By mail: Jennifer Colvin, Grants Manager
Office of Indigent Legal Services
Alfred E. Smith Bldg., 11th Floor
80 South Swan Street
Albany, NY 12210

Hand delivery: Please call the Office of Indigent Legal Services in advance to arrange for building security clearance (518-486-2028 or 518-486-9713).

Office of Indigent Legal Services
Alfred E. Smith Building (directly behind the State Capitol Building)
11th Floor, Suite 1147
80 South Swan Street
Albany, NY 12210

Electronic applications: Electronic applications will be accepted.

Electronically submitted proposal applications must be submitted to RFP@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook). All required documents or attachments must be included in the electronic submission.

Indicate in the Subject area of the electronic transmission that the submission is for the “Upstate Model Family Representation Office Grant”.

After you submit your application at RFP@ils.ny.gov (hit: Ctrl + (right) Click to follow link in Outlook), you will receive an e-mail confirming receipt of the application. If you do not receive an e-mail confirming receipt, contact Jennifer Colvin at (518) 486-9713.

Application Format:

The following components must be included in the application for the submission to be complete:

1. Project Summary (not more than two (2) pages in length)
2. Proposal Narrative (not more than twenty-five (25) pages in length)
3. Budget and Justification (See Attachment A of this RFP)

Applications must be received by Friday, July 19, 2019 by 5:00 p.m. Eastern Standard (EST). Late applications will not be considered.

Only complete applications will be reviewed and evaluated.
Section VI: Proposal Application

A. PROJECT SUMMARY (not scored): Provide a summary of your proposal which includes the information listed below. To ensure uniformity, please limit the length of this summary to no more than two (2) double-spaced pages, with margins of 1 inch on all sides, using no less than a 12-point font.

1. Identify the requesting county.
2. Identify the authorized county official or designated employee of the applicant county's governing body to whom notification of a grant award shall be sent. Please include contact information; name, title, phone number, address, and email address.
3. Fiscal intermediary name and address (identify the department and/or individual responsible for fiscal reporting for this project).
4. Name of contact person, telephone, fax, and email for the lead county representative who will be responsible for overseeing the administration of the grant and its reporting requirements.
5. Amount of funding requested.
6. A concise summary describing the proposed project (i.e. goal(s), objectives, overall approach, significant partnerships, anticipated outcomes, etc.).
7. A description of the extent to which the leader of each provider of Family Court representation under Article 18B of the County Law was consulted in developing the proposal, and the methods used for consulting with each (e.g., telephone, email, etc.).
8. A description of the extent to which other stakeholders (e.g., Family Court, local department of social services, civil legal services providers, etc.) were involved in developing the proposal.
9. Describe the nature of any commitment by other agencies, entities, or organizations to cooperate in the implementation of this project. Provide documentation of any such commitment, if available.

B. PROPOSAL NARRATIVE (200 total points)

Provide a clear, concise narrative addressing the following questions. Answer all questions in the order in which they are presented. Please do not submit any information not specifically requested. Please limit the length to no more than 25 (twenty-five) double-spaced pages, with margins of 1 inch on all sides, using no less than a 12-point font.

I. PLAN OF ACTION (160 points)

Organizational Infrastructure, Personnel and Start-up Activities (28 points)

1. State the name and provide a description of the entity that will be responsible for providing the services described in this RFP (the “proposed provider”). (2 points)

2. State the location of the daily operations of the project and how these operations will be supported and supervised. If a site for the project is not yet secured, specifically
address how space for the project will be secured prior to the contract start date. (2 points)

3. If the proposed provider is an existing entity, explain how the activities and services described in this RFP will fit into the proposed provider's present organizational infrastructure. (2 points)

4. Describe: (a) the personnel needed to perform the activities and provide the services described in this RFP, (b) the minimum qualifications that will be required for each position, and (c) the process that will be used to recruit and hire qualified staff. (10 points)

5. (a) List the essential start-up tasks necessary to implement the proposed provider's plan of action and (b) provide a timetable listing the start and end dates for each activity associated with the proposed program start-up. (10 points)

6. Identify any resources necessary for start-up that are not currently in place and describe the steps that will be taken to resolve these matters. (2 points)

Applicant Capability (15 points)

7. Attach at least three (3) letters of support for the proposed provider from several references (e.g., judges, other family court mandated representation providers [i.e., public defender/legal aid society, 18-B attorney], civil legal services attorney, DSS attorney or Attorney for the Child, service providers, community-based organizations, etc.). Letters must include: (a) the name of the reference entity, (b) a brief statement describing the relationship between the proposed provider and the reference entity, (c) the reasons the reference entity supports the proposed provider's involvement in this project, and (d) the name, title, and telephone number of a contact person for the reference entity. (3 points)

8. Describe how the proposed provider will ensure that all staff members will possess the requisite knowledge, experience and/or training necessary to fulfill the goals and provide the services described in this RFP with respect to: (a) New York State family court practice; (b) client-centered, multidisciplinary, holistic, parental defense in state intervention cases; and (c) related family, civil, criminal and administrative matters. (3 points)

9. Describe how the grantee will consult with ILS staff regarding hiring, assessment of the need for technical assistance, and identification of providers for consultations, trainings and/or workshops about special issues such as multidisciplinary team dynamics, investigation representation, parent engagement, community outreach, and reunification advocacy, as well as administrative, operational, informational systems and/or fiscal management. (3 points)

10. Explain how the need for training and technical assistance for staff of the proposed provider will be assessed, and how providers of such training and technical assistance will be identified and secured. (3 points)
11. Describe the steps that will be taken by the proposed provider, including any in-house expertise and/or collaboration with other entities, to ensure the availability of legal representation for parents in collateral matters that may affect clients' state intervention case (e.g., criminal defense, housing, education, public benefits, etc.). (3 points)

*Client Screening and Intake: CPS Investigation (15 points)*

12. Describe the anticipated or target client population for CPS investigation representation, including any specific or unique characteristics or needs of this population, and how these characteristics and/or needs will be addressed by the Model Office. (3 points)

13. Describe the criteria and procedures that will be used to select CPS investigation clients. (3 points)

14. (a) Describe how potential CPS investigation clients will be identified (e.g., in-house telephone helpline; walk-ins; informal referrals from criminal defense or civil legal services providers; community-based organizations or service providers; formal or informal arrangements with Family Court and/or the child welfare agency; or other means of connecting with parents who are at risk of or under investigation by CPS), and (b) if available, attach any Memoranda of Understanding, letters of commitment or other such documentation from cooperating entities, agencies or organizations regarding their intent to refer potential pre-petition clients to the proposed provider. (4 points)

15. Describe the services that will be provided to clients during CPS investigation representation. (5 points)

*Client Screening and Intake: Court Proceedings (12 points)*

16. Describe the anticipated or target client population for court intervention representation, including any unique characteristics or needs of this population, and how these characteristics and/or needs will be addressed by the Model Office. (3 points)

17. (a) Describe the criteria and procedures by which appointment to represent clients at the court intervention stage will be secured, and (b) include a description of how the proposed provider will ensure notification by the Family Court of the appointment as early as possible before the initial appearance by a client. (4 points)

18. Describe the services that will be provided to clients during the litigation. (5 points)

*Stakeholder Collaboration and Community Engagement (10 points)*

18. Describe how relationships with agencies and entities involved in various aspects of the child welfare system (such as courts, CPS, law enforcement, social services and
foster care providers, department of education, etc.) will be built upon or developed to support the work of the Model Office. (5 points)

19. Describe the community outreach and education that will be conducted by the Model Office, and what activities the proposed provider will engage in with organizations and individuals, including other mandated legal representation and civil legal services providers, to support families who are involved, or are at risk of involvement, with CPS. (5 points)

Model of Representation (35 points)

20. Interdisciplinary Team Model: Describe how the multidisciplinary team model described in this RFP will be implemented, including a description of the roles and working relationships among attorney, social work, and parent advocate staff, and how the need for social work and parent advocate staffing will be assessed in each case. (10 points)

21. Holistic Representation: Describe how the proposed provider will ensure that it has the institutional capacity and flexibility to provide or coordinate legal representation in collateral legal and administrative proceedings that may impact the client’s state intervention case, such as criminal, housing, health insurance, immigration, child support, public benefits, education, mental health, and state central registry fair hearings. (5 points)

22. Vertical Representation: Describe how the proposed provider will ensure continuous, vertical representation for clients by the same interdisciplinary team through all phases of each case. (4 points)

23. Appellate Representation: Describe how the proposed provider will provide or collaborate with other entities to secure appellate representation, including interlocutory appeals, filing notices of appeal, preparing the record on appeal, and briefing and arguing cases. (5 points)

24. Supportive Services: Describe the criteria and procedures by which the proposed provider will, in any given case, assess the need and provide for supportive services, for example, investigator or expert services. (3 points)

25. Cultural and Language Sensitivity: Describe how issues of cultural sensitivity and the unique needs of sign language, non-English speaking, and immigrant clients will be addressed. (3 points)

26. Supervision, Training and Oversight: Describe the supervision, training and oversight procedures that will be used to ensure that all staff adhere to relevant standards, best practices, and rules of ethics and professional responsibility. (5 points)
**Caseload and Workload Management (15 points)**

27. (a) Estimate the number of prepetition, CPS investigatory clients that will be accepted in each grant year, and (b) Explain how you arrived at the estimated number of prepetition, CPS investigatory clients that will be accepted in each grant year. (2 points)

28. (a) Estimate the number of court intervention clients that will be accepted in each grant year, and (b) Explain how you arrived at the estimated number of court intervention clients that will be accepted in each grant year. (2 points)

29. Describe the manner in which legal and non-legal staff will be deployed to handle the estimated caseload, including, but not limited to: (a) How resources will be allocated to assure compliance with the office average of not more than 50 clients per attorney at any given time set out in Section I.C., herein; (b) How the ratio of supervising attorneys to attorney staff will be structured to ensure necessary supervision; and (c) How the ratio of attorneys to social work, parent advocate, investigatory, and paralegal staff will be structured to ensure high quality representation. (6 points)

30. (a) Describe how the average office caseload will be monitored on a continuing basis to ensure that it does not exceed the office average of not more than 50 clients per attorney at any given time as set out in Section I.C., herein, and (b) Describe the procedures and safeguards that will be established to immediately remedy any noncompliance with those limits. (5 points)

**Plan Objectives (15 points)**

31. Describe how the project will improve the quality of representation for state intervention clients, including how it will achieve greater compliance with the ILS' Standards for Parental Representation in State Intervention Matters (https://www.ils.ny.gov/files/ParentalRepresentationStandards). (15 points)

**C. Data Collection, Performance Measurement, and Evaluation (15 points)**

This section discusses how the impact of the project will be measured and evaluated. (The type of data to be collected and reported to this Office on an annual basis is set out under Question 5, below.)

1. Describe the proposed provider's present state of data collection, including the nature of any "baseline" case and client information. (2 points)

2. Describe the proposed provider's existing or contemplated database and/or system for tracking client information, caseloads, non-legal staff assignments, client contacts, attorney appearances, and case outcomes. (2 points)

3. Describe the proposed process for collecting and analyzing feedback from relevant stakeholders (e.g., clients, the courts, the child welfare agency, service providers, community-based organizations, civil legal services organizations, etc.)
about the project’s services and activities, and how the feedback will be used to identify, inform, and make necessary operational adjustments and modifications. (4 points)

4. Describe any changes to the proposer’s current infrastructure that will be needed to track the required data described in Question 5, below, and how these changes will be accomplished. (2 points)

5. Describe how the data described below (“Data Collection”) will be collected and recorded in ways that are valid, accurate, and reliable. Explain who will be responsible for gathering and recording the requested data. (5 points)

**Data Collection** - The grantee of this RFP will be expected to provide both quantitative and qualitative data to ILS demonstrating the impact of its work on the quality of representation provided and on resulting outcomes. The grantees will annually report to ILS the following data:

1. **Aggregated demographic information on each client’s:**
   
   - Race
   - Ethnicity
   - Age
   - Immigration status
   - Relation to child(ren)

2. **Investigation Representation**
   
   a. The total number of new CPS investigatory cases opened during the contract period, broken down into:
      
      i. Those in which a child protective petition was subsequently filed.
      ii. Those in which no child protective petition was subsequently filed.

3. **Court Intervention Representation**
   
   a. The total number of new court intervention cases opened during the contract period broken down by number of petitions in each of the following categories:
      
      i. Abuse
      ii. Neglect
      iii. Permanency
      iv. Termination of parental rights
      v. Other case types (specify)

   b. Within the court intervention caseload, number of cases in which a child was:
i. Not removed
ii. Removed pursuant to Fam. Ct. Act § 1021 (temporary removal with consent of parent)
iii. Removed pursuant to Fam. Ct. Act § 1022 (nonconsensual removal upon court order)
iv. Removal pursuant to Fam. Ct. Act § 1024 (emergency removal without court order)
v. Other (specify)

c. The number of Family Court Act § 1027 hearings conducted during the contract period, broken down by number of hearings resulting in:

i. Child remained at home (no out-of-home placement)
ii. Child placed with relative or suitable person
iii. Child placed in non-relative foster care
iv. Child placed with authorized agency
v. Other (specify)

d. The number of Family Court Act § 1028 hearings conducted during the contract period broken down whether the child was:

i. returned home
ii. continued in out-of-home care
iii. Other (specify)

e. In removal cases, the number of cases in which reunification with the client occurs within: (a) 6 months and (b) within 1 year of removal.

f. In cases in which the child was not removed, or was returned to the client after removal, the number of cases in which the child was subsequently placed in out-of-home care during the contract period (i.e., re-entry into foster care).

4. Caseload and Workload

a. The number of new CPS investigation representation cases assigned to each attorney during the contract period.

b. The number of new state intervention court cases assigned to each attorney during the contract period.

c. The number of collateral legal cases assigned to each attorney during the contract period (i.e., related family court cases such as family offense, custody, visitation, paternity, etc. and other related matters, e.g., other civil, criminal, or administrative matters).

d. The average number of open state intervention cases per attorney at the end of the contract period.

e. The average number of open collateral legal cases per attorney at the end of the contract period.
f. The number of new clients assigned to each social worker, and to each parent advocate during the contract period.
g. The average number of clients assigned to each social worker and to each parent advocate at the end of the contract period.

5. Case Outcomes

a. Outcome of abuse petitions by disposition, i.e.:
   i. dismissed before trial
   ii. settled before trial
   iii. allegations established after trial
   iv. allegations established by admission
   v. allegations established by consent
   vi. allegations not established
   vii. Other (specify)

b. Outcome of neglect petitions by disposition, i.e.:
   i. dismissed before trial
   ii. settled before trial
   iii. allegations established after trial
   iv. allegations established by admission
   v. allegations established by consent
   vi. allegations not established after fact-finding
   vii. Other (specify)

c. Outcome of termination of parental rights petitions, i.e.:
   i. Petition dismissed before fact-finding
   ii. Petition dismissed after fact-finding (allegations not established)
   iii. Petition granted (allegations established, parental rights terminated)
   iv. Suspended judgment
   v. Other (specify)

6. Interdisciplinary and Holistic Representation

a. The number of cases in which a support staff was assigned, broken down by type of staff (e.g., social worker, parent advocate, investigator, expert, etc.).
b. The number and nature of any stays, interlocutory/interim appeals and outcomes of each.
c. The number and nature of direct appeals, and outcomes of each.
d. The number and nature of any legal representation provided or obtained with respect to matters collateral to the state intervention case, and a brief narrative describing the impact of such representation on the related state-intervention case.
The number and nature of any non-legal assistance obtained for clients as a result of Model Office staff advocacy (e.g., mental health, employment, child care, etc.

II. Budget and Cost (40 points)

Grant applications will be evaluated and rated on efficient use of funds and overall cost-effectiveness, which includes budget plans that are consistent with the proposed action plan, administrative costs, justification for each requested budget line and cost benefit. Complete the attached Budget Form and return with the proposal, being sure to address the following:

1. **Budget:** Provide a detailed, annualized three-year budget containing reasonable and necessary costs. The budget for the proposed project must be consistent with the terms of the RFP and provide a justification for all expenses. (15 points)

2. **Subcontracting:** Describe whether the proposed budget will include subcontracting with another service provider to complete the terms described in this RFP and, if so, provide a brief description of the purpose of the subcontract. (5 points)

3. **Budget Justification:** Include a narrative for each budget line justifying the budget request and relating the requested line budget amount to the plan of action and expected results. The narrative should be mathematically sound and correspond with the expenditure budget line information and figures provided in the Budget Form. (15 points)

4. The Budget Justification must also describe how the county will monitor expenditures during the life of the grant to ensure that the project stays within the budget. (5 points)

**Complete the attached Budget Form and return with the proposal.**

Section VII: Review and Selection Process

The Office will conduct a two-level review process for all submitted proposals:

- The first level entails a Pass/Fail review, conducted by Office staff, of the submitted proposals to ensure that the application is responsive to the conditions set forth in the RFP. The Office will reject any applications that do not clearly and specifically address the purposes of this funding opportunity and/or fail to meet any of the following criteria:

1. The RFP was submitted within the designated time frames;
2. The RFP was submitted consistent with the format requested by the Office;
3. The applicant is an eligible entity as specified within the RFP;
4. The proposal purpose is for that intended by the RFP;
5. The proposal included a budget submission.

- The second level consists of a scored comprehensive proposal review that involves a thorough review of the submitted proposal specifically related to the project work plan,
performance measurement and evaluation, organizational capability, overall strength of plan, and the budget and corresponding budget narrative. The proposal review and rating will be conducted using the criteria stated in this Funding Announcement. The Office will typically use staff, and others with expertise in the RFP topic area, to comprise the proposal review team. Each reviewer will assign a score up to a maximum of 200 points to each application; individual scores will be averaged to determine the applicant’s score. Applicants’ scores will be ranked order. The Office reserves the right to conduct follow-up discussions with applicants to clarify information in the submitted proposal. In addition, in the event there are any remaining funds after making awards in accordance with the Review and Selection Process, the Office reserves the right to allocate the grant funds in a manner that best suits program needs as determined by the Office. Such a plan will be subject to review and approval by the Office of the State Comptroller.

Awarding Grants

Contract Development Process
It is anticipated that applications will be reviewed and that successful applicants will be notified of funding decisions on or about September 2019. All commitments are subject to the availability of state funds. The proposal review team will recommend to the Office the highest ranked proposal that fully meet the terms of the RFP. The final total applicant score will be the cumulative total of the second level review.

The contract process and final contracts are subject to the approval of the State Attorney General and the Office of State Comptroller (OSC). Upon such approvals, the grant process will begin, and all terms of the contract become public information.

As part of the grant award process, the grantee and the Office will establish a mutually agreed upon final budget and work plan, which become the contract deliverables.

As part of the contract with the Office, grantees will be required to submit annual progress reports to the office. These reports should include narrative descriptions of successes achieved, obstacles encountered during implementation, and efforts to overcome these obstacles. Additionally, applicants should anticipate that data collected by the program in accordance with the requirements of section B of the proposal will be required to be reported in aggregate form to the office as a means of understanding the impact of the program, its successes, and the challenges that remain. ILS staff will be available to assist grant recipients with how to best collect these data in ways that are convenient to the program’s capabilities, clearly assess the goals of the project, and assure the collection of information that is of the highest possible quality. The Office may suggest the use of a specific data collection protocol, or work with programs to employ existing, in-house case tracking software to produce data.

The Office reserves the right to:

- Negotiate with applicants, prior to award, regarding work plans, budget line levels, and other issues raised within the RFP review to achieve maximum impact from the grant award, and serve the best interests of New York State and ensure that budgets are consistent with proposed action plans; and
➢ If unable to negotiate the contract with the selected applicants within 60 days, the Office may begin contract negotiations with the next highest scoring qualified applicant(s).

Payment
Each county will be reimbursed for expenses incurred pursuant to grant related activities including salary, benefits, travel, and related expenses. No payments will be made until the contract is fully executed and approved by the State Attorney General and the State Comptroller.

Funding Requirements

Indigent Legal Services funds distributed by the Office of Indigent Legal Services are intended to supplement county resources for supplying indigent defense services and to ensure proper legal representation for indigent defendants pursuant to Article 18-B of the County Law.

Supplanting is prohibited: Any funds awarded to a county pursuant to this RFP shall be used to supplement and not supplant any local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, or state funds, including any funds distributed by the Office of Indigent Legal Services, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to Article 18-B of the County Law.

The issuance of this request for proposals does not obligate the Office of Indigent Legal Services to award grants.
Budget Form

<table>
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<tr>
<th>Line Item</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
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<tr>
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<tr>
<td>Position (specify)</td>
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<td>Salary:</td>
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<td><strong>Equipment (specify)</strong></td>
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<td><strong>Equipment Subtotal</strong></td>
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<td><strong>Other Than Personal Service (OTPS)</strong> (specify)</td>
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<td><strong>TOTAL</strong></td>
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<tr>
<td><strong>TOTAL THREE-YEAR BUDGET</strong></td>
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</table>
June 5, 2019

Honorable Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

Re: Gun Involved Violence Elimination (GIVE) Grant Renewal

Dear Chairman Joyce:

Enclosed is a request for Legislative Action for permission to renew The Probation Department’s contract with the New York State Division of Criminal Justice Services (DCJS) regarding Gun Involved Violence Elimination (GIVE). This year we have been awarded additional money for overtime, personnel and GPS monitoring fees. This represents an increase of $53,635. For a total award of $137,005. This is a partnership with the Albany County District, and the Albany Police.

It is respectfully requested this be considered. If you have any questions or need additional information, please do not hesitate to contact me directly at (518) 487-5194.

Sincerely,

William Connors
Probation Director

WC/km
Enc.

cc: Honorable Dennis Feeney, Majority Leader
    Honorable Frank Mauriello, Minority Leader
    Kevin Cannizzaro, Esq., Majority Counsel
    Arnis Zilgme, Esq., Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Renew GIVE Grant Contract with DCJS

Date: June 4, 2019
Submitted By: William Connors
Department: Probation
Title: Director
Phone: 518-487-5194
Department Rep.: William Connors
Attending Meeting: William Connors

Purpose of Request:
☐ Adopting of Local Law
☐ Amendment of Prior Legislation
☐ Approval/Adoption of Plan/Procedure
☐ Bond Approval
☒ Budget Amendment
☐ Contract Authorization
☐ Countywide Services
☐ Environmental Impact/SEQR
☐ Home Rule Request
☐ Property Conveyance
☐ Other: (state if not listed) Click or tap here to enter text.

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):
☐ Contractual
☐ Equipment
☐ Fringe
☐ Personnel
☐ Personnel Non-Individual
File #: TMP-0957, Version: 1

Revenue

Increase Account-Line No.: A3140.03334
Source of Funds: NYS DCIS
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant

Choose an item.
Submission Date Deadline 7/1/2019.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party
New York State Division Of criminal Justices Services
80 South Swan Street
Albany, NY 12110

Additional Parties (Names(addresses)):
Click or tap here to enter text.

Amount/Raise Schedule/Fee:
137,005.
Scope of Services:
The Probation Department is a partner with the Albany County District Attorney Office and the Albany Police to reduce gun violence in the Albany County by participating in the GUN Violence Elimination GIVE grant. This represents an increase of 53,635, from last year’s award.

Bond Res. No.:
Click or tap here to enter text.
Date of Adoption:
Click or tap here to enter text.

CONCERNING ALL REQUESTS

Mandated Program/Service:
Yes ☐ No ☒
If Mandated Cite Authority:
Click or tap here to enter text.

Is there a Fiscal Impact:
Yes ☒ No ☐
Anticipated in Current Budget: Yes ☐ No ☒

**County Budget Accounts:**
- **Revenue Account and Line:** A3140.03334
  - 137,005 total. Increase from 83,370.
- **Appropriation Account and Line:** A3140.19900 Overtime
  - Increase 5,000.
- **Appropriation Account and Line:** A3140.19954 Grant Assignment Pay
  - Increase 36,635.
- **Appropriation Account and Line:** A3140.44046 Fee for Services
  - Increase 12,000.

**Source of Funding - (Percentages)**
- Federal: Click or tap here to enter text.
- State: 100%
- County: Click or tap here to enter text.
- Local: Click or tap here to enter text.

**Term**
- **Term: (Start and end date):** 7.1.2019-6.30.2020
- **Length of Contract:** 12 months

**Impact on Pending Litigation**
Yes ☐ No ☒
Click or tap here to enter text.

**Previous requests for Identical or Similar Action:**
- **Resolution/Law Number:** yes
- **Date of Adoption:** Resolution NO. 241, 6.11.2018

**Justification:** (state briefly why legislative action is requested)
Requesting permission to renew The Probation Department's contract with the New York State Division of Criminal Justice Services (DCJS) regarding Gun Involved Violence Elimination (GIVE). This year we have been awarded additional money for overtime, personnel and GPS monitoring fees. This represents an increase of $53,635. For a total award of $137,005. This is a partnership with the Albany County District, and the Albany Police.
### Appropriations

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<tr>
<th>ACCOUNT NO.</th>
<th>RESOLUTION DESCRIPTION</th>
<th>INCREASE</th>
<th>DECREASE</th>
<th>UNIT COST</th>
<th>DEPARTMENT NAME</th>
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<tbody>
<tr>
<td>A3140.19900</td>
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<td>Probation</td>
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<td>A3140.19954</td>
<td>Grant Assignment Pay</td>
<td>36,635.00</td>
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<td>A3140.44046</td>
<td>Fee for Services</td>
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<td>Probation</td>
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<td>TOTAL APPROPRIATIONS</td>
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### Estimated Revenues

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<th>ACCOUNT NO.</th>
<th>RESOLUTION DESCRIPTION</th>
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<th>INCREASE</th>
<th>UNIT COST</th>
<th>DEPARTMENT NAME</th>
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<tbody>
<tr>
<td>A3140.03334</td>
<td>Operation GIVE</td>
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<td>53,635.00</td>
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<td>Probation</td>
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<tr>
<td>TOTAL ESTIMATED REVENUES</td>
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<td>53,635.00</td>
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<tr>
<td>GRAND TOTALS</td>
<td></td>
<td>53,635.00</td>
<td>53,635.00</td>
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</tbody>
</table>
Albany County Probation Department

Field Intelligence Officer: $26,268.00 +Fringe

One ¼ time Probation Officer will be assigned as a Field Intelligence Officer to the Capital Region Crime Analysis Center. The FIO will focus of probationers and enhance gun related intelligence for all GIVE partners. The FIO attends all weekly crime meetings and assists with the GVI strategy by providing intelligence regarding individuals who may be involved in a GVI enforcement action.

Probation Officer: $52,336.00 +Fringe

One Full-time Probation Officer will be assigned to GIVE related strategies and initiatives. The officer will work directly with the Albany Police Department’s Enhanced Supervision and TRaC programs to oversee probationers identified through VOID. The Probation Officer will also assisting in the monitoring of group members that may be engaged in activities that are likely to lead to gun violence, but have not yet scored high enough for inclusion on the VOID list. The Probation Officer is also instrumental to the GVI strategy by assisting in the selection of individuals who attend the Call-In, participating in Custom Notifications, and assisting in carrying out Probation-relations sanctions for individuals who are the target of GVI enforcement actions. The Probation Officer will also participate in the GVI Operational Group and attends all weekly crime meetings.

Overtime: $15,000.00

Hot-Spot Policing - $10,000.00 – Albany County Probation in coordination with the Albany Police Department conducts home visits weekly for high-risk probationers, probationers on the VOID list, and group-involved probationers. These visits assure that all partners have the most current information regarding addresses that probationers are abiding by curfew conditions, and also provide intelligence regarding who probationers are spending their free time with. Warrant sweeps are conducted jointly with APD, particularly in hotspots when Conflict Analysis is showing a hot area and when there is a rise in gun violence.

Focused Deterrence - $5,000.00 – Albany County Probation participates in the GVI strategy. Overtime funds will be used for participation in Call-ins and Custom Notifications.

Ankle Bracelet Activation and Monitoring: $12,000.00

At times it becomes necessary for individuals on the VOID list, or individuals who are identified members of a group who are also under the supervision of Probation to be monitored via GPS ankle bracelets. An increasingly common practice for Albany County Probation, when used it allows for more stringent compliance with terms of probation. With recent bail reform regulations passed, the District Attorney’s Office, Albany County Probation, and Albany Police
Department see an increased need for GPS monitoring due to the likelihood of offenders of gun violence being released under supervision rather than remanded or placed in the County Jail in lieu of bail.
# Grant Award Notice

<table>
<thead>
<tr>
<th>Grantee/Contractor:</th>
<th>Date:</th>
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<tbody>
<tr>
<td>Albany County Probation Department</td>
<td>June 6, 2019</td>
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<table>
<thead>
<tr>
<th>Program Name:</th>
<th>Award Amount(^3):</th>
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<tbody>
<tr>
<td>GIVE (2019-2020)</td>
<td>$137,005</td>
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</table>

<table>
<thead>
<tr>
<th>Signatory Name and Title:</th>
<th>Term Dates:</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Connors Director</td>
<td>July 1, 2019 through June 30, 2020</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email:</th>
<th>Project ID No.:</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:william.connors@albanycounty.com">william.connors@albanycounty.com</a></td>
<td>GV19-1002-D00</td>
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<table>
<thead>
<tr>
<th>SFS Vendor ID No.:</th>
<th>Contract No.:</th>
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</thead>
<tbody>
<tr>
<td>1000002428</td>
<td>C484639</td>
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</table>

Congratulations on your 2019-20 award for the DCJS Gun Involved Violence Elimination (GIVE) initiative.

Your DCJS Grants Representative will be contacting you shortly to review any remaining contract requirements. Please note that prompt completion of this step will facilitate timely execution of your contract.

DCJS is pleased to be able to provide your agency with this funding and we look forward to working with you in our continued efforts to maintain New York's standing as the safest large state in the nation.

The award amount listed above is contingent on the availability of state funds. If you have any questions about this award, please contact:

**Dave Martin**  
Public Safety Grants Representative 3  
NYS Division of Criminal Justice Services  
Office of Program Development and Funding  
(518) 485-9607 or David.Martin@DCJS.NY.GOV

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\(^3\) Contingent upon available funding and execution of the contract and approval of the Attorney General and the Office of the State Comptroller.
<table>
<thead>
<tr>
<th>Job Title / Position</th>
<th>Requested Budget</th>
<th>Awarded Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anti-Violence Coordinator</td>
<td>$56,744</td>
<td>$56,744</td>
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<tr>
<td>Youth Aide</td>
<td>$34,611</td>
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<tr>
<td>Crime Analyst</td>
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<tr>
<td>Focused Deterrence Service Provider</td>
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**Job Title/ Position Total** $160,059  $160,059

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<thead>
<tr>
<th>Fringe Benefits for Positions</th>
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<tbody>
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<td>Anti-Violence Coordinator</td>
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<td>Youth Aide</td>
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<td>Crime Analyst</td>
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**Fringe Benefits Total** $53,825  $53,825

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<th>HOT-SPOT POLICING</th>
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<tbody>
<tr>
<td>Overtime</td>
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**TOTAL HOT-SPOT** $94,700  $94,700

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<td>APD Wraparound Funds</td>
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**TOTAL STREET OUTREACH** $0  $0

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**TOTAL TRAVEL & TRAINING** $0  $0

**POLICE DEPARTMENT TOTAL** $386,084  $386,084
### District Attorney’s Office Budget

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<tr>
<th>Job Title / Position</th>
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<tbody>
<tr>
<td><strong>PERSONNEL</strong></td>
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<tr>
<td>Assistant District Attorney (.8 FTE)</td>
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<td>Investigator (.8 FTE)</td>
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<td>Information Liaison</td>
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<tr>
<td><strong>Job Title Position Total</strong></td>
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<td><strong>Fringe Benefits for Positions</strong></td>
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<tr>
<td>Assistant District Attorney (.8 FTE)</td>
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<td>Investigator (.8 FTE)</td>
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<td>Information Liaison</td>
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<td><strong>TOTAL CPTED</strong></td>
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<tr>
<td></td>
<td><strong>STREET OUTREACH</strong></td>
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<tr>
<td></td>
<td><strong>TOTAL STREET OUTREACH</strong></td>
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</tr>
<tr>
<td></td>
<td><strong>TRAVEL &amp; TRAINING</strong></td>
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<td><strong>TOTAL TRAVEL &amp; TRAINING</strong></td>
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<tr>
<td></td>
<td><strong>DISTRICT ATTORNEY’S OFFICE TOTAL</strong></td>
<td>$236,740</td>
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### Sheriff’s Office Budget

<table>
<thead>
<tr>
<th>Job Title / Position</th>
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<th>Awarded Budget</th>
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</thead>
<tbody>
<tr>
<td><strong>PERSONNEL</strong></td>
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<tr>
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<tr>
<td><strong>Fringe Benefits for Positions</strong></td>
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<td><strong>Fringe Benefits Total</strong></td>
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<tr>
<td><strong>TOTAL PERSONNEL</strong></td>
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<tr>
<td><strong>HOT-SPOT POLICING</strong></td>
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<td><strong>TOTAL HOT-SPOT</strong></td>
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</tr>
<tr>
<td><strong>FOCUSED DETERRENCE</strong></td>
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6/5/2019
<table>
<thead>
<tr>
<th>Personnel</th>
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<tbody>
<tr>
<td>1/2 Time Field Intelligence Officer</td>
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<tr>
<td>Probation Officer</td>
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<td>Ankle Bracelet Activation and Monitoring</td>
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<td>COUNTY GRAND TOTAL</td>
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