AGENDA

LAW COMMITTEE

NOVEMBER 25, 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. “A” FOR 2019: A LOCAL LAW TO ESTABLISH THE ALBANY COUNTY FAIR HOTEL CONSUMER PRACTICES LAW

12. 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

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

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

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

16. LOCAL LAW NO. “T” FOR 2019: A LOCAL LAW OF THE COUNTY OF ALBANY TO ESTABLISH CLEAN AIR STANDARDS FOR WASTE BURNING FACILITIES

CURRENT BUSINESS:

17. AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY REGARDING THE HIRING OF RELATIVES

18. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING AN EXTENSION OF THE COUNSEL AT FIRST APPEARANCE GRANT
Honorable Andrew Joyce and Members of the Albany County Legislature:

LADIES AND GENTLEMEN:

The Law Committee of the Albany County Legislature met on October 28, 2019. Chairperson Plotsky, Messrs. Mayo, Burgdorf, Ms. Cunningham, Messrs. Feeney, Fein, Peter, and Touchette were present. Mr. Crouse was excused. The following items were discussed and/or acted upon:

Approving Previous Meeting Minutes: Unanimously approved.

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 Restrainted Outdoors in Any Continuous Twelve-Hour Period: Tabled at the request of the sponsor.


3. Resolution No. 236: Amending the Albany County Rules of Order: Tabled at the request of the sponsor.

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


11. **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.

12. **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: After brief discussion, the Committee voted 7-1, with Mr. Burgdorf opposed, to move the proposal forward for legislative action with a favorable recommendation.

13. **Resolution No. 219:** Amending the Albany County Legislature’s Rules of Order: After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

14. **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.

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

16. **Local Law No. “E” for 2019:** A Local Law of the County of Albany, New York Prohibiting the Sale of Flavored Tobacco Products: Following a motion, duly seconded, the Committee voted 7-1, with Mr. Peter opposed, to move the proposal forward for legislative action without recommendation. Miss. Cunningham and Plotsky noted that they would have supported moving the proposal forward with a favorable recommendation.

17. **Resolution No. 222:** Requiring the Submission of Amended Local Laws Prior to Legislative Action: Tabled at the request of the sponsor.

18. **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: Tabled at the request of the sponsor.

19. **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: After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

20. **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: After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.


24. **Authorizing an Agreement with General Code, LLC. Regarding Codification Services for Albany County**: The Albany County Clerk requested authorization to extend the agreement with General Code, LLC. regarding codification services for a term commencing October 26, 2019 and ending October 25, 2020. After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

25. **Authorizing an Agreement with the New York State Department of Education Regarding a Local Government Records Management Improvement Fund Grant**: The Albany County Clerk requested authorization to enter into an agreement with the New York State Department of Education regarding a Local Government Records Management Improvement Fund grant in the amount of $149,947 for the term commencing July 1, 2019 and ending June 30, 2020. After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

26. **Authorizing a Use and Operation Agreement Regarding the Capital District Juvenile Secure Detention Facility**: The Albany County Executive requested authorization to enter into a use and operation agreement with the Capital District Youth Center, Inc. and the counties of Rensselaer, Saratoga, and Schenectady regarding the regional juvenile detention facility for a term
commencing January 1, 2020 and remaining in effect until the agreement is terminated pursuant to Article II of the use and operation agreement. After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

27. Authorizing an Agreement with the New York State Division of Criminal Justice Services Regarding the Aid to Defense Program: The Albany County Public Defender requested authorization to enter into an agreement with the New York State Division of Criminal Justice Services regarding the Aid to Defense program in the amount of $41,508 for the term commencing October 1, 2019 and ending September 30, 2020. After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

28. Authorizing an Agreement with the New York State Division of Criminal Justice Services Regarding Reimbursement for Raise the Age Implementation: The Director of the Albany County Department of Probation requested authorization to enter into an agreement with the New York State Division of Criminal Justice Services regarding reimbursement for Raise the Age implementation in the amount of $1,548,177 for the term commencing April 1, 2018 and ending March 31, 2020. After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

29. Authorizing a Lease Agreement with the Capital District Youth Center, Inc. Regarding the Capital District Juvenile Secure Detention Facility: The Albany County Executive requested authorization to enter into a lease agreement with the Capital District Youth Center, Inc. regarding the regional juvenile detention facility for a term commencing January 1, 2020 and ending December 31, 2024. After brief discussion, the Committee voted unanimously to move the proposal forward for legislative action with a favorable recommendation.

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
MATTHEW T. PETER
RICHARD TOUCHETTE
LOCAL LAW NO. “G” FOR 2018

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

Introduced: 4/9/18
By 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: 5/14/13
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, [by mail, or electronically upon each member by the Clerk at least forty-eight (48) hours before the date fixed for holding the meeting by writing signed by him. Only business specified in the notice thereof may be transacted at a special meeting. Members of the public shall have the right to address members of the Legislature on the resolution(s) or local law(s) to be considered at a Special Meeting for a period of one-half hour immediately preceding the commencement of the Special Meeting. Each member of the public who desires to address the Legislature shall personally give their name to the Clerk of the Legislature for the period of fifteen (15) minutes immediately preceding the public forum period. The Clerk shall maintain such list from month-to-month in a continuous fashion. The Chairperson of the County Legislature shall allow each member of the public whose name is reached five (5) minutes to address the Legislature. No member of the Legislature shall question any speaker nor shall any speakers be allowed to question members of the Legislature except when a member of the Legislature is seeking clarification for an item mentioned by the speaker.

RULE 4 - ADJOURNMENTS

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

RULE 5 - PUBLIC RECORD

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

RULE 11 - LEGISLATION PROCEDURE

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

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

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

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

RULE 15 - ROLL CALL VOTE

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

RULE 23 - REFERRALS TO COMMITTEE

The Chairperson may at any time on his own motion refer any communication, petition, report, local law or resolution when offered or presented to such committee as he deems proper unless reversed by a majority of members then in attendance. Said local law or resolution shall be returned to the floor of the Legislature for action of the whole body by the second regular monthly meeting of the body or within sixty (60) days whichever is longer.

RULE 26 - ORDER AND DECORUM

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

RULE 36 - RECORDS

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

and, be it further

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

Referred to Law Committee – 5/14/18
RESOLUTION NO. 238

AMENDING THE LEGISLATIVE PROCEDURES OF THE ALBANY COUNTY LEGISLATURE

Introduced: 5/14/13
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 – 5/14/13
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 date 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 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: 7/9/13
By: Mr. Mendick

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

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

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

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

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

RULE 21 - STANDING COMMITTEES

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

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

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

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

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

**RULE 22 - SPECIAL COMMITTEES**

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

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

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

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

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

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

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

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

RULE 1 - ORGANIZATIONAL MEETING

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

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

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

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

and, be it further

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

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

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

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

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

Section 1. Title

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

Section 2. Legislative Intent

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

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

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

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

Section 3. Definitions

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

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

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

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

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

E. “Certification” means any law enforcement certification or statement required by federal immigration law including, but not limited to, the information required by Section 1184(p) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-918, Supplement B, or any successor forms) for purposes of obtaining a U visa, or by Section 1184(o) of Title 8 of the United States Code (including current United States Citizenship and Immigration Service Form I-914, Supplement B, or any successor forms) for purposes of obtaining a T visa.

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

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

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

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

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

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

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

M. "Immigration enforcement operation" means any operation that is primarily for the purpose of identifying or apprehending a person or persons: 1) in order to subject them to civil immigration detention, removal or deportation proceedings, and/or removal or deportation from the United States; or 2) to criminally prosecute a person or persons for offenses related to immigration status, including but not limited to violations of Sections 1258, 1304, 1306(a) and (b), 1325, or 1326 of Title 8 of the United States Code, or violations of Sections 1028A or 1546 of Title 18 of the United States Code.
N. "Judicial warrant" means a warrant based on probable cause and issued by a judge appointed pursuant to article III of the United States constitution or a federal magistrate judge appointed pursuant to 28 USC 631, that authorizes federal immigration authorities to take into custody the person who is the subject of such warrant. This does not include warrants or orders issued by employees of the Department of Homeland Security, the Department of Justice, or the Executive Office for Immigration Review.

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

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

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

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

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

B. Where presentation of a driver's license or identification card issued by New York State or any U.S. State or U.S. territory is accepted as adequate evidence of identity, presentation of a photo identification document issued by another country, such as a driver's license, passport, or consular identification document or presentation of a photo identification 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(c) 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
10
RESOLUTION NO. 376

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

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

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

Referred to Law, Audit and Finance and Personnel Committees – 8/13/18
LOCAL LAW NO. "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
12
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 straws, cutlery and plastic cutlery have caused and continue to cause significant environmental harm and have burdened local governments with significant environmental cleanup costs. Plastics synthesized from petroleum and natural gas do not biodegrade. Even with the emergence of bioplastics, which are derived from renewable biomass sources, such as plants and microorganisms, there is no certified type of bioplastic that biodegrades in a marine environment.

The Albany County Legislature prioritizes the protection of the environment and through public policymaking and adoption of local laws, intends to take initiative to minimize the unnecessary use of plastic in our environment. A reduction in the use of plastic straws, cutlery, and cutlery will further serve Albany County's goal of reducing plastic litter.

Section 2. Definitions

For the purposes of this ordinance, the following shall have the following meanings:

"Beverage Provider" means any business, organization, entity, group, or individual located in the [name of jurisdiction] that offers liquid, slurry, frozen, semi-frozen, or other forms of beverages to the public for consumption.

"Plastic Cutlery" means any utensil, such as a fork, spoon, spork, or knife, made predominantly of plastic derived from either petroleum or a biologically based polymer intended for only one-time use. "Plastic cutlery" includes compostable and biodegradable petroleum or biologically based polymer forms of cutlery, but does not include forms of cutlery that are made from non-plastic materials, such as wood, bamboo, etc.

"Plastic Beverage Straw" means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer for transferring a beverage from its container to the mouth of the drinker. "Plastic Beverage Straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, grain stalks, bamboo, etc.

"Food service ware" means all containers, bowls, plates, trays, cups, lids, napkins, and other like items that are designed for one-time use for prepared foods, including, without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food vendors. The term "food service ware" does not include items composed of aluminum.
Section 3. Plastic Straws and Cutlery Upon Request

(a) All Albany County restaurants, including fast food restaurants, drive-through windows of 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.

(b)(1) 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. Distribution of Plastic Straws Prohibited

(a) Upon 6 months from the date of enactment, no establishment within the County shall offer to consumers any single-use straw or beverage stirrer made of plastic.

(b) Exceptions: this prohibition shall not apply to:
   a. Prepackaged drinks sold at commercial establishments;
   b. Use by medical or dental facilities;
   c. Use by individuals with a disability or other impairment requiring use of plastic straws.

Section 5.4. Designated County Department for Compliance and Enforcement

The County Executive shall designate the appropriate County Health Department as the department that shall oversee implementation, compliance and adherence to this local law. The 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. Any rules and regulations so promulgated shall be made available on the County of Albany website in a manner approved by the Health Commissioner. The County Health Department 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 - 5/18/19
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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The Albany County Legislature finds and determines that:

Littered plastic products, including 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.

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“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.
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(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.

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(b) Exceptions: this prohibition shall not apply to:
   a. Pre-packaged drinks sold at commercial establishments;
   b. Use by medical or dental facilities;
   c. Use by individuals with a disability or other impairment requiring use of plastic straws.

Section 5. Designated County Department for Compliance and Enforcement

The County Executive shall designate the County Health Department as the designated department to 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. Any rules and regulations so promulgated shall be made available on the County of Albany website in a manner approved by the Health Commissioner. The County Health Department 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
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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_
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

<table>
<thead>
<tr>
<th>Type of Legislation:</th>
<th>Local Law:</th>
<th>Resolution:</th>
</tr>
</thead>
</table>

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
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, 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 current versions of the law being available to the 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 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 table 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 together agree that circumstances exist which warrant such action, and be it further;

RESOLVED, That the Albany County Legislature hereby does modify Rule 11 of the Legislative Rules of Order to add a new paragraph at the end of such Rule, which states:

"AMENDED LOCAL LAWS"

a) All proposed Local Laws shall be in their complete form and either included in a posting to the County website, or, delivered in person or by electronic mail to the Majority Counsel, Minority Counsel, and Clerk of the Legislature, or their respective offices, at least 48 hours before any legislative standing or special committee may vote to approve a Public Hearing resolution for such local law.

b) Amendments made to Local Laws per Resolution 83 of 2016 (use of underscoring and brackets to show additions and deletions) must either be included in a posting to the County website, or, delivered in person or by electronic mail to the Majority Counsel, Minority Counsel, and Clerk of the Legislature, or their respective offices, at least 48 hours before any legislative standing or special committee may vote to approve a Public Hearing Resolution for such Local Law or vote to approve such Local Law.

c) Nothing herein shall be construed to prohibit the timely movement of legislation under Rule 11 (see above) or to impair the right of any member of the Legislature to offer amendments on the floor of the monthly Legislative meeting.

d) The requirements herein may be waived when the Majority Leader and Minority Leader, or their designee who is a member of the committee considering the matter, together agree that circumstances exist which warrant such action.

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.
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) Only after the Ethics Commission has issued its opinion shall said individual 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.

(iii) 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 33 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. "T" FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY TO ESTABLISH CLEAN AIR STANDARDS FOR WASTE BURNING FACILITIES

Introduced: 9/9/19
By Messrs. Touchette, Bullock and Miller:

Section 1: TITLE

This Local Law (Chapter) shall be known as the “Albany County Clean Air Law.”

Section 2: STATUTORY AUTHORIZATION

This Local Law (Chapter) is hereby adopted pursuant to the provisions of the New York State Municipal Home Rule Law, the Clean Air Act (42 U.S.C. § 7416), the Resource Conservation and Recovery Act (42 U.S.C. § 6929), New York State Air Pollution Control Act (Environmental Conservation Law §§ 19-0703 and 19-0709), and New York State Environmental Conservation Law § 27-0711.

Section 3: INTENT

It is the intent of this Local Law (Chapter) to promote and protect the public health and welfare of the residents of the County of Albany by regulating burning or related processing of wastes, and prohibiting the same on a large scale.

Section 4: DEFINITIONS

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

COMMERCIALY AVAILABLE

A system that is currently offered for purchase by equipment vendors for the proposed application, and for which service contracts can be obtained for a fee. The determination of commercial availability does not include an analysis of the costs of the system.

CONTINUOUS EMISSIONS MONITORING SYSTEM (OR "CEMS")

A pollution monitoring system capable of sampling, conditioning, analyzing, and providing a record of emissions at frequent intervals and meets U.S. Environmental Protection Agency or Department data acquisition and availability requirements. The sampling frequency capability sufficient to qualify a system as a CEMS for the
purposes of this law shall at a minimum deliver a monitoring sample (i) once per minute or (ii) any lesser frequency of interval that still provides sufficient data for a direct determination of compliance with all applicable emission limitations imposed by the Department for the Facility, but in no case may the frequency of interval for monitoring samples be less than once per hour. In the case of dioxins and furans, long-term sampling equipment may be used if real-time monitors are not Commercially Available, such that year-round monitoring is still achieved through back-to-back use of long-term monthly samples.

TEQ_{WHO}\textsuperscript{ss}

A unit of measurement for dioxins and furans, standardized to toxic equivalents, calculated in accordance with the World Health Organization's 1998 method.

WASTE

Any of the following, or combination of the following: sewage (including, but not limited to, methane or other emissions from animal or human sewage, and including the water carrying human or animal wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration and surface water as may be present); solid or liquid waste, including but not limited to, all putrescible and non-putrescible materials or substances that are discarded, discharged, deposited, injected, dumped, burned, spilled, leaked, or placed into or on any land or water, or otherwise disposed of, or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection; garbage; trash; rubbish; refuse; industrial, commercial and household waste; plastics; any material that has been source separated for recycling or composting purposes; ash (including, but not limited to, bottom ash, boiler ash, fly ash, incinerator ash); ash and sludge from air or water treatment facilities; sewage sludges; biosolids; "biomass" as defined in Appendix B of New York State Public Service Commission's 9/24/2004 Order Approving Retail Renewable Portfolio Standard (Case 03-E-0188); coal refuse; waste coal; contained gaseous material; incinerator residue; offal; construction and demolition debris; disaster debris; industrial waste, hazardous waste as defined by N.Y. Environmental Conservation Law § 27-0901(3); "Waste" as defined by N.Y. Environmental Conservation Law § 27-0901(11); low-level radioactive waste as defined by N.Y. Environmental Conservation Law § 29-1010(1); source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923); high-level radioactive waste; transuranic waste; regulated medical waste as defined by N.Y. Environmental Conservation Law § 27-1501(1); "Solid Waste" as defined in the Resource Conservation and Recovery Act of 1976 ("RCRA") §1004(27), 42 U.S.C. §6904(27); "solid waste" as defined in 6 NYCRR Part 360.2; "solid waste" as defined in NY ECL §27-0701(1); automobile shredder residue; discarded automobiles; waste tires as defined by N.Y. Environmental Conservation Law § 27-1901(13); pharmaceutical wastes; or expired
pharmaceuticals; contaminated soil; electronic wastes; processed engineered fuel, refuse-derived fuel, any material determined by the U.S. Environmental Protection Agency or state agency to be a non-hazardous secondary material; the solid residue of any air or water pollution control device; and liquid or solid waste generated by stores, offices, warehouses, institutions, and restaurants. Any material that falls under this definition shall not be considered fuel. Landfill gas and gas produced from anaerobic digestion shall not constitute “waste” under this definition.

NEW WASTE DISPOSAL FACILITY

Any facility which – starting on or after January 1, 2019 – disposes of Waste or uses Waste to produce energy (heat, electricity, or a burnable fuel) by combusting Waste (or gases produced on-site from the burning, gasification or pyrolysis of such Waste), or which produces a solid, liquid and/or gaseous fuel product through conversion of Waste, and is capable of processing at least five tons of Waste per day. A New Waste Disposal Facility does not include systems used exclusively for on-site space heating purposes at a residential home. Anaerobic digesters and/or sewage sludge incinerators burning digester gas, including those located at the Albany County Water Purification District, are not intended to be included in the definition of New Waste Disposal Facility.

Section 5: PROHIBITION

It is hereby prohibited for a New Waste Disposal Facility to process more than 25 tons of Waste in any 24 hour period.

Section 6: MONITORING AND DISCLOSURE

A. A New Waste Disposal Facility with any air emissions point source shall not process more than one ton of Waste in any 24 hour period without complying with the monitoring requirements in this section.

B. Continuous Emissions Monitoring Systems (“CEMS”) equipment shall be used to monitor, measure and disclose the smokestack emission of the following pollutants:

a. Dioxins / Furans
b. Carbon Dioxide (CO2)
c. Carbon Monoxide (CO)
d. Hydrochloric Acid (HCl)
e. Hydrofluoric Acid (HF)
f. Nitrogen Oxides (NOx)
g. Sulfur Oxides (SOx)
h. Particulate Matter (PM)
i. Volatile Organic Compounds (VOCs)
j. Polycyclic Aromatic Hydrocarbons (PAHs)
k. Arsenic
l. Cadmium
m. Chromium (VI)
n. Lead
o. Manganese
p. Mercury
q. Nickel
r. Selenium
s. Zinc

C. A New Waste Disposal Facility shall disclose all data provided by CEMS required under this section in real-time on a public website. Data shall also be provided in summary form, including total amounts of releases of each chemical in pounds per day and per year. All displays of data shall be accompanied by any local, state, and federal emissions limits that apply. Data shall be archived and maintained such that the history of data is available for download in a commonly available spreadsheet format. Data shall be maintained until six months after the New Waste Disposal Facility closes or changes their activities such that they no longer qualify as a New Waste Disposal Facility.

Section 7: CLEAN AIR STANDARDS

A. A New Waste Disposal Facility with any air emissions point source shall not process more than one ton of Waste in any 24 hour period without complying with the clean air standards in this section.

B. New Waste Disposal Facilities must meet the following pollution limits where they are more stringent than corresponding limits in an air permit issued by a state or federal environmental agency:

Mercury: 15 micrograms per dry standard cubic meter (µg/dscm) corrected at 7% O₂

Sulfur Dioxide (SO₂): 18 parts per million dry volume (ppmvd) corrected at 7% O₂ (24 hour geometric mean)

Dioxins/Furans (PCDD/F): 2.6 nanograms TEQ_{WHO98} per dry standard cubic meter (ng/dscm) corrected at 7% O₂

Nitrogen Oxides (NOx): 45 parts per million dry volume (ppmvd) corrected at 7% O₂ (24 hour block arithmetic mean)  
40 parts per million dry volume (ppmvd) corrected at 7% O₂
Section 8: LOCAL ENFORCEMENT OF STATE / FEDERAL AIR PERMITS

For any New Waste Disposal Facility regulated by this law, the County hereby adopts and incorporates by reference herein the standards, limits, and requirements for the emission of air contaminants for such facilities, and standards of performance for stationary sources that would apply to such facilities, as promulgated by the U.S. Environmental Protection Agency pursuant to the Clean Air Act, the State of New York pursuant to New York's air pollution laws, or any other relevant statutes or consent orders. It is expressly the intent of the County in adopting these standards, limits, requirements, and standards of performance, to make them independently enforceable by the County of Albany, using any data made available from any Continuous Emissions Monitoring Systems required under Section 6.

Section 9: RESIDUE MANAGEMENT

A New Waste Disposal Facility with any air emissions point source shall not process more than one ton of Waste in any 24 hour period without complying with the residue management requirements in this section.

Solid waste residue resulting from a combustion or gasification process at a New Waste Disposal Facility, such as fly ash, bottom ash, combined ash, cement kiln dust, and gasification slag, shall be disposed of as hazardous waste in a licensed hazardous waste landfill.

Section 10: PENALTIES FOR OFFENSES

A. Failure to comply with any of the provisions of this Local Law shall be a violation as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine of up to $2,000 or imprisonment for not more than 10 days, or both, for the first offense. A second offense shall be a misdemeanor as contemplated by Article 10 of the New York State Penal Law, and, upon conviction thereof, shall be punishable by a fine up to $5,000 or imprisonment for a period of not more than 30 days, or both. All subsequent offenses shall be punishable of a fine up to $10,000 or imprisonment for a period of not more than 50 days, or both. For purposes of this subsection, failure to monitor, disclose, or meet an emissions limit are all separate and distinct offenses, per pollutant, and for each day that noncompliance with this Local Law exists.

B. The Attorney for the County may also maintain an action or proceeding in a court of competent jurisdiction to prevent, restrain, enjoin, correct, enforce,
and/or abate any violations of, or non-conformance with, any provision or requirement of this Local Law (Chapter). If equitable relief is requested in the form of a temporary restraining order, a temporary injunction, an injunction, or by any other form of prohibition or similar relief, the County shall not be required to post any bond or undertaking as a condition or requirement for or of such relief, and the County shall not be required to prove or show a lack of an adequate remedy at law. No right, remedy, or penalty specified in this Section 10 shall be the exclusive remedy of the County, and each remedy or penalty specified in this Section 10 shall be in addition to, and not in substitution for or in limitation of, any other remedies or penalties specified in this Local Law or permitted by any applicable law, rule, order, or regulation. Any remedy or penalty specified in this Local Law may be pursued by the County at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this Section 10.

C. In addition, any enforcement officer may issue stop work orders or compliance notices relative to any violation of this Local Law. The failure of any person to comply with any such notice or order shall be and be deemed a violation of any other applicable law or ordinance, including, without limitation, the New York Executive Law, § 382, and, in each case, such non-compliance or violation may also be enforced as such.

D. In the event the County desires or is required to take legal action to enforce this Local Law the violator will be responsible for any and all necessary costs and expenses incurred by the County relative thereto, including attorneys', engineering, consulting, and experts' fees; provided, however, any responsibility or liability therefor, and the amount thereof, shall be determined by a court or other tribunal of competent jurisdiction, and this clause shall be interpreted, construed, and applied only to the maximum extent permitted by applicable law.

Section 11: ENFORCEMENT AND ADMINISTRATION

Enforcement of this Local Law (Chapter) shall be the responsibility of the Health Department and/or designees [Code Enforcement Office and/or Assistants] duly authorized by the County of Albany to act on its behalf.

Section 12: COMMUNITY ENFORCEMENT

Any County resident or taxpayer shall have the standing and authority to bring a civil action in state court to compel compliance with this law's provisions and/or to seek civil penalties for a violation of a provision of this law or any order issued pursuant to this law. A civil action under this section may not be commenced prior to thirty (30) days after the plaintiff had given notice in writing of the noncompliance to the County and to the owner or operator of the New Waste
Disposal Facility. The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

Section 13: SEVERABILITY

If any provisions of this Local Law (Chapter) are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this Local Law (Chapter) shall remain in effect.

Section 14: CONFLICTS OF LAW

Whenever any Local Law, Chapter, Ordinance or Regulation of the County of Albany, State of New York, or United States of America is inconsistent with this Local Law (Chapter), whichever Local Law, Chapter, Ordinance or Regulation is more stringent shall supersede the less stringent Local Law, Chapter, Ordinance or Regulation.

Section 15: EFFECTIVE DATE

This Local Law shall take effect immediately.

_Referred to Law and Conservation, Sustainability and Green Initiatives Committees – 9/9/19_
RESOLUTION NO. 523

AMENDING THE RULES AND REGULATIONS FOR ALBANY COUNTY EMPLOYEES REGARDING THE HIRING OF RELATIVES

Introduced: 11/12/19
By Mr. Touchette:

WHEREAS, By Resolution No. 136-b for 1999, this Honorable Body adopted employee rules and regulations which are applicable to all non-union employees of Albany County, and

WHEREAS, there is nothing contained therein which would prohibit an officer or employee of Albany County from participating in the employment decision of a relative, and

WHEREAS, the citizens of Albany County deserve such a provision to prevent nepotism from occurring in the public sector where public money is being used to pay salaries and fringe benefits, now, therefore be it

RESOLVED, By the Albany County Legislature that the Albany County Employee Rules and Regulations, adopted pursuant to Resolution No. 136-b for 1999, as amended, are hereby amended to read as follows:

“Article I: Definitions shall be amended to include the following:

N. Relative. An employee’s relative shall mean any person living in the same household as the employee and the employee’s father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.”

Article XV: Policy Directives shall be amended to include the following:

“I. Nepotism

No County employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the County or a County Board.” and, be it further

RESOLVED, That all employees hired, promoted, disciplined or discharged from any position after the date this Resolution becomes effective will be subject to
this provision, but under no circumstances should it be read to mean any hiring, promotion, discipline or discharge from any position that has occurred prior to the effective date should be affected by this Resolution.

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 – 11/12/19*
NO-COST CONTRACT EXTENSION REQUEST LETTER
FOR ILS SECOND COUNSEL AT FIRST APPEARANCE GRANT

Date:

Jennifer Colvin
Manager of Grant Solicitation and Distribution
NYS Office of Indigent Legal Services
A. E. Smith Office Building, 11th Floor
80 South Swan Street
Albany, New York 12210

Re: No-cost Contract Extension Request, Second Counsel at First Appearance Grant

Contract Number: CAFA2
County: Rockland

Dear Ms. Colvin:

The purpose of this letter is to request a no-cost contract extension of the completion date for the Second Counsel at First Appearance grant. According to the grant contract fully executed for this state funded project, all work and services were to have been completed by December 31, 2019. The County is respectfully requesting an extension of the completion date to:

The justification for this extension request is based upon the following:

It is agreed that all other provisions of our grant contract shall remain in full force and effect.

Sincerely,
RESOLUTION NO. 389

AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE COUNSEL AT FIRST APPEARANCE GRANT AND AMENDING THE 2018 PUBLIC DEFENDER BUDGET

Introduced: 9/12/18
By Law and Audit and Finance Committees:

WHEREAS, By Resolution 15 for 2017, this Honorable Body authorized the submission of a grant application to the NYS Office of Indigent Legal Services (NYS OILS) regarding the Counsel at First Appearance Grant, and

WHEREAS, The Public Defender has been notified by the NYS OILS that funds are available regarding Counsel at First Appearance Grant, in the amount of $749,700 for a three year period commencing June 1, 2017 and ending May 31, 2020, and

WHEREAS, The Counsel at First Appearance Grant will continue and expand upon the Counsel at First Appearance programs practices currently in place as an effort to improve the quality and provision of indigent defense at first appearance and give provision of direct and continuous representation to eligible persons, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized enter into an agreement with the NYS Office of Indigent Legal Services in the amount of $749,700 for the period commencing June 1, 2017 and ending May 31, 2020 and, be it further

RESOLVED, That the 2018 Public Defender Budget is amended as follows:

Increase Revenue Account A3025 Indigent Legal Services fund by $62,475

Increase Appropriation Account A1170.1 by $55,725 by increasing the following line items:
Increase Line Item A1170.1 9954 Enhanced Pay by $43,225
Increase Line Item A1170.1 2030 Arraignment Attorney by $12,500 for balance of fiscal year 2018 with an annual salary of $50,000

Increase Appropriation Account A1170.8 by $6,750 by increasing the following line items:
Increase Line Item A1170.8 9010 State Retirement by $2,522
Increase Line Item A1170.8 9030 Social Security by $966
Increase Line Item A1170.8 9060 Hospital & Medical by $3,262
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.

*Adopted by unanimous vote – 9/12/18*
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<th><strong>BUSINESS UNIT/DEPT. ID:</strong> OLS011350200</th>
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<tbody>
<tr>
<td>NYS Office of Indigent Legal Services</td>
<td></td>
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<tr>
<td>A. E. Smith Building, 11th Floor</td>
<td></td>
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<tr>
<td>80 South Swan Street</td>
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<tr>
<td>Albany, NY 12210</td>
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<tr>
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<td>Second Counsel at First Appearance</td>
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<th><strong>AGENCY IDENTIFIER:</strong></th>
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<td>1000002428</td>
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<td>Federal Tax ID Number:</td>
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<td></td>
<td>14-6002563</td>
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<td>DUNS Number (if applicable):</td>
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<tr>
<td>County of Albany</td>
<td>☑ Municipality, Code:</td>
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<tr>
<td>Public Defender's Office</td>
<td>101000000000</td>
</tr>
<tr>
<td>60 South Pearl Street, 4th Floor</td>
<td></td>
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<tr>
<td>Albany, NY 12207</td>
<td>For Profit</td>
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<td>☐ Check if same as primary mailing address</td>
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<td>County of Albany</td>
<td>☐ Sectarian Entity</td>
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<tr>
<td>Dept. of Management and Budget</td>
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<tr>
<td>112 State Street, Suite 900</td>
<td></td>
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<tr>
<td>Albany, NY 12207</td>
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| **CONTRACT NUMBER:** CAFA201          |                             |

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<td>☐ Simplified Renewal Agreement</td>
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<td>☐ Fixed Term Agreement</td>
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<th><strong>CFDA NUMBER (Federally funded grants only):</strong></th>
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Contract Number: CAFA201
Page 1 of 2
Master Grant Contract, Face Page
STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE

CURRENT CONTRACT TERM:
From: January 1, 2017
To: December 31, 2019

CURRENT CONTRACT PERIOD:

AMENDED TERM:
From: To:

AMENDED PERIOD:
From: To:

CONTRACT FUNDING AMOUNT
(Multi-year – enter total projected amount of the contract; Fixed Term/Simplified Renewal – enter current period amount):

CURRENT: $749,700.00

AMENDED:

FUNDING SOURCE(S):

☐ State
☐ Federal
☐ Other

FOR MULTI-YEAR AGREEMENTS ONLY – CONTRACT PERIOD AND FUNDING AMOUNT:
(Out years represent projected funding amounts)

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<th>CURRENT AMOUNT</th>
<th>AMENDED PERIOD</th>
<th>AMENDED AMOUNT</th>
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ATTACHMENTS PART OF THIS AGREEMENT:

☐ Attachment A: ☑ A-1 Program-Specific Terms and Conditions
☐ A-2 Federally Funded Grants and Requirement Mandated by Federal Laws

☐ Attachment B: ☑ B-1 Expenditure Based Budget ☐ B-2 Performance Based Budget
☐ B-3 Capital Budget ☐ B-4-Net Deficit Budget
☐ B-1(A) Expenditure Based Budget (Amendment)
☐ B-2(A) Performance Based Budget (Amendment)
☐ B-3(A) Capital Budget (Amendment)
☐ B-4(A) Net Deficit Budget (Amendment)

☐ Attachment C: Work Plan

☐ Attachment D: Payment and Reporting Schedule

☐ Other:

Contract Number: _CAFA201_
Page 2 of 2
Master Grant Contract, Face Page
IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

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<tr>
<th>CONTRACTOR:</th>
<th>STATE AGENCY:</th>
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<tr>
<td></td>
<td>NYS Office of Indigent Legal Services</td>
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<tr>
<td>By:</td>
<td></td>
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<tr>
<td></td>
<td>William J. Leahy</td>
</tr>
<tr>
<td>Printed Name</td>
<td>Printed Name</td>
</tr>
<tr>
<td>Title:</td>
<td>Director – Office of Indigent Legal Services</td>
</tr>
<tr>
<td>Date:</td>
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<tr>
<th>STATE OF NEW YORK</th>
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<tr>
<td>County of</td>
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<td>On the ______ day of ________________, ______, before me personally appeared</td>
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<tr>
<td>________________________, to me known, who being by me duly sworn, did depose and</td>
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<tr>
<td>say that he/she resides at __________________________, that he/she is the</td>
</tr>
<tr>
<td>____________________, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.</td>
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<td>(Notary) ____________________________________________________________________________</td>
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<tr>
<th>ATTORNEY GENERAL’S SIGNATURE</th>
<th>STATE COMPTROLLER’S SIGNATURE</th>
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<td>Printed Name</td>
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<td>Title:</td>
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Contract Number: CAFA201
Page 1 of 1
Master Contract for Grants, Signature Page
I. Notices

All written notices made pursuant to this Agreement shall be delivered to the addresses set forth below.

Notification to ILS:

NYS Office of Indigent Legal Services  
A. E. Smith Office Building, 11th Floor  
80 South Swan Street  
Albany, NY 12210

Notification to County:

Daniel P. McCoy  
Albany County Executive  
112 State Street, Suite 200  
Albany, NY 12207  
(518) 447-7040  
Daniel.McCoy@albanycounty.com

II. Supplanting Funds

The amounts paid to County by ILS pursuant to this Agreement shall be used to supplement and not supplant any local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to article eighteen-B of the County Law. In the event funds are used to supplant local or state funds, such funds actually provided by ILS shall be returned to ILS by County.
ATTACHMENT B-1

Office of Indigent Legal Services
SECOND COUNSEL AT FIRST APPEARANCE
January 1, 2017 - December 31, 2019

COUNTY OF ALBANY

Total Contract Amount: $749,700.00

| Budget Expenditure Item                        | Year 1   | Year 2   | Year 3   |
|                                               | 1/1/17 - 12/31/17 | 1/1/18 - 12/31/18 | 1/1/19 - 12/31/19 |
| Personnel:                                    |         |         |         |
| On-call Attorneys                             | $156,000.00 | $156,000.00 | $156,000.00 |
| Supervising Attorney                         | $5,200.00  | $5,200.00  | $5,200.00  |
| Program Coordinator                          | $11,700.00 | $11,700.00 | $11,700.00 |
| (FT) Arraignment Attorney - Salary           | $50,000.00 | $50,000.00 | $50,000.00 |
| (FT) Arraignment Attorney - Fringe Benefits  | $27,000.00 | $27,000.00 | $27,000.00 |
| Subtotal Personnel                            | $249,900.00 | $249,900.00 | $249,900.00 |

TOTAL $249,900.00 $249,900.00 $249,900.00

THREE-YEAR TOTAL $749,700.00
ATTACHMENT C
WORK PLAN
OFFICE OF INDIGENT LEGAL SERVICES
SECOND COUNSEL AT FIRST APPEARANCE
JANUARY 1, 2017 – DECEMBER 31, 2019
COUNTY OF ALBANY

Goal: To make demonstrable and measurable improvements in the delivery of indigent defense services to eligible persons at a defendant’s first appearance before a judge.

Task #1

Provide funding for on-call attorneys working in three attorney on-call teams to attend after-hours and weekend arraignments.

Performance Measure:

- Rotation of on-call attorneys with a goal to create an 8 three-person team such that each team would only be on-call once every two months
- Compensation to be $1,000.00 per week on-call for participating attorneys
- Number of clients who received legal representation at first court appearance
- Increase in quality of representation provided to clients

Program Location:

- Office of the Albany County Public Defender, Albany, NY

Task #2

Provide funding for a Supervising Attorney position acting as a liaison between the Public Defender’s Office and the courts.

Performance Measure:

- Assemble the on-call arraignment teams and assignment calendar with assistance from the Program Coordinator
- Compensation to be $100.00 per week for acting as a liaison
Program Location:

- Office of the Albany County Public Defender, Albany, NY

Task #3

Provide funding for a Program Coordinator position as a member of the Public Defender’s Office’s administrative staff taking on the additional workload of the Supervising Attorney.

Performance Measure:

- Responsible for data collection, performance measurement tasks, and will work with the Supervision Attorney to facilitate meetings, reviews, and communications between the Public Defender, the Supervising Attorney, and program participants
- Compensation to be $225 per week
- The Program Coordinator is a non-attorney member of the public defender staff to ensure all support staff follow procedures for the creation and transfer of case files to attorneys

Program Location:

- Office of the Albany County Public Defender, Albany, NY

Task #4

Provide salary and fringe benefits funding for a full-time Arraignment Attorney position to conduct interviews with incarcerated individuals, both before and after arraignment, while maintaining a relatively central location at the Albany County Correctional Facility (ACCF).

Performance Measure:

- To handle all arraignments taking place during the regular work day but outside of regular court hours
- This attorney will occupy an office at the Albany County Correctional Facility and will be available to assist incarcerated indigent defendants both pre and post arraignment through collaboration with the Albany County Sheriff’s Department

Program Location:

- Office of the Albany County Public Defender, Albany, NY

Task #5

Provide vertical representation to clients from arraignment through final resolution of case.
Performance Measure:

- Number of cases in which client has same attorney from appointment until conclusion of the case

Program Location:

- Office of the Albany County Public Defender, Albany, NY
Dear Grantee,

As we approach the December 31, 2019 expiration date for the Second Counsel at First Appearance (2nd CAFA) grant, we ask that you review your expenditures and remaining funds to determine whether a no-cost contract extension will be necessary. A no-cost extension extends the contract period beyond the original end date with no additional funding.

To request a no-cost extension:

- Please provide an explanation (email is fine or you can use the Extension Request Letter per grant – attached) justifying the need for an extension. For example, some counties may have received their approved contracts well into the grant term, thus necessitating an extension to allow time to use funds. Others have had staff turnover or other program changes or delays. (Note: Simply having unspent funds is not a justification for an extension.)

- Please indicate the amount of additional time needed, up to one year (twelve months), and email the request to me at your earliest convenience. **ILS will only approve extension requests for up to a year from the current grant end date.**

ILS will then review the request and prepare the necessary documents for the extension. Those documents will include a contract amendment form which must be signed and notarized by the county. Extensions also require approval by the State Comptroller.

An approved contract extension will initiate a contract amendment. The contract extension does not go into effect until the contract amendment has been approved and executed by the State Comptroller.

If you have any questions regarding this process, please do not hesitate to contact me.

Thank you,

Ron Foster
Assistant to the Grant Manager
New York State Office of Indigent Legal Services
518-486-2557
80 S. Swan Street, Suite 1147
Albany, NY 12210