AGENDA

LAW COMMITTEE

AUGUST 26, 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 ADMISSIONS IN ALBANY COUNTY

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


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

15. **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

16. **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

17. **RESOLUTION NO. 219**: AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER
18. **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**

19. **RESOLUTION NO. 300: AMENDING THE ALBANY COUNTY LEGISLATURE’S RULES OF ORDER REGARDING THE FISCAL IMPACT STATEMENT**


21. **AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE NEW YORK STATE GOVERNOR’S TRAFFIC SAFETY COMMITTEE REGARDING THE HIGHWAY SAFETY PROGRAM**

**CURRENT BUSINESS:**

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

23. **RESOLUTION NO. 350: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS**


25. **RESOLUTION NO. 352: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO REQUIRE ALBANY COUNTY RESTAURANTS AND EATING ESTABLISHMENTS TO PROVIDE STRAWS AND PLASTIC CUTLERY ONLY UPON REQUEST**


27. **RESOLUTION NO. 355: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “H” FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 TO MODIFY THE PROCEDURES FOR IDENTIFYING INDIVIDUALS REQUIRED TO FILL OUT FINANCIAL DISCLOSURE FORMS**
28. RESOLUTION NO. 357: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2018

29. 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


31. LOCAL LAW NO. “H” FOR 2019: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 TO MODIFY THE PROCEDURES FOR IDENTIFYING INDIVIDUALS REQUIRED TO FILE OUT FINANCIAL DISCLOSURE FORMS

32. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE STOP VIOLENCE AGAINST WOMEN ACT GRANT

33. AUTHORIZING AN AGREEMENT WITH THE ALBANY COUNTY SHERIFF’S OFFICE REGARDING THE STOP-DWI PROGRAM AND AMENDING THE 2019 PROBATION DEPARTMENT BUDGET

34. AUTHORIZING AND DIRECTING THE BOARD OF ELECTIONS TO CERTIFY ITS EXPENSES REGARDING THE 2018 ELECTION CYCLE

35. AMENDING RESOLUTION NO. 317 FOR 2019 REGARDING THE VICTIM AND WITNESS ASSISTANCE PROGRAM AND AMENDING THE 2019 CRIME VICTIM AND SEXUAL VIOLENCE CENTER BUDGET

36. AUTHORIZING THE SETTLEMENT OF A LAWSUIT
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Law Committee of the Albany County Legislature met on July 22, 2019. Chairperson Plotsky, Messrs. Mayo, Burgdorf, Crouse, Ms. Cunningham, Messrs. Feeney, Higgins, and Touchette were present. Mr. Fein was excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.

1. Authorizing Agreements Regarding Albany County Insurance Coverage: The Deputy County Attorney requested authorization to enter into agreements for the County’s insurance coverage through Arthur J. Gallagher Risk Management Services, Inc. in a total combined premium amount of $1,312,951. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

2. Authorizing the Acceptance of Grant Funding from the New York State Division of Criminal Justice Services Regarding Rape Crisis Services and Prevention Programming: The Director of the Albany County Crime Victim and Sexual Violence Center requested authorization to accept grant funding from the New York State Division of Criminal Justice Services regarding rape crisis services and prevention programming in the amount of $97,194 for the term commencing October 1, 2019 and ending September 30, 2019. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

3. Authorizing the Acceptance of Grant Funding from the New York State Coalition Against Sexual Assault Regarding the Sexual Assault Services Program: The Director of the Albany County Crime Victim and Sexual Violence Center requested authorization to accept grant funding from the New York State Coalition Against Sexual Assault regarding the Sexual Assault Services Program in the amount of $10,250 for the term commencing July 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.

4. Authorizing the Acceptance of Grant Funding from the New York State Office of Victim Services Regarding the Victim and Witness Assistance Program: The Director of the Albany County Crime Victim and Sexual Violence Center requested authorization to accept grant funding from the New York State Office of Victim Services regarding the federal Victims of Crime Act Victim and Witness Assistance program in a total amount of $2,000,957 over a three-year
term commencing October 1, 2019 and ending September 30, 2022 with a potential two-year renewal option. After further discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

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


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

8. **Resolution No. 238**: Amending the Legislative Procedures of the Albany County Legislature: Tabled at the Request of the Sponsor.


15. **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.

17. **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: Following a motion, duly seconded, the Committee voted unanimously to amend the proposed Local Law to delete the two instances of the word “impropriety” in subsection (b)(i) and add the word “nepotism” in both places where the deleted words had been. The Committee then voted 3-5, with Ms. Plotsky, Messrs. Mayo, Feeney, Higgins, and Touchette opposed, to move the amended proposal forward with a favorable recommendation. After the proposal failed to receive enough votes to move forward with a favorable recommendation, the Committee voted unanimously to move the proposal forward for legislative action without recommendation.


19. **Local Law No. “A” for 2019:** A Local Law to Establish the Albany County Fair Hotel Consumer Practices Law: Tabled at the Request of the Sponsor.

20. **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: Tabled at the Request of the Sponsor.

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

22. **Resolution No. 219:** Amending the Albany County Legislature’s Rules of Order: Tabled at the Request of the Sponsor.

23. **Resolution No. 222:** Requiring the Submission of Amended Local Laws Prior to Legislative Action: Following a motion, duly seconded, the Committee voted unanimously to amend the antepenultimate resolved clause to add that the requirements of the resolution may also be waived upon mutual agreement by designees of the Majority Leader and the Minority Leader. The Committee then voted 7-1, with Mr. Higgins opposed, to move the amended proposal forward for legislative action without recommendation.
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: Tabled at the Request of the Sponsor.

25. **Resolution No. 299:** Public Hearing on Proposed Local Law No. “C” for 2019 – A Local Law of the County of Albany Amending and Updating Local Law No. 2 for 2011 Requiring Item Pricing by Retail Stores in the County of Albany: After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

26. **Resolution No. 300:** Amending the Albay County Legislature’s Rules of Order Regarding the Fiscal Impact Statement: Tabled at the Request of the Sponsor.


28. Authorizing the Acceptance of Grant Funding from the New York State Governor’s Traffic Safety Committee Regarding the Highway Safety Program: 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
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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 Ms. Cunningham:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

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

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

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

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

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

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

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

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

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

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

Section 3. Prohibitions.

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

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

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

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

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

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

Section 4. Enforcement.

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

Section 5. Penalties for offenses.

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

Section 6. Applicability.

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

Section 7. Severability.

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

Section 8. Effective Date.

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

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

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

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

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

Section 1. Legislative Intent

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

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

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

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

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

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

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

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

Section 2. Definitions

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

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

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

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

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

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

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

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

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

Section 4. Health Commissioner’s Enforcement Authority

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

Section 5. Penalties

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

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

Section 5. Reverse Preemption.

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

Section 6. Severability

If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or 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-10th-day] of October of each year at which time the Legislature will accept for consideration the Budget, Capital Program and the Budget Message of the County Executive for the ensuing fiscal year. This meeting shall continue by adjournment until after the confirmation and delivery of the tax rolls to the City Treasurer,
Receiver of Taxes and Collectors of the several towns: No Annual meeting of the Albany County Legislature shall be held on a civic holiday and consideration shall be given to avoid meeting on a religious holiday. If any such Annual meeting date shall fall on a civic holiday, then the meeting shall be held on the next day which is not a civic holiday. If upon due consideration, any such Annual meeting date shall fall on a day determined to be a religious holiday, then the meeting may be held on the next day which is not a religious holiday.

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

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

RULE 3 - SPECIAL MEETING

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

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

RULE 4 - ADJOURNMENTS

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

RULE 5 - PUBLIC RECORD

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

RULE 11 - LEGISLATION PROCEDURE

Each resolution and local law shall be consecutively numbered and the title shall state concisely the subject matter thereof. All resolutions and local laws which are to be presented to the Legislature for its consideration shall be delivered to the office of the Clerk of the Legislature, County Attorney and Majority and Minority Counsels, by 12:00 noon on the second 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] 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 ¼ percent or higher and rounded down to the nearest whole person for fractions consisting of less than ¼ 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(c) 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, 1506(a) and (b), 1325, or 1326 of Title 8 of the United States Code, or violations of Sections 1028A or 1546 of Title 18 of the United States Code.
N. "Judicial warrant" means a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States Constitution or a federal magistrate judge appointed pursuant to 28 USC 631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant. This does not include warrants or orders issued by employees of the Department of Homeland Security, the Department of Justice, or the Executive Office for Immigration Review.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 8. Federal registry programs

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

Section 9. Commitments

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

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

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

Section 10. Information regarding citizenship or immigration status

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

Section 11. Severability

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

Section 12. Effective Date and Applicability

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

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

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “R” FOR 2018

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

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

Referred to Law, Audit and Finance and Personnel Committees – 8/13/18
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 ADMISSIONS IN ALBANY COUNTY

Introduced: 9/12/18
By Ms. McLean Lane:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Intent.

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

Section 2. Definitions

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

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

Section 3. Requirements.

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

Section 4. Rules and Regulations.

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

Section 5. Applicability.

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

Section 6. Severability.

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

Section 7. Effective Date.

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

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

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

Introduced: 10/9/18
By Ms. McLean Lane

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

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

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

<table>
<thead>
<tr>
<th>Retail Area</th>
<th>Waiver Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5,000 sq. ft.</td>
<td>$750.00</td>
</tr>
<tr>
<td>5,000 sq. ft. or more</td>
<td>$3,000.00</td>
</tr>
</tbody>
</table>

[Under 3,000 sq. ft. $500.00]
[10,000- 30,000 sq. ft. $1500.00]
[10,000 to 30,000 sq. ft. $1,500.00]
[30,000 to 90,000 sq. ft. $3,000.00]

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

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

D. 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] Stores that have less than 5,000 sq. ft. are not required to install a separate scanner in retail area but must comply with all other pricing requirements, contained in section 214-h of the New York State Agriculture and Markets Law, have an Uniform Pricing Code System and shall maintain registers with a scanner system that clearly displays to the consumer the price of each product that is scanned.

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 5,000 sq. ft.</td>
<td>Register Only</td>
</tr>
<tr>
<td>Less than 30,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>30,000-90,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>Over 90,000 sq. ft.</td>
<td>4</td>
</tr>
</tbody>
</table>

[Less than 30,000 1]
[30,000 – 99,000 2]
[Over 90,000 4]

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 D— FOR 2019

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

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

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

Section 1. Title.

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

Section 2. Legislative Purpose and Findings.

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

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

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

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

The Albany County Legislature applauds Governor Cuomo and the New York State for their inclusion in the 2019 New York State Budget of 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. The Albany County Legislature is concerned that without the imposition of a fee, along with the creation and implementation of aggressive efforts to educate consumers to change behavior to begin using reusable bags, Albany County will experience a new environmental problem that results from the overuse of paper bags. This will yield to increased landfill use for the increase in paper bag usage, prices in local grocery and convenience stores increasing due to the increased costs associated with a move from plastic to paper bags and other potential unintended negative consequences.

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

"Prior to California’s statewide single-use plastic bag ban, the City of San Diego consumed—500 million—single-use plastic bags each year. Approximately 95% of these ended up in landfills and cost the people of California $2.5 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 "expends significant sums of money to control and pick-up litter." In NYC alone, single-use carry-out bags account for 1,700 tons of residential garbage each week, which equates to 91,000 tons of plastic and paper
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 recouping 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.

F更具 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 73 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 Mov 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 fees exist on other types of single-use carry-out bags such as paper and compostable plastic. Most programs across the United States, for either a ban or a fee, include an exemption for certain bags such as produce and meat bags, prescription bags, dry cleaning bags, and napkin paper bags.

In New York State, ten cities, towns, and 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 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, 2013.

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 80% reduction in plastic bags in their storm drain system, a 60% reduction of plastic bag litter in their
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, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls.

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

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

(d)(ii) "Single-use Plastic Carryout Bag" shall mean a single-use plastic bag less than 1 mil (1 mil equals 1/1000" 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 2 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-prepackaged food items to the point of sale within a store or market or to prevent such food items from coming into direct contact with other purchased items; (2) a garment bag or large plastic bag with two openings that is used to transport clothing from a clothing retailer or garment cleaner such as a dry cleaner.

(d)(iii) "Paper Carryout Bag" shall have the same meaning as set forth in Title 27, Section 27-2801 of the New York State Environmental Conservation Law. Recyclable Paper Bags shall mean paper bags 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.

(e)(i) "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.

(f) "Reusable Bag" shall have the same meaning as set forth in Title 27, Section 27-2801 of the New York State Environmental Conservation Law.

(g) "Paper Carryout Reduction Fee" shall have the same meaning as set forth in Title 27-2805 of the New York State Environmental Conservation Law.
(h) 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) is made of plastic—a minimum of 4 mil-thick.

Section 4. Prohibition.

No covered store shall provide a single-use plastic carry-out 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 45 Imposition of Fees for Use of Paper Bags/Permitted Bags.

(a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, Albany County establishments subject to the ban on Plastic Carryout Bag set forth in Section 27-2803 of the New York State Environmental Conservation Law shall charge customers a Paper Carryout Reduction Fee of 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, a 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 $0.05 for each Paper Carryout Bag the Establishment provides to customers. Recyclable paper bags that are provided to customers and the fee at which they were charged for the use of such bag the recyclable paper bag. All monies collected by a covered store shall be retained by the covered store.

Rec: Title 35: Section 2 of the NYS 2019 Budget Bill, the $0.05 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 $0.05 and single-use plastic bags shall not be available in Albany County Covered Stores.

(b) Exempt individuals that shall not pay the $0.05 fee include any customers identified in Section 27.2805 Subsection 3 of the New York State Environmental Conservation Law, 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.

(c) The $0.05 fee shall be reported and paid to the New York State Commissioner of Taxation and Finance per the requirements identified in Section 27.2805 Subsection 4 of the New York State Environmental Conservation Law.

on a quarterly basis, before the twentieth day of the month following each quarterly period.

Section 5 Distribution of Fees and Transparency of Fee Collections

(a) Per Section 27.2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of purchasing reusable bags for Albany County residents, particularly those of low-income or limited means. New York State Law § 3.02 of the $0.05 fee shall be paid to the State of New York Environmental Protection Fund. The remaining $0.02 shall be paid to the Comptroller of Albany County for purposes of establishing programs to purchase reusable bags provided to customers for their direct-usage.

(b) The Albany County Comptroller, upon receipt of these funds, will provide the funds generated by the $0.02 to the Albany County Department of XXX will provide these funds to the Albany County Department charged with implementing this local law, for purposes of offsetting costs for purchasing reusable bags for Albany County residents, as well as to provide funds to offset expenses for programs, advertising and other initiatives identified in the Model Consumer Education Program (Section 8a of this local law).

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 Local Law.
well as the per bag charge for recyclable paper bags and reusable bags that the store may offer. Covered stores shall also indicate in signage that recyclable paper bags will be available for a charge of at least $0.05 per recyclable paper bag.

(4) 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.

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

(6) 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.

(7) 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.

(8) 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.

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

(10) 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) Consumer Education Program: Upon the date of enactment, the Albany County Executive shall designate a the Department within the Albany County government of XXXX to immediately begin work to put into place a model Consumer Education Program with the following goals:

i. Work collaboratively with all covered stores (in particular the large grocery stores and convenience stores) to hold County-supported round table discussions at various locations around the County about how best educate consumers about the impending state plastic bag ban and the Albany County paper bag fee.
ii. Develop educational marketing materials with a uniform message to help educate Albany County residents about the impending bag ban/fee law. These marketing materials shall include web-based informational campaigns as well as signage for stores to utilize to educate consumers. The Albany County Department of XXX shall also consider paid advertising in highly trafficked locations including billboards, signage on buses, etc. shall also be considered.

- Work with covered stores to identify constituencies who may be late adopters of using reusable bags. Once identified, special outreach shall be made to these “late adopter” constituencies to encourage and facilitate their adoption of using reusable bags. These efforts could include outreach to social or employment centers that are frequented by the “late adopter” populations and other outreachs. This effort may also include the purchase of reusable bags by Albany County as a tool to encourage adoption of the use of reusable bags by the “late adopters”.

\[ \text{(a)(1)} \] 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 land fill space that is affected by the use of paper bags;

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

iv. the number of notices of violation issued pursuant to this Local Law; and

v. 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.

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

[(d)](f) Violations: In accordance with Section 27:2807 of the New York State Environmental Conservation Law, penalties will be levied. Additional penalties related to violations regarding the implementation of the Paper Bag Carryout fee covered in this local law will be the following: 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 institute additional punishments for those temporarily suspend the business practices of Covered Stores that persistently violate this Local Law.

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 89. 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 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 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 10.8. 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 preempting 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 11.40. Effective Date.

The effective date of this local law will be 6 (six) months from the date of its filing with the Secretary of State—simultaneous to the effective date of the single-use statewide bag ban, March 1, 2020.
LOCAL LAW D FOR 2019

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

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

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

Section 1. Title.

This Local Law shall be known as the “The Albany County Reusable Shopping Bag Incentive Act”

Section 2. Legislative Purpose and Findings.

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

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

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

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

The Albany County Legislature applauds Governor Cuomo and the New York State for their inclusion in the 2019 New York State Budget of 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. The Albany County Legislature is concerned that without the imposition of a fee, along with the creation and implementation of aggressive efforts to educate consumers to change behavior to begin using reusable bags, Albany County will experience a new environmental problem that results from the overuse of paper bags. This will yield to increased landfill use for the increase in paper bag usage, prices in local grocery and convenience stores increasing due to the increased costs associated with a move from plastic to paper bags and other potential unintended negative consequences.

**Section 3. Definitions**

For purposes of this Local Law, the following terms shall have the meanings indicated below:

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

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

(c) “Person” shall mean any natural person, firm, corporation, partnership or other organization or group, however organized”.

(d) “Paper Carryout Bag” shall have the same meaning as set forth in Title 27, Section 27-2801 of the New York State Environmental Conservation Law.

(e) “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.
(f) “Reusable Bag” shall have the same meaning as set forth in Title 27, Section 27-2801 of the New York State Environmental Conservation Law.
(g) “Paper Carryout Reduction Fee” shall have the same meaning as set forth in Title 27-2805 of the New York State Environmental Conservation Law.

Section 4 Imposition of Fees for Use of Paper Bags

(a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, Albany County establishments subject to the ban on Plastic Carryout Bags set forth in Section 27-2803 of the New York State Environmental Conservation Law shall charge customers a Paper Carryout Reduction Fee of $.05 for each Paper Carryout Bag the Establishment provides to customers. On the effective date, all covered stores shall indicate on the customer receipt the number of Paper Carryout Bags that are provided to customers and the fee at which they were charged for the use of such bag.
(b) Exempt individuals that shall not pay the $.05 fee include any customers identified in Section 27-2805 Subsection 3 of the New York State Environmental Conservation Law.
(c) The $.05 fee shall be reported and paid to the New York State Commissioner of Taxation and Finance per the requirements identified in Section 27-2805 Subsection 4 of the New York State Environmental Conservation Law.

Section 5 Distribution of Fees and Transparency of Fee Collection

(a) Per Section 27-2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of purchasing reusable bags for Albany County residents, particularly those of low-income or limited means.
(b) The Albany County Comptroller, upon receipt of these funds, will provide these funds to the Albany County Department charged with implementing this local law, for purposes of offsetting costs for purchasing reusable bags for Albany County residents, as well as to provide funds to offset expenses for programs, advertising and other initiatives identified in the Model Consumer Education Program (Section 8a of this local law).

Section 6. 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 Local Law. Covered
stores shall also indicate in signage that recyclable paper bags will be available for a charge of $.05 each recyclable paper bag.

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

(c) 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.

(d) 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.

(e) 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.

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) Consumer Education Program: Upon the date of enactment, the Albany County Executive shall designate a Department within the Albany County government to immediately begin work to put into place a model Consumer Education Program with the following goals:

i. Work collaboratively with all covered stores (in particular the large grocery stores and convenience stores) to hold County-supported round table discussions at various locations around the County about how to best educate consumers about the impending state plastic bag ban and the Albany county paper bag fee.

ii. Develop educational marketing materials with a uniform message to help educate Albany County residents about the impending bag ban/fee law. These marketing materials shall include web based informational campaigns as well as signage for stores to utilize to educate consumers. Paid advertising in highly trafficked locations including bill boards, signage on buses, etc. shall also be considered.

Work with covered stores to identify constituencies who may be late adopters of using reusable bags. Once identified, special outreach shall be made to these “late adopter” constituencies to encourage and facilitate their adoption of using reusable bags.
These efforts could include outreach to social or employment centers that are frequented by the “late adopter” populations and other outreaches. This effort may also include the purchase of reusable bags by Albany County as a tool to encourage adoption of the use of reusable bags by the “late adopters”.

(b) 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;
   ii. the land fill space that is affected by the use of paper bags;
   iii. the number of notices of violation issued pursuant to this Local Law; and

(c) 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 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.

(d) Violations: In accordance with Section 27-2807 of the New York State Environmental Conservation Law, penalties will be levied. Additional penalties related to violations regarding the implementation of the Paper Bag Carryout fee covered in this local law will be the following:
   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 institute additional punishments for those Covered Stores that persistently violate this Local Law.

Section 9. 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 10. 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 preempting 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 11. Effective Date.

The effective date of this local law will be 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>
</tr>
</thead>
<tbody>
<tr>
<td>Albany County Legislature</td>
</tr>
<tr>
<td><strong>Name of Action or Project:</strong></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>
</tr>
<tr>
<td><strong>Project Location (describe, and attach a location map):</strong></td>
</tr>
<tr>
<td>Albany County</td>
</tr>
<tr>
<td><strong>Brief Description of Proposed Action:</strong></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 laws 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>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name of Applicant or Sponsor:</th>
<th>Telephone: (518) 447-7168</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany County</td>
<td>E-Mail:</td>
</tr>
<tr>
<td>Address:</td>
<td></td>
</tr>
<tr>
<td>112 State St, Room 710</td>
<td></td>
</tr>
<tr>
<td><strong>City/PO:</strong></td>
<td>State:</td>
</tr>
<tr>
<td>Albany</td>
<td>NY</td>
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</tbody>
</table>

1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? [ ] NO [ ] 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
   If Yes, list agency(s) name and permit or approval:

3a. Total acreage of the site of the proposed action? ________ acres
    b. Total acreage to be physically disturbed? ________ acres
    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): ____________________
<table>
<thead>
<tr>
<th>Question</th>
<th>NO</th>
<th>YES</th>
<th>N/A</th>
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<tbody>
<tr>
<td>5. Is the proposed action,</td>
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<tr>
<td>a. A permitted use under the zoning regulations?</td>
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<tr>
<td>b. Consistent with the adopted comprehensive plan?</td>
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<td>6. Is the proposed action consistent with the predominant character of</td>
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<tr>
<td>the existing built or natural landscape?</td>
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<td>7. Is the site of the proposed action located in, or does it adjoin, a</td>
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<tr>
<td>state listed Critical Environmental Area?</td>
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<tr>
<td>If Yes, identify:</td>
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<td>8. a. Will the proposed action result in a substantial increase in</td>
<td></td>
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<tr>
<td>traffic above present levels?</td>
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<tr>
<td>b. Are public transportation service(s) available at or near the</td>
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<td>site of the proposed action?</td>
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<tr>
<td>c. Are any pedestrian accommodations or bicycle routes available on</td>
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<tr>
<td>or near site of the proposed action?</td>
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<td>9. Does the proposed action meet or exceed the state energy code</td>
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<tr>
<td>requirements?</td>
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<tr>
<td>If the proposed action will exceed requirements, describe design</td>
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<tr>
<td>features and technologies:</td>
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<tr>
<td>10. Will the proposed action connect to an existing public/private</td>
<td></td>
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<tr>
<td>water supply?</td>
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<tr>
<td>If No, describe method for providing potable water:</td>
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<tr>
<td>11. Will the proposed action connect to existing wastewater utilities?</td>
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<tr>
<td>If No, describe method for providing wastewater treatment:</td>
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<tr>
<td>12. a. Does the site contain a structure that is listed on either the</td>
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<tr>
<td>State or National Register of Historic Places?</td>
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<tr>
<td>b. Is the proposed action located in an archaeological sensitive area?</td>
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<td>13. a. Does any portion of the site of the proposed action, or lands</td>
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<td>adjoining the proposed action, contain wetlands or other waterbodies</td>
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<td>regulated by a federal, state or local agency?</td>
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<td>b. Would the proposed action physically alter, or encroach into, any</td>
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<td>existing wetland or waterbody?</td>
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<tr>
<td>If Yes, identify the wetland or waterbody and extent of alterations</td>
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<td>in square feet or acres:</td>
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<td>14. Identify the typical habitat types that occur on, or are likely to</td>
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<td>be found on the project site. Check all that apply:</td>
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<tr>
<td>Shoreline</td>
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<td>Forest</td>
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<td>Agricultural/grasslands</td>
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<tr>
<td>Wetland</td>
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<td>Urban</td>
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<tr>
<td>Suburban</td>
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<td>15. Does the site of the proposed action contain any species of animal,</td>
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<td>or associated habitats, listed by the State or Federal government as</td>
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<td>threatened or endangered?</td>
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<td>16. Is the project site located in the 100 year flood plain?</td>
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<td>17. Will the proposed action create storm water discharge, either from</td>
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<tr>
<td>point or non-point sources?</td>
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<tr>
<td>If Yes,</td>
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<tr>
<td>a. Will storm water discharges flow to adjacent properties?</td>
<td></td>
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<tr>
<td>b. Will storm water discharges be directed to established conveyance</td>
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<td>systems (runoff and storm drains)?</td>
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<tr>
<td>If Yes, briefly describe:</td>
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</tbody>
</table>
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: ________________________________

   NO [ ] YES [ ]

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: ____________________________________________

   NO [ ] YES [ ]

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: ____________________________________________

   NO [ ] YES [ ]

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Laura DeGaelano
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>Question</th>
<th>No, or small impact may occur</th>
<th>Moderate to large impact may occur</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>2. Will the proposed action result in a change in the use or intensity of use of land?</td>
<td>✔</td>
<td></td>
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<tr>
<td>3. Will the proposed action impair the character or quality of the existing community?</td>
<td>✔</td>
<td></td>
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<tr>
<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>
<td></td>
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<tr>
<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>
<td></td>
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<tr>
<td>7. Will the proposed action impact existing:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. public / private water supplies?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>b. public / private wastewater treatment utilities?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Question</td>
<td>No, or small impact may occur</td>
<td>Moderate to large impact may occur</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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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>
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<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 2010 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)
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
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 and Ms. Lekakis

Section 1. Findings and Purpose
The Albany County Legislature finds and determines that:

Littered plastic products, including plastic straws, stirrers 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 the initiative to minimize the unnecessary use of plastic in our environment. A reduction in the use of plastic straws, stirrers, and plastic 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 any jurisdiction covered by the Local Law [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.

(c) Nothing in this local law requires stores that offer a “self-service” station that includes straws, stirrers and plastic cutlery to additionally ask consumers if they request a straw or plastic item. “Self-service” areas, by definition offer consumers the ability to make their own choice about whether to use plastic items.

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 responsibility to engage the restaurant and food service community affected by this local law for pre-implementation discussions about how best to collaboratively work together to successfully enact this Local Law. Included in this collaborative work, the County department charged with oversight and implementation shall provide, at a minimum, consistent signage and other implementation and public education tools aimed at ensuring successful adoption of this local law. In addition, this County department shall also 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 and Conservation, Sustainability and Green Initiatives Committees - 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 and Ms. Lekakis

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- First Offense: written warning
- Second Offense: $100 penalty
- Third and subsequent offense: $250 penalty

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Section 5. Effective Date

This ordinance shall take effect six months after the date of enactment.

Referred to Law and Conservation, Sustainability and Green Initiatives Committees - 5/13/19
RESOLUTION NO. 300

AMENDING THE ALBAY COUNTY LEGISLATURE'S RULES OF ORDER REGARDING THE FISCAL IMPACT STATEMENT

Introduced: 7/8/19
By: Mauriello

WHEREAS, This honorable body has required fiscal impact statements for all local laws, resolutions, and subsequent amendments that result in a financial or budgetary impact of $5,000 annually or more, and

WHEREAS, This rule has been habitually ignored and legislation that has had budgetary implications of more than $5,000 annually has passed this body, and

WHEREAS, The passage of legislation lacking proper fiscal impact statements is an abdication of the legislature's fiduciary role to the County and the citizens of Albany County, and

WHEREAS, Clarifications are needed to ensure legislators and the public are aware of the fiscal impacts of pending legislation, now, therefore be it

RESOLVED, That Rule 10 and Appendix A of the Albany County Legislature's Rules of Order is amended to read as follows:

RULE 10 – FISCAL IMPACT STATEMENT

All petitions, local laws, resolutions, committee reports and amendments thereto shall be in writing, and amendments to any subject matter before the County Legislature shall likewise be in writing. All resolutions and local laws with financial or budgetary implications of $5,000 annually or more shall contain a fiscal impact statement as indicated by Appendix A. All resolutions and local laws that require a Fiscal Impact Statement must have the statement included with them upon introduction, otherwise the Chairperson of the Legislature shall return the legislation to the sponsor(s). In instances where the fiscal impact was unforeseeable prior to introduction, the Fiscal Impact Statement shall be included in the publicly posted agenda prior to being voted upon by the whole body of the Legislature.

APPENDIX A

LEGISLATIVE FISCAL IMPACT STATEMENT

Type of Legislation:     Local Law: _______  Resolution: _______

Title of Legislation: _____________________________________________

_______________________________________________________________

Requested By: ___________________________________________________

Sponsor (s): ____________________________________________________
FISCAL IMPACT

1. Projected cost of proposed legislation, if any: ____________________________ (annually)

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

   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.)

4. Justification for the appropriation/expenditure requested.

5. Funding options: ____________________________

   Sponsor/Department Head: ____________________________

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 – 7/8/19
20
LOCAL LAW NO. "E" FOR 2019

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

Introduced: 3/11/19
By Messrs. Miller, Clay, Ms. Cunningham, Messrs. Cahill, Commissio, Frainier, Mss. McKnight, Willingham, Messrs. Mayo, Domalewicz, Mss. Lekakis, McLean Lane, Plotsky, Messrs. Reinhardt, R. Joyce 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[,] and 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

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

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

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

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

Since the industry will not reveal what chemicals are in the flavorings in the vapor products, it may be years before we know the full negative impact of the explosive increase in the 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;

Price is a major factor impacting tobacco product initiation and cessation:
• The availability of inexpensive tobacco products leads to an increase in the number of smokers, particularly among younger populations;
• Lower priced cigars are among the products used as a substitute for cigarettes;
• Higher product prices lead to reduced smoking initiation among youth, reduced consumption among current tobacco users, and an increase in cessation with fewer relapses among former smokers.
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, 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 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 Perceptible taste or aroma different from tobacco or produces an Emission or byproduct that imparts a 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.

PIPE TOBACCO means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

PERCEPTIBLE means perceivable by the sense of taste or smell.

PREMIUM CIGAR means a cigar that weighs more than 6 pounds per 1,000 cigars, and is wrapped in whole tobacco leaf, and has a retail price (after any discounts or coupons) of no less than $10 per cigar.

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.

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.
SHISHA means any product made primarily of tobacco or other leaf or any combination thereof, smoked or intended to be smoked in a hookah or water pipe.

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 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 is nontransferable and nonassignable 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) 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 law.

Exceptions:

i. The sale, offer for sale, or possession with intent to sell a Premium Cigar or Pipe Tobacco by a Tobacco Retailer that, as of July 8, 2019, operates as a retail tobacco businesses as defined by section 1399-n(7) of the public health law, does not permit entry to persons below age 21 years, and does not expand its size or change location on or after that date.

ii. The sale, offer for sale, or possession with intent to sell Shisha by a Tobacco Retailer solely for on-premises consumption, provided the Tobacco Retailer does not permit entry to persons below age 21 years, has been offering Shisha for sale for on-
premises consumption since at least July 8, 2019, and has not expanded its size or changed location on or after that date.

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 Local Law E [Bill] are declared to be severable, and if any section of this law [Bill] is held to be invalid, such invalidity shall not affect the other provisions of this law [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
Without Recommendation Law Committee - 6/24/19
Favorable Recommendation Health Committee - 6/26/19
Referred to Law and Health Committees - 7/8/19
Brandon Russell, Majority Counsel  
Albany County Legislature  
112 State Street, Rm. 700  
Albany, N.Y. 12207

Arnis Zilgme, Minority Counsel  
Albany County Legislature  
112 State Street, Rm. 1360  
Albany, N.Y. 12207

Dear Sirs:

I am requesting legislative action to further the mission of the Office of the Albany County District Attorney. The attached resolution seeks permission to:

- Accept funding from Governor’s Traffic Safety Highway Safety Program; and
- Apply and amend our budget to accept funding from NYS OVS for the Crime Victim Assistance Grant.

Attached is the request for legislative action and supporting documents. If you have any questions, please feel free to contact me at 275-4706.

Thank you for your assistance.

Sincerely,

P. David Soares  
Albany County District Attorney
REQUEST FOR LEGISLATIVE ACTION

DATE: July 8, 2019

DEPARTMENT: Office of the District Attorney
Contact Person: Heather Orth
Telephone: 275-4704
Dept. Representative Attending
Committee Meeting: District Attorney David Soares and/or Heather Orth

PURPOSE OF REQUEST:
Adoption of Local Law
Amendment of Prior Legislation
Approval/Adoption of Plan/Procedure
Bond Approval
Budget Amendment
Contract Authorization (See below) X
Environmental Impact
Home Rule Request
Property Conveyance
Other: (State briefly if not listed above) X Permission to submit an application and receive funds from the New York State’s Highway Safety Program

CONCERNING CONTRACT AUTHORIZATION (Cont’d)
STATE THE FOLLOWING:

Contract Terms/Conditions:
Party (Name/Address):
New York State Governor’s Traffic Safety Committee
6 Empire State Plaza, Room 410B
Albany, NY 12228
Amount/Rate Schedule/Fee:
$131,650

Scope of Services: The funds will be used to reduce the number of crashes, injuries and deaths on New York’s Roads.

Contract Funding:
Anticipated in Current Budget: Yes ___ No X
Funding Source: ___ Federal Funds ___

CONCERNING ALL REQUESTS:
Mandated Program/Service: Yes ___ No X
If Mandated Cite: Authority
Anticipated in Current Adopted Budget: Yes X No ___
June 12, 2019

Heather Orth
Chief of Staff
Albany County District Attorney
6 Lodge St
Albany, NY 12207-2111

Re: HS1-2020-Albany Cty DA-00128-(001)
Albany County Traffic Safety Resource Prosecutor
DMV01-C002457-3700393
CFDA #: 20.616
EFFECTIVE DATE: October 1, 2019

Dear Chief of Staff Heather Orth:

On behalf of the Governor’s Traffic Safety Committee, I am pleased to notify you that the Albany County District Attorney has been awarded $131,650 to participate in New York State’s Highway Safety Program. Our goal is to reduce the number of crashes, injuries and deaths on New York’s roads.

The three contracts enclosed must be signed by an authorized representative for the County, City, Town or Village, and notarized, then returned to our office. Once the contract has been signed by the New York State Governor’s Traffic Safety Committee, one contract will be returned to you for your records. Contracts will be effective only upon final approval by the New York State Office of the State Comptroller.

Please note, contracts are with the County, City, Town or Village, not your specific agency. An authorized representative who has legal authority to sign contracts may not be the project director. Please ensure that a legal signatory of your municipality or organization signs the contracts. For municipalities, this will likely be someone from the City, County, Town or Village.

Before incurring any project related expenses, login to eGrants to review your approved budget as it may have been reduced or otherwise changed from what was requested. Crucial documents regarding your grant, the claims process, equipment, and other grant related topics can be found by visiting http://safeny.ny.gov/currentgrantees.htm.

Thank you for participating in New York State’s Highway Safety Program. I wish you success in your efforts. If you have any questions, please contact the Governor’s Traffic Safety Committee at (518) 474-5111.

Sincerely,

Charles R. DeWeese
Assistant Commissioner

CRD:bp
cc: Cecilia Walsh
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 adopt 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 the requirements of this Resolution may be waived when the Majority Leader and Minority Leader, or their respective designees, together agree that circumstances exist which warrant such action, 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*  
*Without Recommendation Law Committee – 7/22/19*  
*Referred to Law Committee – 8/12/19*
RESOLUTION NO. 350

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “D” FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS

Introduced: 8/12/19
By Ms. Cunningham, Messrs. A. Joyce, Reinhardt and Touchette:

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 Institute A Fee On The Use Of Paper 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, September 24, 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 – 8/12/19
RESOLUTION NO. 351

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING THE SALE OF FLAVORED TOBACCO PRODUCTS

Introduced: 8/12/19
By Messrs. Miller and Simpson:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "E" for 2019, "A Local Law Of The County Of Albany, New York, Prohibiting The Sale Of Flavored Tobacco Products" 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, September 24, 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 Health Committees – 8/12/19
RESOLUTION NO. 352

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "F" FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO REQUIRE ALBANY COUNTY RESTAURANTS AND EATING ESTABLISHMENTS TO PROVIDE STRAWS AND PLASTIC CUTLERY ONLY UPON REQUEST

Introduced: 8/12/19
By Ms. Cunningham, Messrs. A. Joyce, Reinhardt, Touchette and Drake:

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, September 24, 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 – 8/12/19
RESOLUTION NO. 353

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “G” FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 2 FOR 2018 REGARDING THE SUSTAINABLE ENERGY LOAN PROGRAM

Introduced: 8/12/19
By Mr. Touchette:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “G” for 2019, “A Local Law Of The County Of Albany, New York Amending Local Law No. 2 For 2018 Regarding The Sustainable Energy Loan Program” 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, September 24, 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 Committee – 8/12/19
July 9, 2019

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

Dear Chairman Joyce:

The Office of the Albany County Executive respectfully requests that the Legislature amend Local Law D of 2018 in order to conform with changes in New York State’s Energize NY PACE Program. On June 11, 2018 the Albany County Legislature voted to establish an updated Property Assessed Clean Energy (“PACE”) financing program, a New York State loan program for qualified commercial and non-profit property owners to make renewable energy and energy efficiency investments.

Since the passage of Local Law D of 2018 the Energy Improvement Corporation, the non-profit, statewide local development corporation that administers Energize NY Open C-PACE transitioned to a new model known as Energize NY Open C-PACE. Under Open C-PACE financing, third-party capital providers provide direct funding to the property owner for up to 100% of the cost of the energy improvements. The loan is secured by a voluntary special assessment on the Property (a “Benefit Assessment Lien”) and is repayable by the property owner in annual installments over a term not to exceed the useful life of the Improvements.

The Program is authorized by New York State General Municipal Law Article 5-L, however, Open C-PACE must be enabled at the local level. In order to continue to provide the public the benefit of a PACE program in Albany County we request that the Legislature amend Local Law D of 2018 to enable an Open C-PACE program. Please note that the amended Local Law must conform to the text in the attached “Draft Local Law”.

If you should have any questions, please do not hesitate to contact me.

Sincerely

[Signature]

Daniel P. McCoy

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Daniel P. McCoy
Albany County Executive

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

Description (e.g., Contract Authorization for Information Services):
Establishing an Energize NY Open C-PACE Financing Program in Albany County

Date: 7/3/2019
Submitted By: Lucas Rogers
Department: Office of the County Executive
Title: Senior Policy Analyst
Phone: 518-447-5566
Department Rep.:
Attending Meeting: Lucas Rogers

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
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 Click or tap to enter a date.
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Click or tap here to enter text.

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

Amount/Raise Schedule/Fee:
Click or tap here to enter text.
Scope of Services:
Click or tap here to enter text.

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: Click or tap here to enter text.
Revenue Amount: Click or tap here to enter text.

Appropriation Account and Line: Click or tap here to enter text.
Appropriation Amount: Click or tap here to enter text.

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

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation
Yes ☐ No ☐
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: Local Law D for 2018
Date of Adoption: 6/11/2018

Justification: (state briefly why legislative action is requested)
The Office of the Albany County Executive respectfully requests that the Legislature amend Local Law D of 2018 in order to conform with changes in New York State’s Energize NY PACE Program. On June 11, 2018 the Albany County Legislature voted to establish an updated Property Assessed Clean Energy ("PACE") financing program, a New York State loan program for qualified commercial and non-profit property owners to make renewable energy and energy efficiency investments.

Since the passage of Local Law D of 2018 the Energy Improvement Corporation, the non-profit, statewide local development corporation that administers Energize NY Open C-PACE transitioned to a new model known as Energize NY Open C-PACE. Under Open C-PACE financing, third-party capital providers provide direct funding to the property owner for up to 100% of the cost of the energy improvements. The loan is secured by a voluntary special assessment on the Property (a “Benefit Assessment Lien”) and is repayable by the property owner in annual installments over a term not to exceed the useful life of the Improvements.

The Program is authorized by New York State General Municipal Law Article 5-L, however, Open C-PACE must be enabled at the local level. In order to continue to provide the public the benefit of a PACE program in Albany County we request that the Legislature amend Local Law D of 2018 to enable an Open C-PACE program. Please note that the amended Local Law must conform to the text in the attached "Draft Local Law".
Energize NY Open C-PACE channels private capital to commercial and non-profit building owners to make energy upgrades to their buildings, enabling them to improve their properties, lower operating expenses and positively impact their communities.

Property Assessed Clean Energy (PACE) financing is a public benefit authorized by state and local law, with repayment secured through a benefit assessment lien on the improved property.

The Energy Improvement Corporation (EIC), a non-profit, statewide local development corporation, administers Energize NY Open C-PACE on behalf of its member municipalities.

Energize NY Open C-PACE differs from traditional bank loans:

- Financing is available for up to 100% of the project cost, or can be combined with other financing

- Competitive private financing from EIC-approved capital providers

- Customizable loan terms up to the expected life of the improvement(s) (generally 20-30 years)

- Benefit assessment lien is subordinate to municipal taxes and senior to other liens (consent from mortgage holder is required)

- Automatically transfers to new owner upon sale of property

- Available for energy efficiency and renewable energy measures (Projects are qualified according to NYSERDA’s C-PACE Guidelines)

Open C-PACE paves the way for higher levels of energy efficiency or renewable energy to be included as part of a building’s redevelopment or rehabilitation – and might be the pivotal element needed to move the project forward.

Visit www.EnergizeNY.org or Call (914) 302-7300 x8105
Enabling Open C-PACE in your community

- Municipalities must pass a local law and sign an EIC municipal agreement to offer Energize NY Open C-PACE. EIC provides template documents.
- Any New York State municipality with tax lien authority is eligible.
- Open C-PACE is available to all local municipalities within a member county except for cities that have tax lien authority, which must join separately.

Benefits to member municipalities:
- No fees to join
- No responsibility for program administration
- No financial exposure for the municipality

Once Open C-PACE is enabled, the member municipality provides the public benefit of PACE and EIC administers the program.
- EIC records the lien on the land record.
- EIC bills the property owner directly and administers collection of the payment.
- The capital provider enforces the PACE lien only after paying any delinquent municipal taxes owed by the property owner to the municipality.

Questions? Visit www.EnergizeNY.org or call (914) 302-7300 x8105
LOCAL LAW NO. 20

A LOCAL LAW TO ESTABLISH A SUSTAINABLE ENERGY LOAN PROGRAM (OPEN C-PACE) IN THE ____________

Be it enacted by the [County/City/Town/Village] of ____________ (the "Municipality") as follows:

Section 1. This local law shall be known as the "Energize NY Open C-PACE Financing Program" and shall read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

A. It is the policy of both the Municipality and the State of New York (the "State") to achieve energy efficiency and renewable energy improvements, reduce greenhouse gas emissions, mitigate the effect of global climate change, and advance a clean energy economy. The Municipality finds that it can fulfill this policy by providing property assessed clean energy financing to Qualified Property Owners (as defined below) for the installation of renewable energy systems and energy efficiency measures. This local law establishes a program that will allow the Energy Improvement Corporation (as defined below, "EIC"), a local development corporation, acting on behalf of the Municipality pursuant to the municipal agreement (the "Municipal Agreement") to be entered into between the Municipality and EIC, to make funds available to Qualified Property Owners that will be repaid through charges on the real properties benefiting from such funds, thereby fulfilling the purposes of this local law and accomplishing an important public purpose. This local law provides a method of implementing the public policies expressed by, and exercising the authority provided by, Article 5-L of the General Municipal Law (as defined below, the "Enabling Act").

B. The Municipality is authorized to execute, deliver and perform the Municipal Agreement and otherwise to implement this Energize NY Open C-PACE Financing Program pursuant to the Constitution and laws of New York, including particularly Article IX of the Constitution, Section 10 of the Municipal Home Rule Law, the Enabling Act and this local law.

C. This local law, which is adopted pursuant to Section 10 of the Municipal Home Rule Law and the Enabling Act shall be known and may be cited as the "Energize NY Open C-PACE Local Law".

§2. Definitions

A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:
**Annual Installment Amount** – shall have the meaning assigned in Section 8, paragraph B.

**Annual Installment Lien** – shall have the meaning assigned in Section 8 paragraph B.

**Authority** – the New York State Energy Research and Development Authority.

**Benefit Assessment Lien** – shall have the meaning assigned in Section 3, paragraph A.

**Benefited Property** – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

**Benefited Property Owner** – the owner of record of a Benefited Property.

**EIC** – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

**Eligible Costs** – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement.

**Enabling Act** – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

**Finance Agreement** – the finance agreement described in Section 6A of this local law.

**Financing Charges** – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.

**Financing Parties** – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

**Municipality** – the ___________ of ______________, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

**Municipal Lien** – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.
Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally-imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the "Benefit Assessment Lien") on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage
holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.

B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

C. Sufficient funds are available from Financing Parties to provide financing to the property owner;

D. The property owner is current in payments on any existing mortgage on the Qualified Property;

E. The property owner is current in payments on any real property taxes on the Qualified Property; and

F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.
§6. **Energize NY Finance Agreement**

A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the “Finance Agreement”). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a “Benefited Property”.

B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.

C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.

D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. **Terms and conditions of repayment**

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a “charge” within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.

B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.
§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the "Annual Installment Amount"). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the "Annual Installment Lien") and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC, on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.
E. EIC shall act as the Municipality’s agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.
LOCAL LAW NO. "D" FOR 2018

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING
LOCAL LAW 5 FOR 2016 REGARDING THE SUSTAINABLE ENERGY LOAN
PROGRAM

Introduced: 3/12/18
By Messrs. Clenahan, A. Joyce, Feeley, Mauriello, Reinhardt Ms.
Cunningham, Messrs. Fein, Higgins, R. Joyce, Mayo, O'Brien, Ms. Plotsky,
Dawson, Domalewicz, Ethier, Ms. Lekakis, McKnight, McLean Lane, Messrs.
Miller, Signoracci, Simpson, Smith, Touchette, Ward, Ms. Willingham, Messrs.
Burgdorf, Crouse, Drake, Grimm, Hogan, Ms. Lockart, Messrs. Mendick,
Stevens and Tunny:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Local Law 5 for 2016 shall be known as the "Energize NY Benefit
Financing Program," and shall be amended in its entirety to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

A. It is the policy of both the County of Albany and the State of New York to achieve
energy efficiency and renewable energy goals, reduce greenhouse gas emissions,
mitigate the effect of global climate change, and advance a clean energy economy. The
County of Albany finds that it can fulfill this policy by providing property assessed
clean energy financing to property owners for the installation of renewable energy
systems and energy efficiency measures. This chapter establishes a program that will
allow the Energy Improvement Corporation ("EIC"), a local development corporation,
acting on behalf of the County of Albany pursuant to the municipal agreement to be
entered into between the County of Albany and EIC pursuant to Article 5-G of the
New York General Municipal Law (the "Municipal Agreement"), to make funds
available to qualified property owners that will be repaid by such property owners
through charges on the real properties benefited by such funds, thereby fulfilling the
purposes of this law and fulfilling an important public purpose.

B. The County of Albany is authorized to implement this Energize NY Benefit
Financing Program pursuant to the Municipal Home Rule Law and Article 5-L of the
New York General Municipal Law.

C. This law shall be known and may be cited as the "Energize NY Benefit Financing
Program Law of the County of Albany".

§2. Definitions

For purposes of this law, and unless otherwise expressly stated or unless the context
requires, the following terms shall have the meanings indicated:
Authority — The New York State Energy Research and Development Authority, as defined by subdivision two of section eighteen hundred fifty-one of the Public Authorities Law, or its successor.

EIC — the Energy Improvement Corporation, a local development corporation, duly organized under section fourteen hundred eleven of the Not-For-Profit Corporation Law, authorized hereby on behalf of the County of Albany to implement the Energize NY Benefit Financing Program by providing funds to qualified property owners (as defined in this law) and providing for repayment of such funds from monies collected by the County of Albany tax collecting officer as a charge to be levied on the real property and collected in the same manner and same form as the County of Albany taxes.

Energy Audit — A formal evaluation or “assessment” of the energy consumption of a permanent building or structural improvement to real property, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of identifying appropriate energy efficiency improvements that could be made to the property.

Energy Efficiency Improvement — Any renovation or retrofitting of a building to reduce energy consumption, such as window and door replacement, lighting, caulking, weatherstripping, air sealing, insulation, and heating and cooling system upgrades, and similar improvements, determined to be cost-effective pursuant to criteria established by the Authority, not including lighting measures or household appliances that are not permanently fixed to real property.

Qualified Property Owner — An owner of residential or commercial real property located within the boundaries of the County of Albany that is determined to be eligible to participate in the Energize NY Benefit Financing Program under the procedures for eligibility set forth under this law.

Renewable Energy System — An energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the Qualified Property Owner is a commercial entity in which case the system may be used for other properties in addition to the subject property, by means of solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, or other renewable energy technology approved by the Authority not including the combustion or pyrolysis of solid waste.

Renewable Energy System Feasibility Study — A written study, conducted by a contractor certified by the Authority, or certified by a certifying entity approved by the Authority, for the purpose of determining the feasibility of installing a renewable energy system.

§8. Establishment of an Energize NY Benefit Financing Program

A. An Energize NY Benefit Financing Program is hereby established by the County of Albany, whereby EIC acting on its behalf pursuant to the Municipal Agreement, may provide funds to Qualified Property Owners in accordance with the procedures set forth under this law, to finance the acquisition, construction and installation of
Renewable Energy Systems and Energy Efficiency Improvements and the verification of the installation of such systems and improvements.

B. For funds provided to a Qualified Property Owner which is a commercial entity, not-for-profit organization, or entity other than an individual, EIC shall have the authority to impose requirements on the maximum amount of funds to be provided, which may consider factors including but not limited to the property value, projected savings, project cost, and existing indebtedness secured by such property.

C. For financings made to a Qualified Property Owner who is an individual, the funds provided shall not exceed the lesser of: (i) ten percent of the appraised value of the real property where the Renewable Energy Systems and/or Energy Efficiency Improvements will be located, or (ii) the actual cost of installing the Renewable Energy Systems and/or Energy Efficiency Improvements, including the costs of necessary equipment, materials, and labor and the cost of verification of such systems and improvements.

§4. Procedures for eligibility

A. Any property owner in the County of Albany may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the County of Albany offices.

B. Every application submitted by a property owner shall be reviewed by EIC acting on behalf of the County of Albany, which shall make a positive or negative determination on such application based upon the criteria for making a financing enumerated in section 5 of this law. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC acting on behalf of the County of Albany, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Energize NY Benefit Financing Program in accordance with the procedure set forth under section 6 of this law; provided that in no case shall a property owner that has received funds from another municipal corporation for the acquisition, construction and installation of Energy Efficiency Improvements and/or Renewable Energy Systems be deemed a Qualified Property Owner.

§5. Application criteria

Upon the submission of an application, EIC acting on behalf of the County of Albany, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

A. The proposed Energy Efficiency Improvements and/or Renewable Energy Systems are determined to be cost effective based on guidelines issued by the Authority;

B. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
C. The amount financed under the Energize NY Benefit Financing Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

D. Sufficient funds are available from EIC to provide financing to the property owner;

E. The property owner is current in payments on any existing mortgage;

F. The property owner is current in payments on any existing real property taxes and has been current on real property taxes for the previous three years; and

G. Such additional criteria, not inconsistent with the criteria set forth above, as the County of Albany, or EIC acting on its behalf, may set from time to time.

§6. Opt-in, Energize NY Finance Agreement

A. A Qualified Property Owner may participate in the Energize NY Benefit Financing Program through the execution of an energize NY finance agreement made by and between the Qualified Property Owner and EIC, acting on the behalf of the County of Albany (the “Energize NY Finance Agreement”).

B. Upon execution of the Energize NY Finance Agreement, the Qualified Property Owner shall be eligible to receive funds from EIC acting on behalf of the County of Albany, for the acquisition, construction, and installation of qualifying Renewable Energy Systems and Energy Efficiency Improvements; provided the requirements of Section 7 of this law have been met.

C. The Energize NY Finance Agreement shall include the terms and conditions of repayment set forth under section 8 of this law.

§7. Energy audit, renewable energy system feasibility study

A. No funds shall be made available for Energy Efficiency Improvements unless determined to be appropriate through an Energy Audit as defined in Section 2.

B. No funds shall be made available for a Renewable Energy System unless determined to be feasible through a Renewable Energy System Feasibility Study as defined in Section 2.

C. The cost of such Energy Audit and/or Renewable Energy System Feasibility Study shall be borne solely by the property owner but may be included in the financed amount if the work is approved.

§8. Terms and conditions of repayment

The Energize NY Finance Agreement between the Qualified Property Owner and EIC acting on behalf of the County of Albany, shall set forth the terms and conditions of repayment in accordance with the following:
A. The principal amount of the funds paid to the Qualified Property Owner hereunder, together with the interest thereon, shall be paid by the property owner as a charge on their County of Albany tax bill and shall be levied and collected at the same time and in the same manner as the County of Albany property taxes, provided that such charge shall be separately listed on the tax bill. The County of Albany shall make payment to EIC or its designee in the amount of all such separately listed charges within 30 days of the date the payment is due to be made to the County of Albany.

B. The term of such repayment shall be determined at the time the Energize NY Finance Agreement is executed by the property owner and EIC, provided that in no case shall the term exceed the weighted average of the useful life of the systems and improvements as determined by EIC acting on behalf of the County of Albany.

C. The rate of interest for the charge shall be fixed by EIC acting on behalf of the County of Albany at the time the Energize NY Finance Agreement is executed by the property owner and EIC.

D. The charge shall constitute a lien upon the real property benefited by the Energize NY Benefit Financing Program as set forth in Article 5-L of the General Municipal Law and shall run with the land. A transferee of title to the benefited real property shall be required to pay any future installments, including interest thereon.

§9. Verification and report

A. EIC shall be responsible for verifying and reporting to the County of Albany on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by such Program.

B. The County of Albany shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Energize NY Benefit Financing Program in such form and manner as the Authority may establish.

Section 2. This local law shall take effect upon filing with the Secretary of State.

Referred to Audit and Finance, Law and Conservation and Improvement Committees - 3/12/18
Favorable Recommendation Law Committee - 5/21/18
Favorable Recommendation Conservation and Improvement Committee - 5/29/18
Favorable Recommendation Audit and Finance Committee - 5/30/18
Those opposed: - 0
Local Law was adopted - 6/11/18
ENERGIZE NY OPEN C-PACE FINANCING PROGRAM HANDBOOK

Introduction

The Energy Improvement Corporation (EIC) offers the Energize NY Open C-PACE Program ("Open C-PACE" or the "Program") to eligible property owners in order to provide financing for property improvements that are energy efficient or that incorporate renewable energy systems. EIC is a local development corporation and a New York State nonprofit established specifically to assist municipalities and property owners with improving buildings to lower energy costs, generate renewable energy, and support the growth of a clean energy economy.

The Program provides an alternative to traditional equity or unsecured loans by using an innovative form of financing called Commercial Property Assessed Clean Energy (C-PACE) financing. Under C-PACE financing, third-party capital providers provide direct funding to the property owner for up to 100% of the cost of the energy improvements. The loan is secured by a voluntary special assessment on the Property (a "Benefit Assessment Lien") and is repayable by the property owner in annual installments over a term not to exceed the useful life of the Improvements.

The Program is authorized by New York State General Municipal Law Article 5-L, however, Open C-PACE must be enabled at the local level. Counties and municipalities interested in extending PACE financing to their commercial property owners must adopt a Local Law establishing the Program in the municipality and enter into a Municipal Agreement with EIC to administer the Program on its behalf.

PACE Project Process

Below are the detailed steps in putting together a PACE project.

1. Determine Property Eligibility

Financing by the Program is subject to the following Eligibility Requirements:

- The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;
- The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;
- Sufficient funds are available from Financing Parties to provide financing to the property owner;
- The property owner is current in payments on any existing mortgage on the Qualified Property;
- The property owner is current in payments on any real property taxes on the Qualified Property;
The property owner is a commercial entity (OPEN C-PACE is only available for commercially owned properties. Qualifying property owners may be corporations (both for-profit and not-for-profit), limited liability companies, partnerships; real estate investment trusts (REITs), or any property owner other than a natural person that owns commercial real property.); and

Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

Ineligible Properties:

- Individually owned properties
- Government owned property (including public universities and school districts)

2. Determine Project Scope

Proposed improvements must be evaluated through a Qualified Energy Audit and/or a Renewable Energy System Feasibility Study using a NYSERDA approved process as referenced in the NYSERDA Commercial PACE Guidance Document and/or through an approved NYSERDA or local utility qualified energy program.

PACE Energy Auditors are required to have the credentials listed here (refer to pg. 6 of NYSERDA C-PACE Guidance).

Proposed improvements are then required to:

- Be permanently affixed to the property, and
- Satisfy NYSERDA’s Cost Benefit Ratio or use measures deemed cost effective by NYSERDA (refer to pg. 9 of NYSERDA C-PACE Guidance), or
- Conform to the NYSERDA list of Commercial PACE Eligible Renewable Energy System Technologies

3. Select C-PACE Capital Provider

C-PACE financing under the Program will be provided by private third-party capital providers in an open market model, and consequently a wide range of parties can provide C-PACE financing. It is up to the property owner to select the C-PACE capital provider.

4. Prepare Application and Gather Required Documents

A C-PACE project requires the submission of an application by the property owner or a capital provider to EIC. See Appendix A for a list of documents that will be submitted in order to close the financing.

5. Close on C-PACE Financing

C-PACE financing requires a set of contracts be put in place, wherein the property owner voluntarily agrees to the addition of the Benefit Assessment Lien on the property, and to be billed by EIC on behalf of the Municipality, in annual installment amounts until the full amount of the financing is paid.
APPENDIX A: REQUIRED TRANSACTION DOCUMENTS

- Application
- Energy Audit, including expected Cost Benefit Ratio and/or identification of pre-qualified measure listing, or Renewable Energy System Feasibility Study
- Weighted Average Life calculation of the improvements
- Scope of Work, which must include signed contracts or proposals for all measures
- Lender Consent from mortgagee
- Title Search completed within 60 days of closing, including search for last owner, bankruptcy, liens, and taxes
- Draft Finance Agreement, including Risk Disclosure, Reporting Disclosure, Utility Data Release Authorization Form, and Municipal Access to the project for 2 years after completion
- W-9 from the property owner

The following are required for final disbursement upon completion of installation of the improvements:

- Confirmation from a NYSERDA or utility program that the improvements were installed, or
- Receipt of paid invoices for the cost of the improvements and a site inspection by a municipal corporation-approved inspector or a certificate of completion signed by the installer and the property owner
- Utility Permission to Operate notice for renewable energy generation
RESOLUTION NO. 355

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “H” FOR 2019 - A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW NO. 8 FOR 2011 TO MODIFY THE PROCEDURES FOR IDENTIFYING INDIVIDUALS REQUIRED TO FILL OUT FINANCIAL DISCLOSURE FORMS

Introduced: 8/12/19
By Mr. A. Joyce and Ms. Plotsky:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “H” for 2019, “A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW 8 FOR 2011 TO MODIFY THE PROCEDURES FOR IDENTIFYING INDIVIDUALS REQUIRED TO FILL OUT FINANCIAL DISCLOSURE FORMS” 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, September 24, 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 Committee – 8/12/19
RESOLUTION NO. 357

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “F” FOR 2018

Introduced: 8/12/19
By: Drake

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “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” 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, August 27, 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 Committee – 8/12/19
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, in conjunction with the County Executive, shall [request an advisory opinion per this local law regarding employment of said individual from the Ethics Commission.] send a written request for appointment to the Personnel Committee of the Legislature which shall include any potential conflicts of interest, any appearances of impropriety, the explanations for any conflicts of interest and/or appearances of impropriety, and will demonstrate said candidate's qualifications for the position.

[(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) After the Ethics Commission has issued its opinion, the candidate shall 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. The Personnel Committee may inquire about other candidates for the position in question and require said candidates’ resumes to be provided.

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 take effect immediately and 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 23 of the Municipal Home Rule Law, this local law, which curtails the powers of Albany County elective officers, 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.]
LOCAL LAW NO. "G" FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING
LOCAL LAW NO. 2 FOR 2018 REGARDING THE SUSTAINABLE ENERGY
LOAN PROGRAM

Introduced: 8/12/19
By Messrs. Touchette, A. Joyce, Feeney, Bullock, Clay, Commissio, Domalewicz,
Ethier, Fein, Frainier, Ms. Lekakis, Mr. Mayo, Ms. McKnight, Messrs. Miller,
Reinhardt, Simpson, Ward and Ms. Willingham:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Local Law No. 5 for 2016, as amended by Local Law No. 2 for 2018, shall be
known as the “Energize NY Open C-PACE Financing Program” and shall be
amended in its entirety to read as follows:

ARTICLE I

§1. Legislative findings, intent and purpose, authority.

A. It is the policy of both the Municipality and the State of New York (the “State”) to
achieve energy efficiency and renewable energy improvements, reduce
greenhouse gas emissions, mitigate the effect of global climate change, and
advance a clean energy economy. The Municipality finds that it can fulfill this
policy by providing property assessed clean energy financing to Qualified
Property Owners (as defined below) for the installation of renewable energy
systems and energy efficiency measures. This local law establishes a program
that will allow the Energy Improvement Corporation (as defined below, “EIC”),
a local development corporation, acting on behalf of the Municipality pursuant
to the municipal agreement (the “Municipal Agreement”) to be entered into
between the Municipality and EIC, to make funds available to Qualified
Property Owners that will be repaid through charges on the real properties
benefited by such funds, thereby fulfilling the purposes of this local law and
accomplishing an important public purpose. This local law provides a method
of implementing the public policies expressed by, and exercising the authority
provided by, Article 5-L of the General Municipal Law (as defined below, the
“Enabling Act”).

B. The Municipality is authorized to execute, deliver and perform the Municipal
Agreement and otherwise to implement this Energize NY Open C-PACE
Financing Program pursuant to the Constitution and laws of New York, including
particularly Article IX of the Constitution, Section 10 of the Municipal
Home Rule Law, the Enabling Act and this local law.

C. This local law, which is adopted pursuant to Section 10 of the Municipal Home
Rule Law and the Enabling Act shall be known and may be cited as the
“Energize NY Open C-PACE Local Law”.

§2. Definitions
A. Capitalized terms used but not defined herein have the meanings assigned in the Enabling Act.

B. For purposes of this local law, and unless otherwise expressly stated or unless the context requires, the following terms shall have the meanings indicated:

Annual Installment Amount – shall have the meaning assigned in Section 8, paragraph B.

Annual Installment Lien – shall have the meaning assigned in Section 8 paragraph B.

Authority – the New York State Energy Research and Development Authority.

Benefit Assessment Lien – shall have the meaning assigned in Section 3, paragraph A.

Benefited Property – Qualified Property for which the Qualified Property Owner has entered into a Finance Agreement for a Qualified Project.

Benefited Property Owner – the owner of record of a Benefited Property.

EIC – the Energy Improvement Corporation, a local development corporation, duly organized under section 1411 of the Not-For-Profit Corporation Law of the State, authorized hereby on behalf of the Municipality to implement the Program by providing funds to Qualified Property Owners and providing for repayment of such funds from money collected by or on behalf of the Municipality as a charge to be levied on the real property.

Eligible Costs – costs incurred by the Benefited Property Owner in connection with a Qualified Project and the related Finance Agreement, including application fees, EIC’s Program administration fee, closing costs and fees, title and appraisal fees, professionals’ fees, permits, fees for design and drawings and any other related fees, expenses and costs, in each case as approved by EIC and the Financing Party under the Finance Agreement.

Enabling Act – Article 5-L of the General Municipal Law of the State, or a successor law, as in effect from time to time.

Finance Agreement – the finance agreement described in Section 6A of this local law.

Financing Charges – all charges, fees and expenses related to the loan under the Finance Agreement including accrued interest, capitalized interest, prepayment premiums, and penalties as a result of a default or late payment and costs and reasonable attorneys’ fees incurred by the Financing Party as a result of a foreclosure or other legal proceeding brought against the Benefited Property to enforce any delinquent Annual Installment Liens.
Financing Parties – Third party capital providers approved by EIC to provide financing to Qualified Property Owners or other financial support to the Program which have entered into separate agreements with EIC to administer the Program in the Municipality.

Municipality – the County of Albany, a municipality of the State constituting a tax district as defined in Section 1102 of the RPTL of the State.

Municipal Lien – a lien on Qualified Property which secures the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property.

Non-Municipal Lien – a lien on Qualified Property which secures any obligation other than the obligation to pay real property taxes, municipal charges, or governmentally imposed assessments in respect of services or benefits to a Qualified Property Owner or Qualified Property.

Program – the Energize NY Open C-PACE Financing Program authorized hereby.

Qualified Project – the acquisition, construction, reconstruction or equipping of Energy Efficiency Improvements or Renewable Energy Systems or other projects authorized under the Enabling Act on a Qualified Property, together with a related Energy Audit, Renewable Energy System Feasibility Study and/or other requirements under or pursuant to the Enabling Act, with funds provided in whole or in part by Financing Parties under the Program to achieve the purposes of the Enabling Act.

Qualified Property – Any real property other than a residential building containing less than three dwelling units, which is within the boundaries of the Municipality that has been determined to be eligible to participate in the Program under the procedures for eligibility set forth under this local law and the Enabling Act and has become the site of a Qualified Project.

Qualified Property Owner – the owner of record of Qualified Property which has been determined by EIC to meet the requirements for participation in the Program as an owner, and any transferee owner of such Qualified Property.

RPTL – the Real Property Tax Law of the State, as amended from time to time.

Secured Amount – as of any date, the aggregate amount of principal loaned to the Qualified Property Owner for a Qualified Project, together with Eligible Costs and Financing Charges, as provided herein or in the Finance Agreement, as reduced pursuant to Section 8, paragraph C.

State – the State of New York.

§3. Establishment of an Energize NY Open C-PACE Financing Program

A. An Energize NY Open C-PACE Financing Program is hereby established by the Municipality, whereby EIC acting on its behalf pursuant to the Municipal
Agreement, may arrange for the provision of funds by Financing Parties to Qualified Property Owners in accordance with the Enabling Act and the procedures set forth under this local law, to finance the acquisition, construction, reconstruction, and installation of Qualified Projects and Eligible Costs and Financing Charges approved by EIC and by the Financing Party under the Finance Agreement. EIC, on behalf of the Municipality, and with the consent of the Benefited Property Owner, will record a Benefit Assessment Lien on the Benefited Property in the Secured Amount (the “Benefit Assessment Lien”) on the land records for the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality.

B. Before a Qualified Property Owner and a Financing Party enter into a Finance Agreement which results in a loan to finance a Qualified Project, repayment of which is secured by a Benefit Assessment Lien, a written consent from each existing mortgage holder of the Qualified Property shall be obtained, permitting the Benefit Assessment Lien and each Annual Installment Lien to take priority over all existing mortgages.

§4. Procedures for eligibility

A. Any property owner in the Municipality may submit an application to EIC on such forms as have been prepared by EIC and made available to property owners on the website of EIC and at the Municipality’s offices.

B. Every application submitted by a property owner shall be reviewed by EIC, acting on behalf of the Municipality, which shall make a positive or negative determination on such application based upon the criteria enumerated in the Enabling Act and § 5 of this local law. EIC may also request further information from the property owner where necessary to aid in its determination.

C. If a positive determination on an application is made by EIC, acting on behalf of the Municipality, the property owner shall be deemed a Qualified Property Owner and shall be eligible to participate in the Program in accordance with § 6 of this local law.

§5. Application criteria

Upon the submission of an application, EIC, acting on behalf of the Municipality, shall make a positive or negative determination on such application based upon the following criteria for the making of a financing:

A. The property owner may not be in bankruptcy and the property may not constitute property subject to any pending bankruptcy proceeding;

B. The amount financed under the Program shall be repaid over a term not to exceed the weighted average of the useful life of Renewable Energy Systems and Energy Efficiency Improvements to be installed on the property as determined by EIC;

C. Sufficient funds are available from Financing Parties to provide financing to the property owner;
D. The property owner is current in payments on any existing mortgage on the Qualified Property;
E. The property owner is current in payments on any real property taxes on the Qualified Property; and
F. Such additional criteria, not inconsistent with the criteria set forth above, as the State, the Municipality, or EIC acting on its behalf, or other Financing Parties may set from time to time.

§6. Energize NY Finance Agreement

A. A Qualified Property Owner may participate in the Program through the execution of a finance agreement made by and between the Qualified Property Owner and a Financing Party, to which EIC, on behalf of the Municipality, shall be a third-party beneficiary (the "Finance Agreement"). Upon execution and delivery of the Finance Agreement, the property that is the subject of the Finance Agreement shall be deemed a "Benefited Property").
B. Upon execution and delivery of the Finance Agreement, the Benefited Property Owner shall be eligible to receive funds from the Financing Party for the acquisition, construction, and installation of a Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, provided the requirements of the Enabling Act, the Municipal Agreement and this local law have been met.
C. The Finance Agreement shall include the terms and conditions of repayment of the Secured Amount and the Annual Installment Amounts.
D. EIC may charge fees to offset the costs of administering the Program and such fees, if not paid by the Financing Party, shall be added to the Secured Amount.

§7. Terms and conditions of repayment

The Finance Agreement shall set forth the terms and conditions of repayment in accordance with the following:

A. The principal amount of the funds loaned to the Benefited Property Owner for the Qualified Project, together with Eligible Costs and Financing Charges approved by EIC and by the Financing Party, shall be specially assessed against the Benefited Property and will be evidenced by a Benefit Assessment Lien recorded against the Benefited Property on the land records on which liens are recorded for properties within the Municipality. The special benefit assessment shall constitute a "charge" within the meaning of the Enabling Act and shall be collected in annual installments in the amounts certified by the Financing Party in a schedule provided at closing and made part of the Benefit Assessment Lien. Said amount shall be annually levied, billed and collected by EIC, on behalf of the Municipality, and shall be paid to the Financing Party as provided in the Finance Agreement.
B. The term of such repayment shall be determined at the time the Finance Agreement is executed by the Benefited Property Owner and the Financing
Party, not to exceed the weighted average of the useful life of the systems and improvements as determined by EIC, acting on behalf of the Municipality.

C. The rate of interest for the Secured Amount shall be fixed by the Financing Party in conjunction with EIC, acting on behalf of the Municipality, as provided in the Finance Agreement.

§8. Levy of Annual Installment Amount and Creation of Annual Installment Lien

A. Upon the making of the loan pursuant to the Finance Agreement, the Secured Amount shall become a special Benefit Assessment Lien on the Benefited Property in favor of the Municipality. The amount of the Benefit Assessment Lien shall be the Secured Amount. Evidence of the Benefit Assessment Lien shall be recorded by EIC, on behalf of the Municipality, in the land records for properties in the Municipality. Such recording shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. The Benefit Assessment Lien shall not be foreclosed upon by or otherwise enforced by the Municipality.

B. The Finance Agreement shall provide for the repayment of the Secured Amount in installments made at least annually, as provided in a schedule attached to the Benefit Assessment Lien (the “Annual Installment Amount”). The Annual Installment Amount shall be levied by EIC, on behalf of the Municipality, on the Benefited Property in the same manner as levies for municipal charges, shall become a lien on the Benefited Property as of the first day of January of the fiscal year for which levied (the “Annual Installment Lien”) and shall remain a lien until paid. The creation or any recording of the Annual Installment Lien shall be exempt from any charge, mortgage recording tax or other fee in the same manner as if recorded by the Municipality. Payment to the Financing Party shall be considered payment for this purpose. Such payment shall partly or wholly discharge the Annual Installment Lien. Delinquent Annual Installment Amounts may accrue Financing Charges as may be provided in the Finance Agreement. Any additional Financing Charges imposed by the Financing Party pursuant to the Finance Agreement shall increase the Annual Installment Amount and the Annual Installment Lien for the year in which such overdue payments were first due.

C. The Benefit Assessment Lien shall be reduced annually by the amount of each Annual Installment Lien when each Annual Installment Lien becomes a lien. Each Annual Installment Lien shall be subordinate to all Municipal Liens, whether created by Section 902 of the RPTL or by any other State or local law. No portion of a Secured Amount shall be recovered by the Municipality, EIC, or an assignee upon foreclosure, sale or other disposition of the Benefited Property unless and until all Municipal Liens are fully discharged. Each Annual Installment Lien, however, shall have priority over all Non-Municipal Liens, irrespective of when created, except as otherwise required by law.

D. Neither the Benefit Assessment Lien nor any Annual Installment Lien shall be extinguished or accelerated in the event of a default or bankruptcy of the Benefited Property Owner. Each Annual Installment Amount shall be considered a charge upon the Benefited Property and shall be collected by EIC,
on behalf of the Municipality, at the same time and in the same manner as real property taxes or municipal charges. Each Annual Installment Lien shall remain a lien until paid. Amounts collected in respect of an Annual Installment Lien shall be remitted to EIC, on behalf of the Municipality, or the Financing Party, as may be provided in the Finance Agreement.

E. EIC shall act as the Municipality's agent in collection of the Annual Installment Amounts. If any Benefited Property Owner fails to pay an Annual Installment Amount, the Financing Party may redeem the Benefited Property by paying the amount of all unpaid Municipal Liens thereon, and thereafter shall have the right to collect any amounts in respect of an Annual Installment Lien by foreclosure or any other remedy available at law. Any foreclosure shall not affect any subsequent Annual Installment Liens.

F. EIC, on behalf of the Municipality, may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens to Financing Parties that provide financing to Qualified Properties pursuant to Finance Agreements. The Financing Parties may sell or assign for consideration any and all Benefit Assessment Liens and Annual Installment Liens received from EIC, on behalf of the Municipality, subject to certain conditions provided in the administration agreement between EIC and the Financing Party. The assignee or assignees of such Benefit Assessment Liens and Annual Installment Liens shall have and possess the same powers and rights at law or in equity as the Municipality would have had if the Benefit Assessment Lien and the Annual Installment Liens had not been assigned with regard to the precedence and priority of such lien, the accrual of interest and the fees and expenses of collection.

§9. Verification and report

EIC, on behalf of the Municipality, shall verify and report on the installation and performance of Renewable Energy Systems and Energy Efficiency Improvements financed by the Program in such form and manner as the Authority may establish.

§10. Separability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof involved in the controversy in which such judgment shall have been rendered.

Section 2. This local law shall take effect upon filing with the Secretary of State.

Referred to Law Committee – 8/12/19
LOCAL LAW NO. “H” FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING LOCAL LAW 8 FOR 2011 TO MODIFY THE PROCEDURES FOR IDENTIFYING INDIVIDUALS REQUIRED TO FILL OUT FINANCIAL DISCLOSURE FORMS

Introduced: 8/12/19
By Mr. A. Joyce and Ms. Plotsky:

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF ALBANY AS FOLLOWS:

Local Law No. 8 for 2011, entitled “A Local Law of the County of Albany, New York Establishing a New Code of Ethics and Financial Disclosure Law for Officials and Employees of Albany County Government” is amended as follows:

SECTION 1.

Section 11(1) of Local Law No. 8 for 2011 is amended to read as follows:

SECTION 11. Annual Disclosure

1. Officers and employees required to file an annual financial disclosure statement.

   (a) In January of each year, the Commissioner of Human Resources shall provide the Ethics Commission with a list of recommended titles, names, offices, and positions of all County officers and employees who are required, pursuant to this local law, to file an annual disclosure statement for the prior year.

   (b) As soon as possible after the receipt of such list, the Ethics Commission shall review and adopt, subject to modification, the list of the titles, names, offices, and positions of all County officers and employees who are required, pursuant to this local law, to file an annual disclosure statements for the prior year (“Annual FDS Filer List”).

   (c) On or before March 1 of each year, the Ethics Commission shall file the Annual FDS Filer List with the County Clerk and Chairman of the Legislature for recording and distribution to the various agencies, departments, boards, commissions, and offices of the County, including the Board of Elections.
(d) The Board of Elections shall take reasonable measures to attempt to identify and notify candidates for elected County office who are required to file an annual disclosure statement for the prior year pursuant to this local law.

(e) On or before May 15 of each year, the persons identified in the Annual FDS Filer List and any qualified candidates for office shall notarize and submit the annual financial disclosure statement to the Clerk of the Legislature.

SECTION 2.

Section 12(1)(a) of Local Law 8 for 2011 is amended to read as follows:

(a) Where a person requests the County or a County officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a financial benefit both to the requestor and to either any officer or employee of the County or any other person identified in the Annual FDS Filer List, the requestor shall disclose the names of any such persons, to the extent known to the requestor at the time of the request.

SECTION 3.

Appendix A of Local Law 8 for 2011 is deleted it in its entirety.

SECTION 4.

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

*Referred to Law Committee – 8/12/19*
MEMORANDUM

To: Paul Devane, Clerk of the Legislature

From: Peter-Daniel Apostol, Assistant County Attorney

Date: July 26, 2019

Re: Proposed Changes to Local Law No. 8 for 2011

At a recent meeting of the Ethics Commission the members of the Commission, in reviewing ways to improve the efficiency of the process for determining which members of Albany County Government were required to file an annual disclosure form each year, voted unanimously to recommend, pursuant to Local Law 8 for 2011 Section Eighteen (18) Section Five (5) Subsection Three (3) Paragraph (j), a change to Section 11 of Local Law no. 8 for 2011. The Commission determined that the current mechanism in Local Law 8 for 2011 Section Eighteen (18) Section Five (5) Subsection Three (3) Paragraph (c) created an outdated list of required filers, making the process inefficient to achieve the goals of the Local Law. The Commission drafted a proposed modification that would allow the Commission to adroitly address these changes in County government positions and personnel on an annual basis to ensure that all members of Albany County Government who are required to file an Annual Disclosure Form in accordance
with the Local Law will do so. This change is being recommended independent of any other change or changes to the Local Law.
August 1, 2019

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

Dear Chairman Joyce:

I request the Legislature’s approval to be allowed to accept the NYS DCJS STOP Violence against Women Act (VAWA) grant for the final one year extension which will allow the Albany County Crime Victim and Sexual Violence Center, in coordination with the District Attorney’s Office and the Sheriff’s Department, to enter into a grant with the New York State Division of Criminal Justice Services. This grant will provide funding from January 1, 2020 through December 31, 2020 in the amount of $66,750. The letter from NYS DCJS is attached and provides additional information. In addition, an MOU between our office, the District Attorney, and Sheriff needs to accompany the application.

I appreciate your consideration this matter.

Sincerely,

Crimevictim1010

Karen Ziegler

cc: Dennis A. Feeney, Majority Leader
Frank A. Mauriello, Minority Leader
Kevin Cannizzaro, Esq., Majority Counsel
Amis Zilgme, Esq. Minority Counsel
ContraREQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
Contract with NYS DCJS for STOP (Services • Training • Officers • Prosecutors) Violence against Women (VAWA) grant funding

Date: 8/1/2019
Submitted By: Karen Ziegler
Department: Crime Victim and Sexual Violence Center
Title: Director
Phone: 518-447-7100
Department Rep.
Attending Meeting: Karen Ziegler

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) Memorandum of Understanding with CVSVC, the District Attorney's Office and the Sheriff's Department

CONCERNING BUDGET AMENDMENTS

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

Type of Contract:
☐ Change Order/Contract Amendment
☐ Purchase (Equipment/Supplies)
☐ Lease (Equipment/Supplies)
☐ Requirements
☐ Professional Services
☐ Education/Training
☒ Grant
   Renewal
   Submission Date Deadline 10/1/2019
☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) 

Contract Terms/Conditions:

Party (Name/address):
NYS Division of Criminal Justice Services
AE Smith Building
80 South Swan Street
Albany, NY 12210

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

Amount/Raise Schedule/Fee: $66,750

Scope of Services: To continue to provide a coordinated community response team to victims of domestic violence, sexual assault, dating violence, and stalking. The team is comprised of a prosecutor, investigator and three victim advocates who provide services to victims. Additionally, CVSVC will provide coordination for the Albany County Sexual Assault Resource Team (SART) as well as coordination with the Albany County Correctional Facility around the Prison Rape Elimination Act (PREA) and required services.

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: A4610 03497
Revenue Amount: $66,750.00

Appropriation Account and Line: A4610 03497; A1165 03497; A3110 03497
Appropriation Amount: 41000; 24750; 1000

Source of Funding - (Percentages)
Federal: 75
State: Click or tap here to enter text.
County: 25
Local: Click or tap here to enter text.

Term
Term: (Start and end date) 12 months
Length of Contract: 1/1/2020 - 12/31/2020

Impact on Pending Litigation
Yes ☑ No ☑
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: 350
Date of Adoption: 8/13/2018

Justification: (state briefly why legislative action is requested)
The funds for this 12 month grant contract are used to pay for part of the salaries of an Assistant District Attorney, an Investigator, and three victim advocates who are part of the Albany County Domestic Violence Team. It also pays part of the salaries of the CVSV Director to coordinate the Albany County Sexual Assault Resource Team (SART) and, with a staff member at the Albany County Correctional Facility (ACCF), Prison Rape Elimination Act (PREA) services at ACCF. An MOU between the three agencies is required for the program.
Dear DCJS STOP VAWA Grantee,

Please be advised that DCJS will not be issuing a competitive Request for Proposals (RFP) in 2019 for the 2020 STOP VAWA Awards. Instead, your current VAWA funded contract(s), ending December 31, 2019, will be extended for one (1) additional year of funding for the term January 1, 2020 through December 31, 2020. The annual funding amount will remain the same as provided in your current contract. Please also note that DCJS will be issuing a competitive Request for Proposals (RFP) in the summer of 2020 for contracts starting January 1, 2021.

Within the next several weeks, DCJS will send you an email notification of the contract extension described above, along with instructions to complete development of your 2020 contract. Timely submission of all materials requested at that time will facilitate timely execution of your 2020 contract.

We look forward to continuing to work with your program(s). Should you have any questions, please contact your DCJS Public Safety Grants Representative or Kyesha Pulliam, VAWA/Victim Services Unit Secretary with the DCJS Office of Program Development and Funding (OPDF), by email at dcjsVAWA@dcis.ny.gov or phone at (518) 485-9905.

Thank you for all you do to help serve survivors in New York State.

Kyesha Pulliam
Secretary 1
Office of Program Development and Funding

New York State Division of Criminal Justice Services
80 South Swan St., Albany, NY 12210
(518) 485-9905 – Office | kyesha.pulliam@dcis.ny.gov

www.criminaljustice.ny.gov
Memorandum of Understanding

We the undersigned are submitting a Memorandum of Understanding as a collaborative effort. We are committed to the Albany County STOP Violence Against Women Project to support our efforts to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women.

- The Coordinated Community Response to Domestic Violence Team provides victim advocacy, specialized prosecution, consultation and investigation of incidents of sexual assault, domestic violence, and stalking throughout Albany County.

- The Albany County District Attorney’s Office will prosecute all Felony and Misdemeanor level domestic violence and sexual assault cases as well as stalking cases. The District Attorney will provide an Assistant District Attorney who will “bridge” cases between Albany Police Court and County Court, a victim witness specialist to serve victims as their advocate in County Court, and an investigator to support the investigation of domestic violence and sexual assault cases in Albany County.

- The Albany County Sheriff’s Office will support the coordination of PREA services in Albany County by providing support, communication and information between the Albany County Correctional Facility and the Albany County Crime Victim and Sexual Violence Center.

- The Albany County Crime Victim and Sexual Violence Center will provide two crime victim caseworkers who will serve victims as their advocates in Albany Police Court and other local courts. The Director will facilitate the coordinated community response to sexual assault through the Albany County Sexual Assault Response Team (SART) and through Prison Rape Elimination Act (PREA) efforts at the Albany County Correctional Facility.

David Soares  Craig D. Apple, Sr.  Karen Ziegler
District Attorney  Sheriff  Director
August 14, 2019

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

Re: Overtime Budget Amendment

Dear Chairman Joyce:

Albany County Probation has the opportunity to receive additional funding from the Albany County Sheriff Stop DWI Enforcement Program. This funding would be to provide Interlock Enforcement at the Albany County Victim Impact Panels up to four times per year. Probation Officers would assist the Sheriff Department in Interlock requirements for Probationers who must attend. It is projected the Probation Department may receive up to $7,200 per year.

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,

[Signature]

William Connors
Probation Director

WC/km

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

Description (e.g., Contract Authorization for Information Services):

Budget modification to accept supplement overtime for Probation Staff

Date: August 14, 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
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 Click or tap to enter a date.

☐ Settlement of a Claim
☐ Release of Liability
☐ Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):
Albany County Sheriff
STOP-DWI PROGRAM
58 Verda Ave, PO Box A
Clarksville, NY 12041

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

Scope of Services:
Probation Staff assist Albany County Sheriff Department at Albany
County Crime Victim Impact Meetings providing Interlock enforcement to Probationers who must attend.

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 ☒
File #: TMP-1033, Version: 1

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: A93140.19902
Revenue Amount: $7,200.

Appropriation Account and Line: A13140.01725
Appropriation Amount: $7,200.

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

Term
Term: (Start and end date) Click or tap here to enter text.
Length of Contract: Click or tap here to enter text.

Impact on Pending Litigation
If yes, explain: Yes ☐ No ☒

Previous requests for Identical or Similar Action:
Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)
Requesting permission to accept supplemental overtime from the Albany County Sheriff, STOP-DWI PROGRAM. This overtime will allow Probation Staff to assist the Albany County Sheriff Department, in the enforcement of DWI Interlock mandates on Probationers who are required to attend the Albany County Victim Impact Program.
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<thead>
<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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<td>Probation</td>
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**TOTAL APPROPRIATIONS**

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**ESTIMATED REVENUES**

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<th>ACCOUNT NO.</th>
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<th>UNIT COST</th>
<th>DEPARTMENT NAME</th>
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**TOTAL ESTIMATED REVENUES**

<table>
<thead>
<tr>
<th>DECREASE</th>
<th>INCREASE</th>
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</thead>
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**GRAND TOTALS**

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</tr>
</thead>
<tbody>
<tr>
<td>7,200.00</td>
<td>7,200.00</td>
</tr>
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</table>
MEMORANDUM

Date: July 17, 2019

To: Mr. William Connors

From: First Sergeant Tracy Mance

Re: Ignition Interlock Enforcement Detail

On Tuesday, July 30, 2019 at the Victim Impact Panel, STOP-DWI is planning an Ignition Interlock Enforcement Detail in the parking lot of the Guilderland Town Hall. GTSC has allotted monies that we can use for this detail. I am requesting for Probation to assist us for the detail. Overtime for the detail is authorized by STOP-DWI and will be reimbursed at the completion of the detail and reimbursement forms submitted to our office. There may be a second opportunity in September for another Ignition Interlock Enforcement detail which would provide the same overtime reimbursement opportunity. There is also the possibility of up to four similar details in 2020.

If you have any questions please do not hesitate to contact me at (518) 655-7831 or Tracy.Mance@albanycountyny.gov.

Thank you for your assistance.
MEMO

TO:        Paul Devane, Clerk of the Legislature

FROM:      Rachel Bledi, Board of Elections Commissioner
           Matthew J. Clyne, Board of Elections Commissioner

CC:        Dennis Feeney, Majority Leader of the Albany County Legislature
           Frank Mauriello, Minority Leader of the Albany County Legislature
           Shawn A. Thelen, Commissioner, Department of Management and Budget

RE:        2018 Chargeback Certification

DATE:      07/31/2019

Attached is the certified report of chargebacks to municipalities in connection with expenses incurred during the 2018 election cycle.
<table>
<thead>
<tr>
<th>Town</th>
<th>Election Day Staff, Inspectors, Custodians, &amp; Party Reps</th>
<th>Temporary Help</th>
<th>Fees for Services, Don's Moving Co.</th>
<th>Travel Mileage for Custodians</th>
<th>Polling Site Fees</th>
<th>2018 Totals</th>
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<tbody>
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<td>Albany</td>
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<td>Cohoes</td>
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</table>
Hon. Andrew Joyce, Chairman
Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

July 31, 2019

Dear Chairman Joyce:

At the July meeting, the Law Committee approved the Crime Victim and Sexual Violence Center to accept a new grant award from the New York State Office of Victim Services, which will be voted on at the August Legislative meeting. This grant is through the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program in the amount of $638,400.76 begins October 1, 2019. At this time, I am requesting permission to modify the Crime Victim and Sexual Violence Center 2019 budget to allow for the immediate hire of a new child clinician and a new caseworker.

The Crime Victim Therapist (Child) will be co-located at the Child Advocacy Center to provide on-site services to child sexual and physical abuse victims and their non-offending family members. The Crime Victim Caseworker 4 will provide counseling, court advocacy and NYS OVS claims assistance to victims of violent crime in Albany Police Court, Bethlehem, Berne/Knox, Westerlo, Rensselaerville, and Altamont courts. A spreadsheet containing the details of the budget modification is attached to this request.

I appreciate your consideration this matter.

Respectfully Submitted,

Karen Ziegler
Director

Cc: Dennis A. Feeney, Majority Leader
Frank A. Mauriello, Minority Leader
Kevin Cannizzaro, Esq., Majority Counsel
Amis Zilgme, Esq. Minority Counsel
REQUEST FOR LEGISLATIVE ACTION

Description (e.g., Contract Authorization for Information Services):
CVSVC 2019 Budget Modification for the Victims of Crime Act (VOCA) grant

Date: 8/1/2019
Submitted By: Karen Ziegler
Department: Crime Victim and Sexual Violence Center
Title: Director
Phone: 518/447-7100
Department Rep.
Attending Meeting: Karen Ziegler

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
Revenue Account and Line: A34610.03496
Revenue Amount: 42,286.00

Appropriation Account and Line: A4610.1.8
Appropriation Amount: 42,286.00

Source of Funding - (Percentages)
Federal: 80%
State: 20%
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term
Term: (Start and end date) 10/1/2019 - 9/30/2020
Length of Contract: 12 months

Impact on Pending Litigation
Yes ☐ No ☒
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:
Resolution/Law Number: 212
Date of Adoption: 5/14/2018

Justification: (state briefly why legislative action is requested)
At the July meeting, the Law Committee approved the Crime Victim and Sexual Violence Center to accept a new grant award from the New York State Office of Victim Services, which will be voted on at the August Legislative meeting. This grant is through the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program in the amount of $638,400.76 begins October 1, 2019. At this time, I am requesting permission to modify the Crime Victim and Sexual Violence Center 2019 budget to allow for the immediate hire of a new child clinician and a new caseworker.

The Crime Victim Therapist (Child) will be co-located at the Child Advocacy Center to provide on-site services to child sexual and physical abuse victims and their non-offending family members. The Crime Victim Caseworker 4 will provide counseling, court advocacy and NYS OVS claims assistance to victims of violent crime in Albany Police Court, Bethlehem, Berne/Knox, Westerlo, Rensselaerville, and Altamont courts.
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<th>ACCOUNT NO.</th>
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### ESTIMATED REVENUES

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