



ALBANY COUNTY LEGISLATURE
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SEAN E. WARD
CHAIRMAN

PAUL T. DEVANE
CLERK

AGENDA
PART 1 OF 2

ALBANY COUNTY LEGISLATURE

AUGUST 8, 2016



PREVIOUS BUSINESS:

247. ENDORSING THE CRITERIA AND PROCEDURES FOR DETERMINING ASSIGNED COUNSEL ELIGIBILITY PROMULGATED BY THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES

Mr. Ward and Law Committee

293. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "I" FOR 2016

Messrs. Ward, Commisso, Beston, Miller, Bullock, Ms. Chapman, Messrs. Domalewicz, Ethier, Fein, Mackey, Ms. McKnight, Messrs. Signoracci, Simpson, Smith, Touchette, Ms. Willingham, Law and Audit and Finance Committees

295. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "K" FOR 2016

Messrs. Higgins, A. Joyce, Burgdorf, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Grimm, Lekakis, Mayo, Ms. McLean Lane, Messrs. Mendick, O'Brien, Reinhardt and Law Committee

CURRENT BUSINESS:

300. AUTHORIZING THE SUBMISSION OF A 2016 CONSOLIDATED FUNDING GRANT APPLICATION REGARDING THE TIMES UNION CENTER GARAGE PROJECT

Civic Center Committee

301. AUTHORIZING AN AGREEMENT WITH BOTTLING GROUP, LLC REGARDING POURING RIGHTS AT THE TIMES UNION CENTER

Civic Center Committee

302. AUTHORIZING AN AGREEMENT WITH AMAHA ELECTRICAL, INC. REGARDING THE LIGHTING REPLACEMENT PROJECT AT THE TIMES UNION CENTER

Civic Center Committee

303. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 1 AT THE TIMES UNION CENTER

Civic Center Committee

304. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 4 AT THE TIMES UNION CENTER

Civic Center Committee

305. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 5 AT THE TIMES UNION CENTER

Civic Center Committee

306. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 12 AT THE TIMES UNION CENTER

Civic Center Committee

307. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 16 AT THE TIMES UNION CENTER

Civic Center Committee

308. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 18 AT THE TIMES UNION CENTER

Civic Center Committee

309. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 20 AT THE TIMES UNION CENTER

Civic Center Committee

310. AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 23 AT THE TIMES UNION CENTER

Civic Center Committee

311. AUTHORIZING AGREEMENTS REGARDING ALBANY COUNTY INSURANCE COVERAGE

Law Committee

312. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING DOMESTIC VIOLENCE SERVICES AND PRIMARY PREVENTION EDUCATION PROGRAMS AND AMENDING THE 2016 CRIME VICTIM AND SEXUAL VIOLENCE CENTER BUDGET

Law Committee and Mr. Clenahan

313. AUTHORIZING AN AGREEMENT REGARDING THE TRAUMA RESPONSE TEAM AND GUN VIOLENCE

Law Committee and Mr. Clenahan

314. AUTHORIZING A SUPPLEMENTAL AGREEMENT WITH BARTON & LOGUIDICE, D.P.C. REGARDING DESIGN SERVICES PERTAINING TO THE CR9 (BRADT HOLLOW ROAD) FOX CREEK BRIDGE REHABILITATION PROJECT IN THE TOWN OF BERNE

Public Works Committee

315. AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 WITH THE NYS DEPARTMENT OF TRANSPORTATION REGARDING THE CR55 (CREBLE ROAD) OVER THE VOLMAN KILL BRIDGE REHABILITATION PROJECT IN THE TOWN OF BETHLEHEM

Public Works Committee

316. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION REGARDING IMPROVEMENTS TO THE HUDSON-MOHAWK BIKE/HIKE TRAIL

Public Works Committee

317. AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING AND AN AGREEMENT WITH THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND AMENDING THE 2016 STORMWATER COALITION BUDGET

Public Works Committee

318. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE CAPITAL REGION ECONOMIC DEVELOPMENT COUNCIL REGARDING BUILDING RENOVATIONS AT THE NURSING HOME

Social Services Committee

319. AUTHORIZING AN AGREEMENT WITH ISLAND PEER REVIEW ORGANIZATION, INC. REGARDING AUDITING SERVICES PERTAINING TO MEDICAID FRAUD, WASTE AND ABUSE CONTROL ACTIVITIES

Social Services Committee

320. AUTHORIZING AN AGREEMENT REGARDING THE WEATHERIZATION ASSISTANCE PROGRAM AND AMENDING THE 2016 CORNELL COOPERATIVE EXTENSION BUDGET

Social Services Committee

321. AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE NYS OFFICE FOR THE AGING AND AGREEMENTS WITH THE NYS OFFICE FOR THE AGING AND THE DEPARTMENTS FOR AGING AND SOCIAL SERVICES REGARDING THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM

Social Services Committee

322. AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE NYS OFFICE FOR THE AGING AND AGREEMENTS WITH THE NYS OFFICE FOR THE AGING AND THE DEPARTMENTS FOR AGING AND SOCIAL SERVICES REGARDING THE CENTRAL ASSESSMENT UNIT FOR THE PROVISION OF HOME DELIVERED MEALS AND ADULT DAY CARE SERVICES

Social Services Committee

323. AUTHORIZING AN AGREEMENT WITH THE NYS OFFICE FOR THE AGING REGARDING THE AGING MASTERY PROGRAM AND AMENDING THE 2016 DEPARTMENT FOR AGING BUDGET

Social Services Committee and Mr. A. Joyce

324. AUTHORIZING AN AGREEMENT WITH SUNY ALBANY SCHOOL OF SOCIAL WELFARE-CENTER FOR HUMAN SERVICES RESEARCH REGARDING THE JUVENILE DETENTION ALTERNATIVES INITIATIVE

Social Services Committee

325. AUTHORIZING THE SUBMISSION OF A SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM TRANSITION PERIOD APPLICATION TO THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Social Services Committee

326. AUTHORIZING AN AGREEMENT WITH NYS OFFICE OF CHILDREN AND FAMILY SERVICES AND SUBMISSION OF THE 2016-2017 SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM

Social Services Committee

327. AUTHORIZING AN AGREEMENT REGARDING THE CHILD FATALITY REVIEW TEAM PROGRAM AND AMENDING THE 2016 DEPARTMENT FOR CHILDREN, YOUTH AND FAMILIES BUDGET

Social Services Committee

328. AUTHORIZING AN AGREEMENT WITH TRINITY ALLIANCE OF THE CAPITAL REGION, INC. REGARDING THE PROVISION OF FAMILY AND NEIGHBORHOOD RESOURCE CENTER SERVICES

Social Services Committee

329. PUBLIC HEARING ON THE PROPOSED ALBANY COUNTY CAPITAL PROGRAM FOR 2017 – 2021

Audit and Finance Committee and Mr. Ward

330. AMENDING THE 2016 PUBLIC DEFENDER BUDGET: STAFF REORGANIZATION AND ADJUSTMENTS

Audit and Finance Committee

331. AUTHORIZING AN AGREEMENT WITH THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER (MS-ISAC) REGARDING CYBERSECURITY SERVICES

Audit and Finance Committee

332. AUTHORIZING THE CONVEYANCE OF 15 COUNTY ROUTE 1 IN THE TOWN OF WESTERLO

Audit and Finance Committee and Mr. Smith

333. AUTHORIZING THE CONVEYANCE OF 115 AND 117 LEXINGTON AVENUE IN THE CITY OF ALBANY

Audit and Finance Committee and Ms. Chapman

334. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "L" FOR 2016

Mr. Ward and Audit and Finance Committee

335. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "M" FOR 2016

Mr. Ward and Audit and Finance Committee

336. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION WITH THE NYS DIVISION OF HOMELAND SECURITY REGARDING A PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT

Messrs. Ethier, Touchette and Stevens

337. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION REGARDING THE 2016 BODY-WORN CAMERA POLICY & IMPLEMENTATION PROGRAM INITIATIVE

Messrs. Ethier, A. Joyce, Touchette and Stevens

338. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE COUNTY-WIDE INTEROPERABLE COMMUNICATIONS PROJECT AND AMENDING THE 2016 SHERIFF'S DEPARTMENT BUDGET

Messrs. Ethier, A. Joyce, Touchette and Stevens

339. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING A 2016 LIVESCAN EQUIPMENT GRANT AND AMENDING THE 2016 SHERIFF'S DEPARTMENT BUDGET

Messrs. Ethier, A. Joyce, Touchette and Stevens

340. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES REGARDING THE 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT

Messrs. Ethier, Touchette and Stevens

341. AUTHORIZING AN AGREEMENT WITH THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE REGARDING THE 2017 HIGHWAY SAFETY PROGRAM

Messrs. Ethier, A. Joyce, Touchette and Stevens

342. AUTHORIZING THE EXECUTION OF A PASS THROUGH WAIVER REGARDING BYRNE JUSTICE ASSISTANCE GRANT FUNDING FOR THE CITY OF ALBANY

Messrs. Ethier, A. Joyce, Touchette and Stevens

343. AUTHORIZING AN AGREEMENT REGARDING UNIFORMS FOR THE SHERIFF'S DEPARTMENT PERSONNEL

Messrs. Ethier, A. Joyce, Touchette and Stevens

344. AUTHORIZING AN AGREEMENT WITH METRO FORD SALES INC. REGARDING THE PURCHASE OF FOUR VEHICLES FOR THE SHERIFF'S DEPARTMENT

Messrs. Ethier, A. Joyce, Touchette and Stevens

345. APPOINTMENT OF MEMBERS TO THE LEGISLATIVE GRIEVANCE COMMITTEE

Messrs. Commisso and Mauriello

346. APPOINTMENT OF A MEMBER TO THE ALBANY COUNTY BOARD OF HEALTH

Mr. Ward

347. APPOINTMENT OF A MEMBER TO THE BOARD OF THE CAPITAL DISTRICT TRANSPORTATION AUTHORITY

Mr. Ward

348. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "N" FOR 2016

Mr. Fein, Ms. McKnight, Mr. Simpson, Mss. Chapman, Willingham, Messrs. Clay, Commisso and Ward

LOCAL LAWS:

LOCAL LAW NO. "F" FOR 2016: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING 206 THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO THE NUMBER OF LEGISLATIVE DISTRICTS

Messrs. Crouse, Tunny, Hogan and Ms. Lockart

LOCAL LAW NO. "G" FOR 2016: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO COMMISSIONS ON REAPPORTIONMENT

Messrs. Crouse, Tunny, Hogan and Ms. Lockart

LOCAL LAW NO. "H" FOR 2016: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING VARIOUS PROVISIONS OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED AND FOR THE PURPOSE OF INCORPORATING THE PROBATION DEPARTMENT AND THE BOARD OF ELECTIONS INTO THE ALBANY COUNTY CHARTER

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

LOCAL LAW NO. "L" FOR 2016: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY

Mr. Ward

LOCAL LAW NO. "M" FOR 2016: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ENACTING A MORTGAGE RECORDING TAX PURSUANT TO SECTION 253-p OF THE TAX LAW OF THE STATE OF NEW YORK

Mr. Ward

LOCAL LAW NO. "N" FOR 2016: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM DISCRIMINATING AGAINST POTENTIAL EMPLOYEES BASED ON THEIR CRIMINAL ARREST RECORD OR CONVICTION

Mr. Fein, Ms. McKnight, Mr. Simpson, Mss. Chapman, Willingham, Messrs. Clay, Commisso and Ward

SEE SEPARATE AGENDA PART 2

LOCAL LAW NO. "O" FOR 2016: ALBANY COUNTY CHARTER: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, REPEALING LOCAL LAW NO. 8 FOR 1993 AS AMENDED, ENTITLED A LOCAL LAW IN RELATION TO THE ADOPTION OF A COUNTY CHARTER FOR THE COUNTY OF ALBANY, AND ENACTING IN PLACE THEREOF A REVISED ALBANY COUNTY CHARTER

Messrs. Drake, Mauriello, Burgdorf, Mss. McLean Lane, Cunningham, Messrs. Dawson, Grimm, Higgins, Mayo, Mendick, O'Brien, Reinhardt and Stevens

RESOLUTION NO. 247

ENDORISING THE CRITERIA AND PROCEDURES FOR DETERMINING
ASSIGNED COUNSEL ELIGIBILITY PROMULGATED BY THE NEW YORK
STATE OFFICE OF INDIGENT LEGAL SERVICES

Introduced: 6/13/16

By Mr. Ward and Law Committee:

WHEREAS, In 2015, the New York State Office of Indigent Legal Services (ILS) was designated by the State of New York to implement the settlement of the class action lawsuit *Hurrell-Harring v. State of New York*, and as part of fulfilling that responsibility undertook its own comprehensive examination of eligibility processes across the State for the assignment of counsel, and

WHEREAS, ILS then developed, with the assistance of the New York State Defenders Association and others, and has now promulgated "Criteria and Procedures for Determining Assigned Counsel Eligibility" consistent with the agreed-upon terms of the *Hurrell-Harring* settlement relating to eligibility determinations and pursuant to its authority under Executive Law §832(3)(c), and

WHEREAS, implementation of those ILS standards to offer guidance in determining eligibility will improve the fairness and efficiency of eligibility determinations across the State, benefitting potential public defense clients, the judiciary and justice, now, therefore be it

RESOLVED, that the Albany County Legislature hereby fully endorses the "Criteria and Procedures for Determining Assigned Counsel Eligibility" promulgated by ILS on April 4, 2016, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the Governor, the New York State Senate, Senator Neil Breslin, Senator George Amedore, the New York State Assembly, Assemblymember John McDonald, Assemblymember Patricia Fahy, Assemblymember Phillip Steck and the appropriate County Officials.

Referred to Law Committee. 6/13/16

RESOLUTION NO. 293

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "T" FOR 2016

Introduced: 7/11/16

By Messrs. Ward, Commisso, Beston, Miller, Bullock, Ms. Chapman, Messrs. Domalewicz, Ethier, Fein, Mackey, Ms. McKnight, Messrs. Signoracci, Simpson, Smith, Touchette, Ms. Willingham, Law and Audit and Finance Committees:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "T" for 2016, "A Local Law of the County of Albany, New York, Authorizing the County Executive To Negotiate A Lease Agreement of Property Owned By Albany County at the Former Ann Lee Nursing Home With Soldier On, Inc., 360 West Housatonic Street, Pittsfield, Ma 01201, Subject To The Approval of the Albany County Legislature", be held by the County Legislature in the Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 23, 2016, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law and Audit and Finance Committees. 7/11/16

RESOLUTION NO. 295

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "K" FOR 2016

Introduced: 7/11/16

By Messrs. Higgins, A. Joyce, Burgdorf, Ms. Cunningham, Messrs. Dawson, Domalewicz, Drake, Grimm, Lekakis, Mayo, McLeane-Lane, Mendick, O'Brien, Reinhardt and Law Committee:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "K" for 2016, "A Local Law of the County of Albany, New York amending section 206 of the Albany County Charter and Local Law No. 8 for 1993 as subsequently amended for the purpose of restructuring the legislature by reducing the number of legislators" to be held by the County Legislature in the Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 23, 2016, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

Referred to Law Committee. 7/11/16

RESOLUTION NO. 300

AUTHORIZING THE SUBMISSION OF A 2016 CONSOLIDATED FUNDING GRANT APPLICATION REGARDING THE TIMES UNION CENTER GARAGE PROJECT

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, The Commissioner of the Department of General Services has requested authorization to apply for grant funding in the amount of \$2,000,000 from the Capital Region Economic Development Council regarding the Times Union Center Garage Project, and

WHEREAS, The Commissioner has indicated that submission of a consolidated funding application could secure grant funds to assist with the cost of the proposed Market Street Ingress and Egress Project at the Times Union Center Garage, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to the Capital Region Economic Development Council regarding the Times Union Center Garage Project in the amount not to exceed \$2,000,000, and, be it further

RESOLVED, That the County Attorney is authorized to approve said application as to form and content, 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.

RESOLUTION NO. 301

**AUTHORIZING AN AGREEMENT WITH BOTTLING GROUP, LLC
REGARDING POURING RIGHTS AT THE TIMES UNION CENTER**

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Resolution No. 320 for 2011 authorized a five year agreement for pouring rights at the Times Union Center between SMG and the Pepsi Bottling Group, LLC, now known and referred to as "Bottling Group, LLC", and

WHEREAS, The Manager of the Times Union Center has requested authorization to a ten year agreement with Bottling Group, LLC regarding pouring rights at the Times Union Center commencing January 1, 2017 and ending December 31, 2026, and

WHEREAS, The proposed ten year agreement excludes energy drinks from the exclusive right to distribute and sell all non-alcoholic beverages within the arena, and

WHEREAS, During the term of the pouring rights agreement, Bottling Group, LLC shall have the exclusive right to distribute and sell to the public all non-alcoholic beverages within the arena including all concession or vending locations, with the exception of the aforementioned energy drinks, and

WHEREAS, The renewal proposal submitted by Bottling Group, LLC reflects a commitment to pay \$45,000 annually for pouring rights plus additional incentive fees based on the removal of fountain soda and based on volume sales of bottle and can soda and other non-alcohol products sold, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a ten year agreement with the Bottling Group, LLC, 1 Pepsi Cola Drive, Latham, NY in the amount of \$45,000 annually regarding pouring rights at the Times Union Center commencing January 1, 2017 and ending December 31, 2026, and, be it further

RESOLVED, That the County Attorney shall approve said agreement as to form and content, 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.

RESOLUTION NO. 302

**AUTHORIZING AN AGREEMENT WITH AMAHA ELECTRICAL, INC.
REGARDING THE LIGHTING REPLACEMENT PROJECT AT THE TIMES
UNION CENTER**

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, The General Manager of the Times Union Center has requested authorization enter into an agreement with AMAHA Electrical, Inc. regarding the lighting replacement project at the Times Union Center commencing September 1, 2016 and ending August 31, 2019, and

WHEREAS, The General Manager indicated that the new technology will allow for LED lights with instant on and off, cleaner lighting for television and game presentation and energy efficiency, and

WHEREAS, Two additional energy savings measures are also included, replacing 25 year old equipment and a retrofit of purge fans and heat recovery air handling units, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with AMAHA Electrical, Inc., 1217 Loudon Road, Cohoes, New York, in an amount not to exceed \$1,425,840 for the lighting replacement project at the Times Union Center, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 303

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 1 AT THE TIMES UNION CENTER

Introduced: 8/8/16
By Civic Center Committee:

WHEREAS, BBL Construction Services, LLC, P.O. Box 12789, Albany, New York, and Manufacturers & Traders Trust Company, 327 Great Oaks Blvd., Albany, New York, (Suite holders) have indicated an interest in leasing Corporate Suite No. 1 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suite holders have agreed to pay an annual rental fee of \$20,500 for said Suite, and

WHEREAS, The Suite holders have also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of three (3) years commencing on September 1, 2016 and ending on August 31, 2019, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suite holders to lease Corporate Suite No. 1 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 304

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 4 AT THE TIMES UNION CENTER

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Pamal Broadcasting, 6 Johnson Road, Latham, New York (Suiteholder) has indicated an interest in leasing Corporate Suite No. 4 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suiteholder has agreed to pay an annual rental fee of \$20,500 for said suite, and

WHEREAS, The Suiteholder has also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of three (3) years commencing on September 1, 2016 and ending on August 31, 2019, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suiteholder to lease Corporate Suite No. 4 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 305

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 5 AT THE TIMES UNION CENTER

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Rose & Kiernan Insurance, 99 Troy Road, East Greenbush, New York, (Suiteholder) has indicated an interest in leasing Corporate Suite No. 5 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suiteholder has agreed to pay an annual rental fee of \$20,500 for said Suite, and

WHEREAS, The Suiteholder has also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of three (3) years commencing on September 1, 2016 and ending on August 31, 2019, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suiteholder to lease Corporate Suite No. 5 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 306

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 12 AT THE TIMES UNION CENTER

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Bank of America, 201 N. Tyron Street, Charlotte, NC (Suiteholder) has indicated an interest in leasing Corporate Suite No. 12 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suiteholder has agreed to pay an annual rental fee of \$20,500 for said suite, and

WHEREAS, The Suiteholder has also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of three (3) years commencing on September 1, 2016 and ending on August 31, 2019, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suiteholder to lease Corporate Suite No. 12 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 307

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 16 AT THE TIMES UNION CENTER

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Girvin & Ferlazzo, 20 Corporate Wood Blvd., Albany, New York; United Group of Companies, Inc., 300 Jordan Road, Troy, New York, JPS Strategies, 27 6th Street, Waterford, New York and FPI Mechanical, 11 Green Mountain Drive, Cohoes, New York (Suiteholders) have indicated an interest in leasing Corporate Suite No. 16 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suiteholders have agreed to pay an annual rental fee of \$20,500 for said suite, and

WHEREAS, The Suiteholders have also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of three (3) years commencing on September 1, 2016 and ending on August 31, 2019, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suiteholders to lease Corporate Suite No. 16 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 308

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 18 AT THE TIMES UNION CENTER

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Schenectady Hardware & Electric, P.O. Box 338, Schenectady, New York (Suiteholder) has indicated an interest in leasing Corporate Suite No. 18 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suiteholder has agreed to pay an annual rental fee of \$20,500 for said suite, and

WHEREAS, The Suiteholder has also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of three (3) years commencing on September 1, 2016 and ending on August 31, 2019, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suiteholder to lease Corporate Suite No. 18 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 309

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 20 AT THE TIMES UNION CENTER

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Blueshield of Northeastern New York, 30 Century Hill Drive, Latham, NY 12110 (Suiteholder) has indicated an interest in leasing Corporate Suite No. 20 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suiteholder has agreed to pay an annual rental fee of \$20,500 for said suite, and

WHEREAS, The Suiteholder has also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of one (1) year, commencing on September 1, 2016 and ending on August 31, 2017, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suiteholder to lease Corporate Suite No. 20 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 310

AUTHORIZING A LEASE AGREEMENT FOR THE RENTAL OF CORPORATE SUITE NO. 23 AT THE TIMES UNION CENTER

Introduced: 8/8/16

By Civic Center Committee:

WHEREAS, Capital District Physicians Health Plan, 500 Patroon Creek Blvd., Albany, New York (Suiteholder) has indicated an interest in leasing Corporate Suite No. 23 at the Times Union Center in accordance with terms and conditions approved by the County Attorney, and

WHEREAS, The Suiteholder has agreed to pay an annual rental fee of \$20,500 for said suite, and

WHEREAS, The Suiteholder has also agreed to pay \$28,000 annually for advertising within the Arena, and

WHEREAS, Annual payments totaling \$48,500 are to be made as follows: a \$20,500 payment on or before July 1st preceding the contract year, and the remaining \$28,000 payment is due on or before December 15th during each contract year, and

WHEREAS, The term of said lease shall be for a period of three (3) years commencing on September 1, 2016 and ending on August 31, 2019, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a lease agreement with the aforesaid Suiteholder to lease Corporate Suite No. 23 at the Times Union Center pursuant to the aforementioned terms, and, be it further

RESOLVED, That the County Attorney is authorized to approve said lease agreement as to form and content prior to the execution thereof, 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.

RESOLUTION NO. 311

AUTHORIZING AGREEMENTS REGARDING ALBANY COUNTY
INSURANCE COVERAGE

Introduced: 8/8/16
By Law Committee:

WHEREAS, The County Attorney's Office, upon the recommendation of the County's insurance consultant, has requested authorization to enter into an agreement for the County's insurance coverage with Arthur J. Gallagher Risk Management Services, Inc., and

WHEREAS, It has been recommended that the County enter into agreements with Argonaut for Excess Commercial, General, Automobile, Law Enforcement, Public Official's and Employment Practices coverage, Ironshore for Umbrella insurance, Traveler's Indemnity for Property insurance, Greenwich for Boiler and Machinery coverage, Travelers for Crime insurance, Medical Liability Mutual Insurance Company for Medical Liability coverage, ACE for Cyber Liability insurance and Navigators for a three year period, for 3rd Party Pollution Liability in a total combined premium amount of \$1,164,424, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into renewal agreements through Arthur J. Gallagher Risk Management Services, Inc. with Argonaut for Excess Commercial, General, Automobile, Law Enforcement, Public Official's and Employment Practices coverage at an annual premium not to exceed \$389,356; Ironshore for Umbrella insurance at an annual premium not to exceed \$141,399; Traveler's Indemnity for Property insurance at an annual premium not to exceed \$216,945; Greenwich for Boiler and Machinery coverage at an annual premium not to exceed \$19,406; Travelers for Crime insurance at an annual premium not to exceed \$4,510; Medical Liability Mutual Insurance Company for Medical Liability insurance at an annual premium not to exceed \$278,262 and ACE for Cyber Liability insurance at an annual premium not to exceed \$49,951 for the period commencing August 15, 2016 and ending August 15, 2017, and Navigators for a three year period, for 3rd Party Pollution Liability at an annual premium not to exceed \$69,105 in a total combined premium amount of \$1,164,424 for the period commencing August 15, 2016 and ending August 15, 2019, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreements as to form and content, 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.

C RESOLUTION NO. 312

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING DOMESTIC VIOLENCE SERVICES AND PRIMARY PREVENTION EDUCATION PROGRAMS AND AMENDING THE 2016 CRIME VICTIM AND SEXUAL VIOLENCE CENTER BUDGET

Introduced: 8/8/16

By Law Committee and Mr. Clenahan:

WHEREAS, The Director of the Crime Victim Sexual Violence Center has requested authorization to submit a grant application and enter into an agreement with the Division of Criminal Justice Services regarding Domestic Violence Services in the amount of \$10,000 for the period beginning June 1, 2016 and ending May 31, 2017, and

WHEREAS, The Director indicated that funding will be used to provide domestic violence services, direct services, primary prevention education to youth and adults in the Albany County community as well as assorted training and operational costs, and

WHEREAS, The Director has also requested a budget amendment in order to incorporate the aforementioned funding, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application and enter into an agreement to the NYS Division of Criminal Justice Services regarding domestic violence services for the period beginning June 1, 2016 and ending May 31, 2017 in an amount not to exceed \$10,000, and, be it further

RESOLVED, By the Albany County Legislature that the 2016 Crime Victim Sexual Violence Center is amended as follows:

Increase Revenue Account 3497 Violence Against Woman Action by \$10,000

Increase Appropriation Account A4610.1 by \$1,000 by increasing Line Item A4610 1 4046 Fees for Services by \$1,000

and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant application and agreement as to form and content, 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.

RESOLUTION NO. 313

**AUTHORIZING AN AGREEMENTS REGARDING THE TRAUMA
RESPONSE TEAM AND GUN VIOLENCE**

Introduced: 8/8/16

By Law Committee and Mr. Clenahan:

WHEREAS, The Director of the Crime Victim and Sexual Violence Center has requested authorization to enter into agreements with the Albany Police Department for the Trauma Response Team, Schenectady County District Attorney's Office to provide Project Safe Neighborhoods and the Cease Fire components of the NYS Department of Criminal Justice Services Give II Grant, and

WHEREAS, The Director indicated that Albany County will have a fiduciary role in the GIVE II grant and the Albany Police Department and the Schenectady County District Attorney's Office will administer the services, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into agreements with the Albany Police Department for the Trauma Response Team, Schenectady County District Attorney's Office to provide Project Safe Neighborhoods and the Cease Fire components of the NYS Department of Criminal Justice Services Give II Grant, 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.

RESOLUTION NO. 314

AUTHORIZING A SUPPLEMENTAL AGREEMENT WITH BARTON & LOGUIDICE, D.P.C. REGARDING DESIGN SERVICES PERTAINING TO THE CR9 (BRADT HOLLOW ROAD) FOX CREEK BRIDGE REHABILITATION PROJECT IN THE TOWN OF BERNE

Introduced: 8/8/16

By Public Works Committee:

WHEREAS, By Resolution No. 317 for 2014, this Honorable Body authorized an agreement with Barton & Loguidice, D.P.C. regarding design services pertaining to the CR9 (Bradt Hollow Road) Fox Creek Bridge Rehabilitation Project in the Town of Berne in the amount of \$19,054, and

WHEREAS, The Commissioner of the Department of Public Works has requested a supplemental agreement with Barton & Loguidice, D.P.C. regarding additional design services for the CR9 Bradt Hollow Road Fox Creek Bridge Project, and

WHEREAS, The additional design work associated with the realignment of Dutch Settlement Road intersection with CR9 (Bradt Hollow Road) will add \$19,054 to the original cost of the project for a new total of \$237,466, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into a supplemental agreement with Barton & Loguidice, D.P.C. regarding additional design services for the CR9 (Bradt Hollow Road) Fox Creek Bridge Rehabilitation Project in the Town of Berne in the amount of \$237,466 rather than \$218,412, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 315

AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 WITH THE NYS DEPARTMENT OF TRANSPORTATION REGARDING THE CR55 (CREBLE ROAD) OVER THE VLOMAN KILL BRIDGE REHABILITATION PROJECT IN THE TOWN OF BETHLEHEM

Introduced: 8/8/16

By Public Works Committee:

WHEREAS, A project BIN 3301050, for the (CR55) Creble Road over the Vloman Kill Bridge Rehabilitation Project in the Town of Bethlehem, Albany County, P.I.N. 1758.91 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds for permanent repair work and 100% Federal funds for Emergency work, and

WHEREAS, The County of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Design and Construction/CI, now, therefore be it

RESOLVED, By the Albany County Legislature, duly convened, does hereby approve the above-subject project, and, be it further

RESOLVED, That the County Legislature hereby authorizes the County of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design and Construction/CI work for the Project or portions thereof, and, be it further

RESOLVED, That the sum of one hundred fifty-nine thousand two hundred and one dollars and no cents (\$159,201) has already been appropriated and made available to cover the cost of participation in the above phases of the Project, and, be it further

RESOLVED, That the additional sum of ninety-four thousand eight hundred and six dollars and no cents (\$94,806) is hereby appropriated and made available to cover the cost of participation in the above phases of the project, and, be it further

RESOLVED, That in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Albany County Legislature shall convene as soon as possible to appropriate said excess amount upon the notification by the New York State Department of Transportation thereof, and, be it further

RESOLVED, That the County Executive of Albany County is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the County of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations thereof that are not so eligible, and, be it further

RESOLVED, That this resolution shall take effect immediately and a certified copy of this resolution shall be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project.

RESOLUTION NO. 316

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO NEW YORK STATE OFFICE OF PARKS, RECREATION, AND HISTORIC PRESERVATION REGARDING IMPROVEMENTS TO THE HUDSON-MOHAWK BIKE/HIKE TRAIL

Introduced: 8/8/16

By Public Works Committee:

WHEREAS, The County Executive has requested authorization to submit a New York State Consolidated Funding application to the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) regarding improvements and maintenance of the Hudson-Mohawk Bike/Hike Trail, and

WHEREAS, The County Executive indicated that funding will be used specifically for additional signage, upgraded amenities, resurfacing, and the possibility of conducting a feasibility study to explore the potential to decrease the amount of "on-road" portions of the trail between the Cities of Watervliet and Cohoes, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a NYS Consolidated Funding Application to the New York State (OPRHP) regarding funding for improvement and maintenance of the Hudson-Mohawk Bike/Hike Trail, and, be it further

RESOLVED, That the County Attorney is authorized to approve said application as to form and content, 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.

RESOLUTION NO. 317

AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING AND AN AGREEMENT WITH THE NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND AMENDING THE 2016 STORMWATER COALITION BUDGET

Introduced: 8/8/16

By Public Works Committee:

WHEREAS, By Resolution 252 for 2015, the Honorable Body authorized the Stormwater Coalition of Albany County to submit a grant application to the New York State Department of Environmental Conservation (NYSDEC) regarding improvements programs related to managing stormwater runoff in Albany County, and

WHEREAS, The Commissioner has requested authorization for the acceptance of grant funding in the amount of \$233,220 from NYSDEC regarding the Albany County MS4 Mapping Project, and

WHEREAS, The Commissioner also requested a budget amendment in order to incorporate the \$223,220 of funding into the 2016 Stormwater Coalition Budget, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to accept grant funding in an amount of \$233,220 from the New York State Department of Environmental Conservation regarding the purchase of mapping equipment and project in Albany County, and, be it further

RESOLVED, That the 2016 Stormwater Coalition Budget is amended as follows to incorporate \$223,220 of the aforementioned grant funding:

Increase Revenue Account A3420 MS4 Mapping Project by \$233,220

Increase Appropriation Account A8021.2 by \$34,562 by increasing Line Item A8021 2 2999 Miscellaneous Equipment by \$34,562

Increase Appropriation Account A8021.4 by \$198,658 by increasing the following line items:

Increase Line Item A8021 4 4046 Fees for Services by \$171,120

Increase Line Item A8021 4 4038 Travel, Mileage, Freight by \$3,730

Increase Line Item A8021 4 4020 Office Supplies by \$23,808

and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 318

**AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE
CAPITAL REGION ECONOMIC DEVELOPMENT COUNCIL REGARDING
BUILDING RENOVATIONS AT THE NURSING HOME**

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Executive Director of the Department of Residential Health Care Facilities has requested authorization to submit a New York State Consolidated Funding Application to the Capital Region Economic Development Council regarding building renovations at the Albany County Nursing Home, and

WHEREAS, The Executive Director indicated that the potential funding will be used for the purpose of completing upgrades to resident facilities as well as to create additional office space for County agencies and staff in the tower building, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application to the Capital Region Economic Development Council regarding building renovations at the Albany County Nursing Home, and, be it further

RESOLVED, That the County Attorney is authorized to approve said application as to form and content, 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.

RESOLUTION NO. 319

AUTHORIZING AN AGREEMENT WITH ISLAND PEER REVIEW ORGANIZATION, INC. REGARDING AUDITING SERVICES PERTAINING TO MEDICAID FRAUD, WASTE AND ABUSE CONTROL ACTIVITIES

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, This Honorable Body authorized an agreement with the NYS Department of Health and the New York State Medicaid Inspector General regarding Medicaid fraud, waste and abuse control activities, and

WHEREAS, The Commissioner of the Department of Social Services has recommended that the County renew the agreement with Island Peer Review Organization, Inc. from October 1, 2016 to September 30, 2017 in an amount not to exceed \$166,000 to continue auditing services pertaining to Medicaid fraud, waste and abuse control activities, and

WHEREAS, The agreement allows for the review of Medicaid payments made to providers enrolled in the Medicaid program who have submitted claims for eligible services to recipients for which the County has fiscal responsibility, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Island Peer Review Organization, Inc., 1979 Marcus Avenue, Lake Success, New York, from October 1, 2016 to September 30, 2017 in an amount not to exceed \$166,000 regarding auditing services pertaining to Medicaid fraud, waste and abuse control activities, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 320

AUTHORIZING AN AGREEMENT REGARDING THE WEATHERIZATION ASSISTANCE PROGRAM AND AMENDING THE 2016 CORNELL COOPERATIVE EXTENSION BUDGET

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, By Resolution No. 123 for 2014, this Honorable Body authorized a three-year agreement with the NYS Division of Housing and Community Renewal regarding the Weatherization Assistance Program commencing April 1, 2014 and ending March 31, 2017, and

WHEREAS, Said Program provides weatherization, labor and materials for dwelling units occupied by low income persons, and

WHEREAS, The Executive Director of Cornell Cooperative Extension has requested authorization to enter into the third year of the aforementioned multi-year agreement commencing April 1, 2016 through March 31, 2017 in the amount of \$499,219, and

WHEREAS, The Director has also requested a budget amendment in order to incorporate \$383,437 the aforementioned amount into the 2016 Cornell Cooperative Extension Budget, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into the third year of a multi-year agreement on behalf of Albany County with the NYS Division of Housing and Community Renewal regarding the Weatherization Program for the term April 1, 2016 to March 31, 2017 in the amount of \$499,219, and, be it further

RESOLVED, By the Albany County Legislature that the 2016 Cornell Cooperative Extension Budget is amended as follows:

Increase Revenue Account A4950 Weatherization by \$383,437

Increase Appropriation Account A8753.4 by \$383,437 by increasing Line Item A8753 4 4480 Weatherization by \$383,437

and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 321

AUTHORIZING ACCEPTANCE OF GRANT FUNDING FROM NYS OFFICE FOR THE AGING AND AGREEMENTS WITH THE NYS OFFICE FOR THE AGING AND THE DEPARTMENTS FOR AGING AND SOCIAL SERVICES REGARDING THE EXPANDED IN-HOME SERVICES FOR THE ELDERLY PROGRAM

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Commissioner of the Department for Aging has requested authorization to enter into an agreement with New York State Office for the Aging in order to accept grant funding in the amount of \$2,070,000 regarding the provision of Expanded In-Home Services for the Elderly Program (EISEP) commencing April 1, 2016 and ending March 31, 2017, and

WHEREAS, The Commissioner has also requested authorization to enter into an interdepartmental agreement with the Department of Social Services regarding the EISEP program and the provision of assistance with activities of daily living to eligible seniors in Albany County so that they are able to stay at home and be independent as long as possible, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with New York State Office for the Aging in order to accept grant funding in the amount of \$2,070,000 regarding the provision of Expanded In-Home Services for the Elderly Program (EISEP) commencing April 1, 2016 and ending March 31, 2017, and, be it further

RESOLVED, That the County Executive is also authorized to execute an interdepartmental agreement between the Departments for Aging and Social Services for the provision of Expanded In-Home Services for the Elderly Program in the amount of \$2,070,000 commencing April 1, 2016 and ending March 31, 2017, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 322

AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FROM THE NYS OFFICE FOR THE AGING AND AGREEMENTS WITH THE NYS OFFICE FOR THE AGING AND DEPARTMENTS FOR AGING AND SOCIAL SERVICES REGARDING THE CENTRAL ASSESSMENT UNIT FOR THE PROVISION OF HOME DELIVERED MEALS AND ADULT DAY CARE SERVICES

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Albany County Department for Aging operates a home-delivered meals program for the elderly which is designed to foster good health through the provision of home-delivered meals and adult day care services, and

WHEREAS, Over the past year the Department of Social Services has performed the required assessments and reassessments for seniors referred to the Home Delivered Meal Program, which has provided meals to homebound frail seniors in Albany County, and

WHEREAS, The Commissioner of the Department for Aging has requested authorization to enter into an agreement with New York State Office for the Aging in order to accept grand funding in the amount of \$52,500 regarding the Central Assessment Unit for the Provision of Home Delivered Meals and Adult Day Care Services commencing April 1, 2016 and ending March 31, 2017 in the amount of \$52,500, and

WHEREAS, The Commissioner has also requested authorization to enter into an interdepartmental agreement between with the Department of Social Services regarding required assessments and reassessments of seniors for the Home Delivered Meal Program and Adult Day Care Services commencing April 1, 2016 and ending March 31, 2017 in the amount of \$52,500, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with New York State Office for the Aging in order to accept grand funding in the amount of \$52,500 regarding the Central Assessment Unit for the Provision of Home Delivered Meals and Adult Day Care Services commencing April 1, 2016 and ending March 31, 2017 in the amount of \$52,500, and, be it further

RESOLVED, That the County Executive is also authorized to execute an interdepartmental agreement between the Departments for Aging and Social Services regarding required assessments and reassessments of seniors for the Home Delivered Meal Program and Adult Day Care Services commencing April 1, 2016 and ending March 31, 2017 in the amount of \$52,500, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 323

AUTHORIZING AN AGREEMENT WITH THE NYS OFFICE FOR THE AGING REGARDING THE AGING MASTERY PROGRAM AND AMENDING THE 2016 DEPARTMENT FOR AGING BUDGET

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Commissioner of the Department for Aging has requested authorization to enter into an agreement with New York State Office for the Aging regarding funding for the Aging Mastery Program in the amount of \$20,000 for the period commencing January 1, 2016 and ending March 31, 2017, and

WHEREAS, The Aging Mastery Program incorporates evidence-based materials, expert speakers, group discussion, and peer support to give participants the skill and tools they need to achieve measurable improvements in managing their health and remaining economically secure, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the New York State Office for the Aging regarding funding for the Aging Mastery Program in the amount of \$20,000, and, be it further

RESOLVED, That the 2016 Department for Aging Budget is amended as follows:

Increase Revenue Account A3448 Aging Mastery Program (AMP) by \$20,000

Increase Appropriation Account A6772.4 by \$20,000 by increasing the following line item A6772 4 4046 Fees for Services by \$20,000

and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 324

AUTHORIZING AN AGREEMENT WITH SUNY ALBANY SCHOOL OF SOCIAL WELFARE-CENTER FOR HUMAN SERVICES RESEARCH REGARDING THE JUVENILE DETENTION ALTERNATIVES INITIATIVE

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Commissioner of the Department for Children, Youth and Families has requested authorization to enter into an agreement with State University of New York School of Social Welfare-Center for Human Services Research regarding the Juvenile Detention Alternatives Initiative (JDAI) in the amount of \$38,279 for the period commencing April 1, 2016 and ending December 31, 2016, and

WHEREAS, The Commissioner indicated that the continuation of the Juvenile Detention Alternatives Initiative (JDAI) will provide for the placement of a juvenile justice research assistant 45% of the time, working with the Department to assess all juvenile justice programs and initiatives to ensure the best outcomes for the youth and their families, and

WHEREAS, The goal of the JDAI is to further reduce unnecessary and inappropriate placement in secure detention of youths through the participation of per diem staff, bringing together all the necessary stakeholders and cooperatively developing and implementing local strategies and alternatives to juvenile detention, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into State University of New York Albany School of Social Welfare-Center for Human Services Research regarding the continuation of the Juvenile Detention Alternatives Initiative (JDAI) in the amount of \$38,279 for the period commencing April 1, 2016 and ending December 31, 2016, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreements as to form and content, and, be it further

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

RESOLUTION NO. 325

AUTHORIZING THE SUBMISSION OF A SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM TRANSITION PERIOD APPLICATION TO THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, Due to the enactment of the New York State 2016 – 2017 State Fiscal Year Budget, significant changes have been made to the Supervision and Treatment Services for Juveniles Program to include a new program year of October 1, 2016 through September 30, 2017 and a one-time transition period application to New York State Office of Children and Family Services (NYSOCFS), and

WHEREAS, The Commissioner of the Department for Children, Youth and Families has requested authorization to submit a Supervision and Treatment Services for Juveniles Program Transition Period Application to NYSOCFS in order to shift unused 2015-2016 funding in the amount of \$178,052 and to cover costs during the transition period commencing April 1, 2015 and ending September 30, 2016, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a one-time Supervision and Treatment Services for Juveniles Program Transition Period Application to NYSOCFS in order to shift unused 2015-2016 funding in the amount of \$178,052 and to cover costs during the transition period commencing April 1, 2015 and ending September 30, 2016, and, be it further

RESOLVED, That the County Attorney is authorized to approve said plan as to form and content, and, be it further

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

RESOLUTION NO. 326

AUTHORIZING AN AGREEMENT WITH THE NYS OFFICE OF CHILDREN AND FAMILY SERVICES AND SUBMISSION OF THE 2016 - 2017 SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM PLAN

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Commissioner of the Department for Children, Youth and Families has requested authorization to enter into an agreement NYS Office of Children and Family Services in order to accept funding in the amount of \$174,643 and to submit the 2016 - 2017 Supervision and Treatment Services for Juveniles Program Plan for the period commencing October 1, 2016 and ending September 30, 2017, and

WHEREAS, Albany County DCYF is receiving a funding allocation which will be targeted to continue to support programming at Albany County Probation Department and Albany County Family Court to meet the goals of the Supervision and Treatment Services for Juveniles Program funding, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit the 2016 - 2017 Supervision and Treatment Services for Juveniles Program Plan to the NYS Office of Children and Family Services in order to accept funding in the amount of \$174,643 for the period commencing October 1, 2016 and ending September 30, 2017, and, be it further

RESOLVED, That the County Attorney is authorized to approve said plan as to form and content, and, be it further

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

RESOLUTION NO. 327

AUTHORIZING AN AGREEMENT REGARDING THE CHILD FATALITY REVIEW TEAM PROGRAM AND AMENDING THE 2016 DEPARTMENT FOR CHILDREN, YOUTH AND FAMILIES BUDGET

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Commissioner of the Department for Children, Youth and Families has requested authorization to enter into an agreement with the NYS Office of Children and Family Services regarding the Children's Advocacy Center's Child Fatality Review Team Program for the period commencing August 1, 2016 and ending July 31, 2017 in the amount of \$50,395, and

WHEREAS, The Commissioner has requested a budget amendment in order to incorporate the aforementioned funding, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the NYS Office of Children and Family Services regarding the Child Fatality Review Team Program in the amount of \$50,395 for the period August 1, 2016 through July 31, 2017, and, be it further

RESOLVED, That the 2016 Department for Children, Youth and Families Budget is amended as follows:

Increase Revenue Account A3407 Child Advocacy Center by \$1,334

Increase Appropriation Account A6119.4 by \$1,334 by increasing the following Line Items:

Increase Line Item A6119 4 4020 Office Supplies by \$334

Increase Line Item A6119 4 4042 Printing and Advertising by \$1,000

and, be it further

RESOLVED, That the Albany County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 328

AUTHORIZING AN AGREEMENT WITH TRINITY ALLIANCE OF THE CAPITAL REGION, INC. REGARDING THE PROVISION OF FAMILY AND NEIGHBORHOOD RESOURCE CENTER SERVICES

Introduced: 8/8/16

By Social Services Committee:

WHEREAS, The Department for Children, Youth and Families has requested authorization to enter into an agreement with Trinity Alliance of the Capital Region, Inc. regarding the provision of Family and Neighborhood Resource Center Services for the period October 1, 2016 to September 30, 2017 in the amount of \$170,000 which includes County funding of approximately 31%, and

WHEREAS, The Family and Neighborhood Resource Center's goal is to provide family stabilization through the provision of family strengthening primary, secondary and tertiary preventive measures, all aimed at aversion of foster care, mental health hospitalization and criminal justice involvement, and

WHEREAS, This agreement provides reunification support for families with individuals returning from incarceration or residential treatment, support solutions outside the income maintenance system through the distribution of emergency food supplies and is a provider of multiple supports for youth returning from foster care, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Trinity Alliance of the Capital Region, Inc. regarding the provision of Family and Neighborhood Resource Center Services for the period October 1, 2016 to September 30, 2017 in an amount not to exceed \$170,000, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 329

PUBLIC HEARING ON THE PROPOSED ALBANY COUNTY CAPITAL PROGRAM FOR 2017 – 2021

Introduced: 8/8/16

By Audit and Finance Committee and Mr. Ward:

WHEREAS, Pursuant to Section 609 of the Albany County Charter, the Albany County Legislature shall publish a summary of the Capital Program for Albany County and the time and place for a public hearing on the same, now, therefore be it

RESOLVED, That the summary of the proposed Albany County Capital Program for 2017-2021 is available for public inspection at the offices of the County Clerk, Albany County Courthouse, Albany, New York and the Clerk of the Legislature, 112 State Street, Room 710, Albany, New York, during normal business hours, and, be it further

RESOLVED, By the Albany County Legislature that a public hearing on the proposed Albany County Capital Program for 2017–2021 will be held by the County Legislature in the Legislative Chambers at the Albany County Courthouse, Albany, New York at 7:15 p.m. on the 23rd day of August, 2016, and the Clerk of the County Legislature is hereby directed to cause notice to be published containing the necessary information in accordance with the applicable provisions of law.

RESOLUTION NO. 330

**AMENDING THE 2016 PUBLIC DEFENDER BUDGET: STAFF
REORGANIZATION AND ADJUSTMENTS**

Introduced: 8/8/16

By Audit and Finance Committee:

WHEREAS, The Albany County Public Defender has requested administrative adjustments to the 2016 budget for two Criminal Investigator positions to reflect the changing needs of the office, and

WHEREAS, The Public Defender has requested funding to make both positions full time, with pay commensurate with other Criminal Investigators in Albany County in order to assist with indigent legal defense, and

WHEREAS, To accomplish this, the Public Defender has requested a budget amendment to appropriate funds for the two positions, now, therefore be it

RESOLVED, By the Albany County Legislature that the 2016 Public Defender Budget is amended as follows:

Decrease Line Item A1172.4 4043 Legal Fees Language by \$27,624

Increase Appropriation Account A1170.1 by \$27,624 by increasing the following line items:

Increase Line Item A1170 1 4013 001 Criminal Investigator by \$13,661 for the balance of fiscal year 2016 with an annual salary of \$65,000

Increase Line Item A1170 1 4013 002 Criminal Investigator by \$7,979 for the balance of fiscal year 2016 with an annual salary of \$68,000

Increase Line Item A 1170 8 9010 State Retirement by \$4,328 for the balance of fiscal year 2016

Increase Line Item A1170 8 9030 Social Security by \$1,656 for the balance of fiscal year 2016

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.

RESOLUTION NO. 331

**AUTHORIZING AN AGREEMENT WITH THE MULTI-STATE
INFORMATION SHARING AND ANALYSIS CENTER (MS-ISAC)
REGARDING CYBERSECURITY SERVICES**

Introduced: 8/8/16

By Audit and Finance Committee:

WHEREAS, The Albany County Department for Information Services requests permissions to enter into an agreement with the Multi-State Information Sharing and Analysis Center (MS-ISAC) regarding cybersecurity services, and

WHEREAS, Membership in this program will allow Albany County to work collaboratively with Federal, State and local governments regarding advancements in the field of cybersecurity, including improvements to network monitoring, cyber threat training, and incident response and mitigation, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Multi-State Information Sharing and Analysis Center (MS-ISAC) of 31 Tech Valley Drive, East Greenbush, NY 12061 for cybersecurity services at no cost to Albany County, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 332

AUTHORIZING THE CONVEYANCE OF 15 COUNTY ROUTE 1 IN THE TOWN OF WESTERLO

Introduced: 8/8/16

By Audit and Finance Committee and Mr. Smith:

WHEREAS, The County of Albany owns property located in the Town of Westerlo known as 15 County Route 1 (Tax Map # 139.9-1-21), and

WHEREAS, This property was used by the Albany County Cooperative Extension until 2012 when they were forced to leave due to damage incurred by Hurricane Sandy. Since then, as a result of the property becoming inactive, there is a dilapidated mobile home on the property that is in total disarray, the property has become overgrown and a dumping ground for trash, and

WHEREAS, Mr. William Slaver, an adjoining property owner who resides at 19 County Route 1 in the Town of Westerlo, has offered to purchase this property for \$1,500. Mr. Slaver plans to remove the mobile home, maintain the property and make the necessary repairs to the creek bank to prevent flooding, now, therefore be it

RESOLVED, That pursuant to Local Law No. 2 of 1998, the Albany County Legislature hereby declares 15 County Route 1 (Tax Map # 139.9-1-21) in the Town of Westerlo "no longer necessary for public use" and, be it further

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute on behalf of the County any documents necessary to convey 15 County Route 1 (Tax Map # 139.9-1-21) to Mr. William Slaver, 19 County Route 1, Westerlo NY, 12193 for the amount of \$1,500 and, be it further

RESOLVED, That this property be transferred by quitclaim deed containing a releasable right of reverter to the County requiring this property be rehabilitated as described in this resolution, and, be it further

RESOLVED, That the County of Albany will retain a permanent easement for the maintenance and repair of the County Route 1 Bridge over the Basic Creek and 175 feet of the streambed and banks adjacent to this property and, be it further

RESOLVED, That subject to right of reversion to the County, this property may not be subdivided or merged with any adjacent parcel and, be it further

RESOLVED, That the County Attorney is authorized to approve said conveyance as to form and content, 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.

RESOLUTION NO. 333

AUTHORIZING THE CONVEYANCE OF 115 AND 117 LEXINGTON AVENUE IN THE CITY OF ALBANY

Introduced: 8/8/16

By Audit and Finance Committee and Ms. Chapman:

WHEREAS, The County of Albany has acquired, though in rem foreclosure two properties located in the City of Albany 115 Lexington Avenue (Tax Map Number 65.71-1-28) and 117 Lexington Ave (Tax Map Number 65.71-1-29), and

WHEREAS, Mr. Giacomo Giglio, who resides at 110 Central Avenue in the City of Albany, has offered to purchase these properties for the total amount of taxes, interest and penalties which is approximately \$70,000, and

WHEREAS, Mr. Giglio, plans to rehabilitate these properties with store fronts and apartments that will create the type of economic development as indicated in the County Disposition Plan adopted per Resolution No. 453 of 2015, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute on behalf of the County any documents necessary to convey 115 Lexington Avenue (Tax Map Number 65.71-1-28) and 117 Lexington Avenue (Tax Map Number 65.71-1-29) to Mr. Giacomo Giglio, 110 Central Avenue, Albany NY, 12206 for the total amount of taxes, interest and penalties which is approximately \$70,000 and, be it further

RESOLVED, That the properties be transferred by quitclaim deed containing a releasable right of reverter to the County requiring the properties be rehabilitated as store fronts and apartments, and, be it further

RESOLVED, That the County Attorney is authorized to approve said conveyances as to form and content, 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.

RESOLUTION NO. 334

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "L" FOR 2016

Introduced: 8/8/16

By Audit and Finance Committee and Mr. Ward:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "L" for 2016, "A Local Law of the County of Albany, New York, Imposing a Tax on the Occupancy of Hotel Rooms in Albany County", be held by the County Legislature in the Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 23, 2016, 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.

RESOLUTION NO. 335

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "M" FOR 2016

Introduced: 8/8/16

By Audit and Finance Committee and Mr. Ward:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "M" for 2016, "A Local Law of the County of Albany, New York, Enacting a Mortgage Recording Tax Pursuant to Section 253-p of the Tax Law of the State of New York", be held by the County Legislature in the Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 23, 2016, 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.

RESOLUTION NO. 336

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION WITH THE NYS DIVISION OF HOMELAND SECURITY REGARDING A PUBLIC SAFETY ANSWERING POINTS OPERATIONS GRANT

Introduced: 8/8/16

By Messrs. Ethier, Touchette and Stevens:

WHEREAS, The Albany County Sheriff has been notified by the New York State Division of Homeland Security and Emergency Services that up to \$233,000 is available for a Public Safety Answering Points Operations Grant in Albany County, and

WHEREAS, The Sheriff has indicated that no County share or in-kind match is required and the State Homeland Security funding will be used to facilitate efficiencies, consolidation of operation and support shared services across multi-jurisdictions Public Safety Answering Points Operations for first responders throughout the County and State, and

WHEREAS, The Sheriff requested authorization to submit a grant application with the NYS Division of Homeland Security and Emergency Services regarding a Public Safety Answering Points Operations Grant in an amount up to \$233,000 for the period January 1, 2017 to December 31, 2017, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application with the New York State Office of Homeland Security and Emergency Services regarding a Public Safety Answering Points Operations Grant in an amount not to exceed \$233,000 for the period January 1, 2017 to December 31, 2017, and, be it further

RESOLVED, That the County Attorney is authorized to approve said application and agreement as to form and content, 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.

RESOLUTION NO. 337

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT REGARDING THE 2016 BODY-WORN CAMERA POLICY & IMPLEMENTATION PROGRAM INITIATIVE

Introduced: 8/8/16

By Messrs. Ethier, A. Joyce, Touchette and Stevens:

WHEREAS, The Albany County Sheriff requested authorization to submit a grant application with the U.S. Department of Justice regarding the 2016 Body-Worn Camera Policy and Implementation Program Initiative, in the amount of \$22,500, and

WHEREAS, The Sheriff indicated that this funding would be used in the purchase of Body-Worn Cameras, that are an effective tool in fighting crime as it pertains to reducing use of force complaints and in providing video coverage where in-car cameras do not, and

WHEREAS, The Sheriff indicated that a County match in the amount of \$22,500 is required, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application with the U.S. Department of Justice regarding the 2016 Body-Worn Camera Policy and Implementation Program Initiative, in the amount of \$22,500, and, be it further

RESOLVED, That the County Attorney is authorized to approve said application and agreement as to form and content, 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.

RESOLUTION NO. 338

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE COUNTY-WIDE INTEROPERABLE COMMUNICATIONS PROJECT AND AMENDING THE 2016 SHERIFF'S DEPARTMENT BUDGET

Introduced: 8/8/16

By Messrs. Ethier, A. Joyce, Touchette and Stevens:

WHEREAS, The Albany County Sheriff requested authorization to submit a grant application and enter into an agreement with the NYS Division of Criminal Justice Services regarding the County-Wide Interoperable Communications Project in the amount of \$60,000 for the period April 1, 2016 through March 31, 2017, and

WHEREAS, The Sheriff indicated that this funding would be used to purchase radios for Fire and EMS Departments within Albany County and enable these departments to operate on the Albany County Interoperable Radio System, and

WHEREAS, The Sheriff indicated that no County match is required, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application and enter into an agreement with the NYS Division of Criminal Justice Services regarding the County-Wide Interoperable Communications Project in the amount of \$60,000 for the period April 1, 2016 through March 31, 2017, and, be it further

RESOLVED, That the 2016 Sheriff's Department Budget is amended as follows:

Increase Revenue Account A3305 Civil Defense by \$60,000

Increase Appropriation Account A3110.2 by increasing Line Item A3110 2 2100 Communication Equipment by \$60,000

and, be it further

RESOLVED, That the County Attorney is authorized to approve said application and agreement as to form and content, 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.

RESOLUTION NO. 339

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING A 2016 LIVESCAN EQUIPMENT GRANT AND AMENDING THE 2016 SHERIFF'S DEPARTMENT BUDGET

Introduced: 8/8/16

By Messrs. Ethier, A. Joyce, Touchette and Stevens:

WHEREAS, The Albany County Sheriff requested authorization to submit a grant application and enter into a agreement with the NYS Division of Criminal Justice Services regarding the 2016 Livescan Equipment Grant in the amount of \$42,228 for the period July 1, 2016 through June 30, 2017, and

WHEREAS, The Sheriff indicated that this funding would be used to upgrade the Livescan Fingerprint Systems allow the capture of palm prints and improve resolution quality, and

WHEREAS, The Sheriff indicated that a County match in the amount of \$42,228 is required, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application and enter into an agreement with the NYS Division of Criminal Justice Services regarding the 2016 Livescan Equipment Grant in the amount of \$42,228 for the period July 1, 2016 through June 30, 2017, and, be it further

RESOLVED, That the 2016 Sheriff's Department Budget is amended as follows:

Increase Revenue Account A3305 Civil Defense by \$42,228

Increase Appropriation Account A3110.2 by increasing Line Item A3110 2 2750 Security Equipment by \$42,228

and, be it further

RESOLVED, That the County Attorney is authorized to approve said application and agreement as to form and content, 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.

RESOLUTION NO. 340

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NYS DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES REGARDING THE 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT

Introduced: 8/8/16

By Messrs Ethier, Touchette and Stevens:

WHEREAS, The Albany County Sheriff requested authorization to submit a grant application and enter into a two-year agreement with the NYS Division of Homeland Security and Emergency Services in the amount of \$118,951 regarding an Emergency Management Performance Grant for the period October 1, 2015 to September 30, 2017, and

WHEREAS, The Sheriff indicated that this funding would be used to support personnel and fringe benefit costs assigned to the Emergency Management Office, and

WHEREAS, The Sheriff indicated that a County match in the amount of \$118,951 is required, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application and enter into a two-year agreement with the NYS Division of Homeland Security and Emergency Services in the amount of \$118,951 regarding an Emergency Management Performance Grant for the period October 1, 2015 to September 30, 2017, and, be it further

RESOLVED, That the County Attorney is authorized to approve said application and agreement as to form and content, 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.

RESOLUTION NO. 341

AUTHORIZING AN AGREEMENT WITH THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE REGARDING THE 2017 HIGHWAY SAFETY PROGRAM

Introduced: 8/8/16

By Messrs. Ethier, A. Joyce, Touchette and Stevens:

WHEREAS, The NYS Governor's Traffic Safety Committee has informed the Albany County Sheriff that funding is available for the Highway Safety Program in the amount of \$78,780 for the period October 1, 2016 to September 30, 2017, and

WHEREAS, The Sheriff has indicated that the funding would be used to offset the salary and fringe benefit cost for a Traffic Safety Instructor and to educate the enforcement community as well as the general public regarding child passenger safety, pedestrian safety, motorcycle safety, bicycle safety, teen driver safety and older driver safety, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with the NYS Governor's Traffic Safety Committee regarding the Highway Safety Program in the amount of \$78,780 for the period October 1, 2016 to September 30, 2017, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 342

AUTHORIZING THE EXECUTION OF A PASS THROUGH WAIVER REGARDING BYRNE JUSTICE ASSISTANCE GRANT FUNDING FOR THE CITY OF ALBANY

Introduced: 8/8/16

By Messrs. Ethier, A. Joyce, Touchette and Stevens:

WHEREAS, The City of Albany has been awarded Federal funding through the Byrne Justice Assistance Grant Program in the amount of \$65,738, and

WHEREAS, The NYS Division of Criminal Justice Services has indicated that Federal grants such as the Byrne Justice Assistance Grant offer local governments an option to waive the pass-through funding, thereby allowing the State to contract directly with the grantee, and

WHEREAS, The Sheriff has recommended executing the waiver so that the County may avoid the burden of grant administration responsibilities such as accounting for the use of federal grant funding, processing of vouchers and fiscal cost reports, and

WHEREAS, By executing a pass-through waiver the County will still be able to collaborate with the City of Albany in utilizing the grant funds pursuant to an intermunicipal agreement to enhance various law enforcement programs, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to execute a pass-through waiver with the NYS Division of Criminal Justice Services pertaining to the Byrne Justice Assistance Grant regarding program funding for the City of Albany and to execute any necessary agreements to permit the Albany County Sheriff to collaborate with the City of Albany regarding utilization of said grant, and, be it further

RESOLVED, That the County Attorney is authorized to approve said pass-through waiver and documents as to form and content, 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.

RESOLUTION NO. 343

AUTHORIZING AN AGREEMENT REGARDING UNIFORMS FOR SHERIFF DEPARTMENT PERSONNEL

Introduced: 8/8/16

By Messrs. Ethier, A. Joyce, Touchette and Stevens:

WHEREAS, In cooperation with the County Purchasing Department, the Albany County Sheriff's Department issued a Request for Proposals (RFP) regarding the purchase of uniforms for law enforcement and correctional services personnel, and

WHEREAS, After a thorough review of the RFP response, the Albany County Sheriff's Department has recommended that the County enter into a three year agreement with Galls, LLC as a responsible bidder, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Galls LLC, 1340 Russell Cave Road, Lexington, Kentucky, for the amounts indicated in its bid pertaining to the purchase of uniforms for law enforcement and correctional services personnel in the Sheriff's Department for a term of three years in the amount of \$227,000 per year, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 344

**AUTHORIZING AN AGREEMENT WITH METRO FORD SALES INC.
REGARDING THE PURCHASE OF FOUR VEHICLES FOR THE SHERIFF'S
DEPARTMENT**

Introduced: 8/8/16

By Messrs Ethier, Touchette, A. Joyce and Stevens:

WHEREAS, The Sheriff has requested authorization for the purchase and delivery of four patrol vehicles, and

WHEREAS, The Sheriff, using the NYS Mini-Bid System which allows vehicles to be purchased at the lowest price possible recommended Metro Ford Sales, Inc. for the purchase and delivery of four patrol vehicles in the amount of \$121,299, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to enter into an agreement with Metro Ford Sales, Inc., 3601 State Street, Schenectady, NY 12304 in an amount not to exceed \$121,299 regarding the purchase and delivery of four patrol vehicles, and, be it further

RESOLVED, That the County Attorney is authorized to approve said agreement as to form and content, 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.

RESOLUTION NO. 345

APPOINTMENT OF MEMBERS TO THE LEGISLATIVE GRIEVANCE COMMITTEE

Introduced: 8/8/16

By Messrs. Commisso and Mauriello:

WHEREAS, According to the Albany County Employee Rules and Regulations, non-union employees are entitled to present grievances to the Legislative Grievance Committee, and

WHEREAS, The Grievance Committee consists of three members of the Legislature, the Chair of the Committee being the Chair of the Personnel Committee, one member of the Majority and one member of the Minority, and

WHEREAS, Donald Rahm, the Majority member of the Grievance Committee has retired from his legislative position and it is necessary to appoint a replacement, now, therefore be it

RESOLVED, By the Albany County Legislature that the following named Legislative Members are appointed to the Albany County Legislative Grievance Committee:

Robert J. Beston, Chair
Sean E. Ward
Travis D. Stevens

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.

RESOLUTION NO. 346

APPOINTMENT OF A MEMBER TO THE ALBANY COUNTY BOARD OF HEALTH

Introduced: 8/8/16
By Mr. Ward

WHEREAS, In accordance with Section 343 of the Public Health Law, the Board of Health shall consist of seven members, and of those members one shall be a representative of the Legislature, at least three shall be physicians licensed to practice in the State of New York, and one each shall be selected to represent the cities of Albany, Cohoes and Watervliet, and

WHEREAS, The Mayor of the City of Watervliet has submitted the name of Edward E. Rolfe Jr. to replace Ericha Sandoval to represent the interests of the City of Watervliet on the Board of Health, now, therefore be it

RESOLVED, By the Albany County Legislature, pursuant to Section 343 of the Public Health Law, that the following individual be appointed to the Albany County Board of Health:

Edward E. Rolfe Jr.

Term Expiration
December 31, 2020

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.

RESOLUTION NO. 347

APPOINTMENT OF A MEMBER TO THE BOARD OF THE CAPITAL DISTRICT TRANSPORTATION AUTHORITY

Introduced: 8/8/16

By Mr. Ward

WHEREAS, There currently exists a vacancy on the Board of Directors of the Capital District Transportation Authority, and

WHEREAS, The Albany County Legislature has the authority to fill that vacancy, now, therefore be it

RESOLVED, By the Albany County Legislature that Michael J. Criscione be appointed to the Board of Directors of the Capital District Transportation Authority, and, be it further

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

RESOLUTION NO. 348

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "N" FOR 2016

Introduced: 8/8/16

By Mr. Fein, Ms. McKnight, Mr. Simpson, Mss. Chapman, Willingham,
Messrs. Clay, Commisso and Ward:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "N" for 2016, "A Local Law Of The County Of Albany, New York Prohibiting Albany County Government From Discriminating Against Potential Employees Based On Their Criminal Arrest Record Or Conviction", be held by the County Legislature in the Legislative Chambers, Albany County Courthouse, Albany, New York at 7:15 p.m. on Tuesday, August 23, 2016, 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.

LOCAL LAW NO. "F" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING 206 THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO THE NUMBER OF LEGISLATIVE DISTRICTS

Introduced: 7/11/16

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

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:

Section 1. The Albany County Charter is hereby amended by amending Section 206 to read as follows:

Section 206. Legislative Districts

- (a) Effective through December 31, 2023, for purposes of electing County Legislators, the County shall be divided into thirty-nine (39) districts. One County Legislator shall be elected to the County Legislature of Albany from each of said districts. The thirty nine (districts) within the County of Albany are as set forth in Appendices A and B of the the existing Charter:
- (b) Effective January 1, 2024, the number of legislative districts in Albany County shall be decreased from thirty-nine (39) to thirty-three (33) and effective January 1, 2032 to twenty-nine (29).
- (c) Upon release of the 2020 federal census, the County Legislature shall redraw legislative boundaries to provide for thirty-three (33) legislative districts, effective for the 2023 general election, with the term of office to commence January 1, 2024, and amend the Administrative Code to define the redrawn legislative districts.
- (d) Upon release of the 2030 federal census, the County Legislature shall redraw legislative boundaries to provide for twenty-nine (29) legislative districts, effective for the 2031 general election, with term of office to commence January 1, 2032, and amend the Administrative Code to define the redrawn legislative districts.

Section 2. The effective date of this Local Law is January 1, 2017. This amendment, which defines the redrawn legislative districts and amends the Albany County Charter, shall be subject to a mandatory referendum in the manner provided by Sections 23 and 33 of the Municipal Home Rule Law and 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 the general election of November 8, 2016.

Referred to Law Committee. 7/11/16

LOCAL LAW NO. "G" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING SECTION 207 THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED RELATING TO COMMISSIONS ON REAPPORTIONMENT

Introduced: 7/11/16

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

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:

Section 1. The Albany County Charter is hereby amended by deleting the existing Section 207 and adding a new Section 207 to read as follows:

Section 207. Commissions on Reapportionment and Changes in Legislative Districts.

- (a) Upon publication of the results of the federal decennial census for Albany County, or upon publication of census tracts and block statistics based upon any federal or special population census taken pursuant to Section 20 of the General Municipal Law, and held not more than once every five (5) years, or after any annexation which has the effect of increasing or decreasing the population of any legislative district by more than ten percent (10%), two Commissions shall be established to make recommendations to the County Legislature on how the County should be reapportioned: a Commission on Majority Minority Redistricting (the "MMD Commission" and a General Redistricting Commission (the "General Commission").
- (b) The MMD Commission shall consist of a number of members equal to the number of Majority Minority Legislative Districts then in existence. Each County Legislator representing a Majority Minority District shall select one person to serve on such commission. In the event this results in an even number, then the Chairperson of the Legislature shall appoint one additional member. The persons appointed to serve on the MMD Commission shall be Albany County residents and shall be eligible to register to vote.
- (c) The General Commission shall consist of seven (7) members who are County residents and are eligible to register to vote. The General Commission's members shall include representatives of the two (2) principal parties and reasonably reflect the demographic composition of the County.
- (d) To establish a pool from which members will be appointed, no later than three (3) months prior to the anticipated first meeting of the Commissions, the County Legislature shall widely solicit interest in serving on the Commissions through

direct mail and e-mail contact with civic groups, public service announcements on radio and television and in daily and weekly newspapers, paid advertisement and announcement on the County website.

- (e) Initial appointments to the General Commission from the pool of interested parties gathered as set forth in Section 207(d) hereinabove shall represent various geographic areas of the County, with two (2) members appointed by the Majority Leader of the County Legislature and two (2) members appointed by the Minority Leader of the County Legislature. These four (4) appointed Commissioners shall select the additional three (3) General Commission members from the pool previously established no later than thirty (30) days after their appointment. If, for any reason, the Commissioners fail to timely select the additional members as herein required, then the Majority Leader, Minority Leader, and the Chairperson will each select one additional member from such pool as may be necessary to fully constitute the General Commission.
- (f) The MMD Commission will recommend to the General Commission the appropriate number of Majority Minority Districts and the appropriate configuration of such Districts. In fulfilling these duties, the MMD Commission shall comply with the requirements of 52 U.S.C. 1001 (Section 2 of the Voting Rights Act of 1965) as interpreted in the March 24, 2015 Memorandum Decision and Order of the United States District Court for the Northern District of New York in the case *Pope v County of Albany*, 94 F. Supp. 302 (NDNY 2015) and in all subsequent relevant statutes and case law.
- (g) The General Commission will, after receiving the MMD Commission's recommendation, reapportion the remaining Legislative Districts.
- (h) Both Commissions shall be guided by the goal of equal and fair representation of all people in Albany County, consistent with established state and federal law as interpreted by courts of appropriate jurisdiction. Factors to consider are:
 - (i) minimization of population variance among districts;
 - (ii) compactness of districts;
 - (iii) practical consistency with existing municipal boundaries and neighborhoods within Albany County; and
 - (iv) balance and reasonableness for the diversity of citizens residing all parts of Albany County.
- (i) Both Commissions will reapportion in accordance with a process that allows Timely input from the County Legislature and its members and the maximum amount of public participation and comment, and in accord with a calendar it adopts for itself after consideration of the Election Law of the State of New York.

Section 2. The effective date of this Local Law is January 1, 2017. Pursuant to Municipal Home Rule Law Section 33, this Local Law, amending the present Albany County Charter 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 the general election of November 8, 2016.

Referred to Law Committee. 7/11/16

LOCAL LAW NO. "H" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, AMENDING VARIOUS PROVISIONS OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED AND FOR THE PURPOSE OF INCORPORATING THE PROBATION DEPARTMENT AND THE BOARD OF ELECTIONS INTO THE ALBANY COUNTY CHARTER

Introduced: 7/11/16

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

PURSUANT TO SECTIONS 10 AND 33 OF THE MUNICIPAL HOME RULE LAW AND SECTION 2701 OF THE ALBANY COUNTY CHARTER:

Be it enacted by the County Legislature as follows:

Section 1. The Albany County Charter is hereby amended by to read as follows by adding, deleting, and amending various provisions (All numerical references to existing Charter Articles and Sections):

Amend Section 101 to read as follows:

Section 101. Title and purpose.

This Charter, together with any and all amendments, shall provide for and constitute the form of government for Albany County and be known as the "Albany County Charter." Among the purposes of this Charter are the separation of County legislative and executive functions and responsibilities; the coordination of planning and economic development; the securing of the greatest possible County home rule; the encouragement of inter-governmental cooperation among the cities, towns and villages throughout the County; and the increase of efficiency, economy and responsibility in Albany County government.

Amend Section 102 to read as follows:

Section 102. County status, powers and duties.

Albany County shall be and remain a municipal corporation and exercise all of the rights, privileges, functions and powers conferred upon it by this Charter and any other applicable statute law not inconsistent with this Charter. Albany County shall be subject to all duties and obligations imposed upon it by existing or subsequent laws not inconsistent with this Charter, including all powers necessarily incidental to, or which may be fairly implied from, the powers specifically conferred upon it.

Amend Section 103 to read as follows:

Section 103. Charter effect on State laws.

This Charter provides a form and structure of County government in accordance with the provisions of Article 4 of the Municipal Home Rule Law of the State of New York. All special laws relating to Albany County and all general laws of the State of New York (the "State") shall continue in full force and effect except to the extent that such laws have been repealed, amended, modified or superseded in their application to Albany County by enactment and adoption of this Charter. Within the limitations prescribed in ~~the~~ Article 4 of such Municipal Home Rule Law, wherever and whenever any State law, general, special or local in effect, conflicts with this Charter or is inconsistent with this Charter, such law shall be deemed, to the extent of such conflict or inconsistency, to be superseded by this Charter insofar as ~~the~~ Albany County and its government ~~is~~ are affected.

Amend Section 104 to read as follows:

Section 104. Charter effect on local laws, ordinances and resolutions.

All local laws, and ordinances, and resolutions of the County Legislature previously adopted and all of the laws of the ~~s~~State relating to the towns, cities, villages or districts of the County, shall continue in full force and effect, except to the extent that such laws have been repealed, amended, modified, or superseded in their application to ~~the~~ Albany County by the enactment and adoption of this Charter. All local laws and ordinances of the County Legislature previously adopted which remain in effect and hereafter adopted shall be part of the County's Administrative Code as set forth in this Charter. Resolutions adopted by the County Legislature shall be part of the County's Administrative Code upon designation for that purpose by either the County Legislature or the County Executive.

Section 106 is amended in part to read as follows:

Section 106. Definitions.

Whenever used in this Charter unless expressly stated otherwise, or unless the subject matter otherwise requires, the following terms shall have the meanings indicated:

Amend the following definition of "Administrative Code" in Section 106 to read as follows:

"Administrative Code" shall mean the Albany County Administrative Code, ~~if any~~, adopted by the County Legislature as mandated by this Charter.

Add the following definition in Section 106 after the definition of "Administrative Head":

"Authorized Agency" shall mean any agency authorized by this Charter, Administrative Code or applicable law, including, but not limited to, those authorized by County Law, to receive and expend County funds for a County purpose.

Amend the definition of "Capital Program" in Section 106 to read as follows:

"Capital Program" shall mean the plan of capital projects proposed to be undertaken during a five-year period, the estimated cost of such projects and the proposed method of financing in accordance with Article 6 of this Charter. ~~It shall be arranged in such manner as to indicate the order of priority of each project, and to state for each project:~~

~~(i) a description of the proposed project and the estimated total cost;~~

~~(ii) the proposed method of financing, indicating the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds; the amount, if any, estimated to be received from the federal and/or state governments; and the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued; and~~

Amend the definition of "Capital Project" in Section 106 to read as follows:

"Capital Project" shall mean any project involving:

(i) any physical betterment or improvement including furnishings, machinery, apparatus or equipment for such physical betterment or improvement when first constructed or acquired;

(ii) any preliminary studies and surveys relating to any physical betterment or improvement;

(iii) fixed assets;

~~(iii)~~ (iv) land or rights in land; or

~~(iv)~~ (v) any combination of i, ii, ~~or~~ iii, or iv.

Amend the definition of "Final Annual Budget" in Section 106 to read as follows:

“Final Annual Budget” The final annual budget of the County, as adopted by the County Legislature by December 20 of each year pursuant to Article 6 of this Charter.

Add the following definition in Section 106 after the definition of “Final Annual Budget”:

“Fixed Assets” shall mean an asset or assets of a long-term tangible character which are intended to be held or used, such as land, buildings, improvements, machinery and equipment.

Add the following definition after the definition of “Legislative Budget Report”:

“Legislative District” shall mean a geographical area of Albany County which is entitled to elect a County Legislator.

Reletter and renumber the subdivisions of Section 106 in alphabetical and numerical order.

Amend Section 201 to read as follows:

Section 201. County Legislators; status and title

The legislative branch of the government of the County shall consist of an elective governing body which shall be known as the Albany County Legislature. Its members shall be known as County Legislators. ~~The County Legislators~~ One person shall be elected from each of the districts into which the County shall be divided as provided in this Charter. The County Legislature shall constitute the legislative, appropriating and policy determining body of the County.

Amend Section 203 to read as follows:

Section 203. Organizational; officers; committees

(a) The County Legislature shall meet on or before January 8th following its election, and in each even numbered year thereafter, for the purpose of organization and for the transaction of such other business as may come before it. Written notice shall be given to each Legislator by the Clerk of the County Legislature not later than five (5) days prior to such meeting. In the event of a vacancy in the office of the Clerk of the County Legislature, or his or her inability or failure to act in accordance with the provisions of this Section, notice shall be given by the County Clerk. After such organizational meeting, the County Legislature shall hold monthly meetings on the days designated in the rules of the County Legislature, and at such other times as it may fix by resolution, duly adopted by a vote of a

majority of the Whole Number of the County Legislature, or as authorized by its rules.

(b) At the organizational meeting of the County Legislature a permanent Chairperson shall be elected. The Chairperson shall serve until the next organizational meeting of that County Legislature. In case of her death, removal, resignation or retirement from the County Legislature, a successor Chairperson shall be elected for the unexpired term. In the event of a failure to elect a permanent chairperson on any day provided in this Charter, the County Legislature shall adjourn from day to day, Sundays and holidays excepted, until a Chairperson is elected. The Clerk shall preside until such time as a Chairperson has been elected.

(c) The Chairperson shall have and may cast the vote to which she is entitled as a member of the County Legislature.

(d) At the organizational meeting of the County Legislature in January ~~1996~~ 2016, and at each organizational meeting thereafter, the County Legislature shall appoint a Clerk, a deputy clerk, and such ~~m~~Majority and ~~m~~Minority eCounsels as it may deem appropriate, together with such other employees as it may deem necessary. Such officers and employees of the County Legislature shall serve until the next organizational meeting of the County Legislature. Any ~~m~~Majority and ~~m~~Minority eCounsels which may be appointed shall be appointed in the manner provided for in the rules of the County Legislature. The deputy clerk shall perform the duties of the Clerk in the Clerk's absence and such other duties in connection with that office as directed by the County Legislature or Clerk. The Clerk and deputy clerk shall each give a bond in amount, and with such sureties as the County Legislature shall require. The Counsel to the Majority and Counsel to the Minority shall be appointed in accordance with the rules of the County Legislature, and their compensation shall be within the limits of appropriations approved by the County Executive. At the time of their appointments, and throughout their time in office, the Majority Counsel and Minority Counsel shall be duly admitted to practice law in the State of New York. The rules of the County Legislature shall provide for the method and procedure of the appointment and retention of staff and employees of the County Legislature within the limits of appropriation approved by the County Executive. The Majority Counsel and staff shall serve at the pleasure of the Majority Leader, and the Minority Counsel and staff shall serve at the pleasure of the Minority Leader. Majority Counsel and Minority Counsel shall prepare resolutions, legislation, legalizing acts, local laws and ordinances to be presented for action by the County Legislature, together with notices and other items in connection herewith.

(e) The County Legislature shall have power to enact local laws, resolutions or rules fixing the dates and time of its sessions, which shall govern the conduct of the

members at such sessions and the manner of transacting business, prescribe penalties for the failure of members to attend stated or adjourned meetings and the manner of enforcing or collecting such penalties, and fix the time when and the form in which reports shall be made to the County Legislature by any officer of the County.

(f) 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 days of the Chairperson's election. Such appointments shall be in writing and filed with the Clerk of the County Legislature, who shall give notice of such appointments to the members of the County Legislature. The committee members shall continue in office until successors have been appointed, but no member of the County Legislature whose term shall have expired, or who shall have resigned or been removed from office, shall continue to serve on any committee after she has ceased being a member of the County Legislature.

(g) The rules of the County Legislature shall indicate the proportionate make-up of majority and minority members of committees.

Amend Section 204 to read as follows:

Section 204. Compensation of County Legislators, Chairperson, Clerk, deputy clerk, and other employees of the County Legislature.

The County Legislature shall have the power to fix the compensation of its members and the Chairperson, which compensation shall be a stated annual salary to be paid in equal monthly installments by the ~~County director of finance (the "Director of Finance")~~ Commissioner of Management and Budget. The County Legislature may, however, fix the initial compensation of the County Legislature prior to the next election of such County Legislature. The compensation of the members and the Chairperson shall not be increased nor decreased during the term of office.

Section 208 is amended to delete subdivision (k) and reletter remaining subdivisions in sequential order.

Delete existing Section 209 and add new Section 209 to read as follows

Section 209. Confirmation of appointments.

A proposed appointment to County office by the County Executive that requires confirmation by the County Legislature under provisions of this Charter shall be presented by the County Executive to the Clerk of the County Legislature in writing

in sufficient time to allow the Clerk to inform the full County Legislature of the proposed appointment at least two (2) weeks prior to the County Legislature's next scheduled meeting. If the County Legislature fails to confirm such proposed appointment within sixty (60) days after filing with the Clerk, the appointment shall be deemed confirmed. When an appointment is rejected by the County Legislature, the appointment of the same individual for the same position may not be resubmitted by the County Executive without the approval of the County legislature.

Add new Section 210 to read as follows:

Section 210. Submission of enactments for executive approval; veto and veto override.

(a) Except as otherwise provided in this Charter, the County Executive shall have power, within ten (10) days, or in the case of a local law thirty (30) days, after its presentation to him or her by the Clerk, to veto any legislation passed by the County Legislature, except local laws and any such legislation which relates to the internal organization and operation of the County Legislature, and appointments made by the Legislature, including, but not limited to:

(i) the creation, operation, funding and abolition of standing and special committees of the County Legislature, standing boards and commissions created pursuant to this Charter and temporary studies, commissions, committees, task forces or other such groups created by the County Legislature;

(ii) the appointments to boards, commissions or other such bodies by the Chairperson or the County Legislature, where the legislation creating such bodies authorizes the appointment of members to such bodies by the Chairperson or the County Legislature;

(iii) the day-to day operations of the County Legislature;

(iv) the organization of the County Legislative staff, including the creation and abolition of positions for such staff and the compensation to be paid for such positions; and the appointment and removal of such County Legislative staff; and 14

(v) the adoption, amendment or repeal of rules of the County Legislature.

A copy of such legislation shall immediately after its passage be separately certified by the Clerk and filed by the Clerk with the County Executive within five (5) days after its passage.

(b) If the County Executive approves it, he or she shall sign it and return it to the Clerk, and the legislation shall thereupon take effect. If the County Executive vetoes it,

he or she shall return it to the Clerk with his or her objections stated, in writing, and the Clerk shall present the same with such objections to the County Legislature at its next regular or special meeting called for that purpose, and such objections shall be entered upon its record, journal or minutes of the proceeding.

(c) Except as otherwise provided in this Charter, the County Legislature, within forty-five (45) days after its return to the Clerk, may, by a three-fifths (3/5) vote of the whole number of its members, override such veto. Only one (1) vote shall be had to override such veto, which shall be taken by roll call and entered upon its record, journal or minutes of the proceeding. Wherever, as provided for in this Charter, a three-fifths (3/5) vote of the whole number of the County Legislature's members is required to override a certain action taken by the County Executive, if a fraction exists in the computation of such three-fifths (3/5), then it will be required to round up to the next whole number for determination of such three-fifths (3/5) vote.

(d) If any of such legislation shall not be returned by the County Executive within ten (10) days after it shall have been presented to him or her, or if it shall be returned within such period without the County Executive's approval or veto, it shall be deemed to be adopted with like effect as if he or she had approved and signed it.

(e) The procedures to be followed and the powers of the County Executive and County Legislature relative to the passage and veto of local laws shall be governed by and in accordance with Article 3 of the Municipal Home Rule Law of the State of New York.

Add new Section 211 to read as follows:

Section 211. Administrative Code.

The County Legislature shall enact and amend an Administrative Code organizing the administration of County government, and setting forth the details thereof, consistent with the provisions of this Charter. The Administrative Code may contain revisions, simplifications, consolidations, modifications and restatements of special laws, local laws, ordinances, resolutions, rules and regulations consistent with this Charter or amendments thereto. All local laws and ordinances shall be included in the Administrative Code, together with any resolutions designated for that purpose by either the County Legislature or the County Executive. It shall be the responsibility of the County Clerk to compile, publish, and disseminate the Administrative Code, and recommend revisions thereto, in a continuing program to provide greater efficiency and economy in the operation of government.

Add new Section 212 to read as follows:

Section 212. Local laws; definitions; power to adopt amend and repeal; effect on legislative acts; procedure; referenda; effective date.

(a) A local law is a law adopted pursuant to this Charter within the power granted by the New York State Constitution, act of the Legislature or provision of this Charter and shall not include a resolution, ordinance or legalizing act.

(b) The County Legislature may adopt, amend or repeal local laws by a majority vote of the whole number of its members. Each local law shall embrace only one subject and may relate to property, affairs or government of the County, or any other subject of County concern. In the exercise of such power, and within the limitations provided by Article 4 of the municipal Home Rule Law of the State of New York, the County may change, supersede or amend any act of the State Legislature.

(c) Except as may otherwise be provided in this Charter, all procedural details relating to the adoption, amendment and repeal of local laws, including the conduct of mandatory and permissive referenda in connection therewith, shall be as provided in the Administrative Code or other applicable law.

(d) Every local law shall become effective when filed in the office of the Secretary of State of the State of New York, or on such later date as may be provided in the local law.

Add new Section 213 to read as follows:

Section 213. Filing and publication of local laws; judicial notice.

The filing and publication of local laws shall be as provided by Section 27 of the Municipal Home Rule Law of the State of New York, and the court shall take judicial notice of all local laws and of rules and regulations adopted pursuant thereto. Within five (5) days after the taking of effect of a local law, the Clerk shall file a certified copy thereof in the office of the County Clerk, and three (3) copies in the office of the Secretary of State. Such certified copy shall contain the text only of the local law without the brackets and the matter within the brackets, or the italicizing or underscoring, if any, to indicate the changes made by it. At the same time the Clerk shall cause to be published at least once as a County charge in the designated official newspaper a notice that such local law was adopted, a brief description of such local law and that the full text of such local law may be examined during regular business hours in the office of the Clerk of the County Legislature, provided that failure to do so shall not affect the validity of such local law.

Add new Section 214 to read as follows:

Section 214. Resolutions; adoption, amendment and repeal.

(a) The County Legislature may adopt, amend and repeal resolutions by a majority vote of the whole number of its members. Each resolution shall embrace only one (1) subject and may relate to property or any other subject of County concern not required by this Charter or applicable law to be provided by local law. Resolutions shall not be subject to referenda.

(b) Except as otherwise provided in the Charter, all procedural details relating to the adoption, amendment and repeal of resolutions shall be as provided in the Administrative Code or applicable law.

Add new Section 215 to read as follows:

Section 215. Ordinances.

Ordinances may be adopted by the County Legislature, and the procedure shall be the same as herein provided for the adoption of local laws, except that an ordinance shall not be subject to referendum, mandatory or permissive, except also for any filing requirements. An ordinance may provide for any subject matter of County concern not required to be provided by local law, legalizing act or resolution of the County Legislature. Such ordinance may provide for its enforcement by legal or equitable proceedings in a court of competent jurisdiction, may prescribe that violations thereof shall constitute offenses or misdemeanors and may provide for punishment of violations by civil penalty or by fine or imprisonment or by two (2) or more such penalties or punishments. Ordinances and their application, including particular subjects and form, may be further provided in the Administrative Code.

Amend Section 302 to read as follows:

Section 302. Powers and duties.

The County Executive shall be the chief executive and elective officer of the County government. Except as may be otherwise provided in this Charter, the County Executive shall have and exercise all the executive powers and duties now or hereafter conferred or imposed upon him or her by this Charter and any applicable law upon a county executive officer or the executive branch of County government, including, but not necessarily limited to, the following:

(a) Supervising the structure and organization of each department and any other administrative unit under her control and supervising, directing and controlling the administration of all departments and administrative units under her control.

(b) Reporting to the County Legislature on the activities of all administrative units by March 15 of each year.

(c) Appointing, subject to confirmation by the County Legislature, where so provided in this Charter, the administrative heads of all departments heads or other administrative units heads;

(i) Should the County Executive fail to make such appointment in writing, signed and filed in the offices of the Clerk of the County Legislature and the County Clerk within a period of ~~forty five (45)~~ ninety (90) days from a vacancy in such department or administrative unit, as the case may be, the County Legislature may appoint such department head or administrative unit head. In no event, unless a default occurs in the confirmation process by the County Legislature, shall any person appointed by the County Executive enter upon his or her office unless confirmation by the County Legislature shall have been filed by the Clerk of the County Legislature in the offices of both the Clerk of the County Legislature and the County Clerk;

(ii) In any event, the County Legislature must either confirm, or refuse to confirm, any such appointment within ~~forty five (45)~~ sixty (60) days after filing with the Clerk of the writing making such appointment or the appointment shall be deemed confirmed.

(iii) In the event the County Legislature refuses to confirm any such appointment, the County Executive shall make a new appointment for such position, which shall be subject to confirmation pursuant to the procedure set forth herein.

(iv) Any individual appointed, or subject to appointment by the County Executive and confirmed by the County Legislature shall serve at the pleasure of the County Executive, and no such appointee shall hold office beyond the term of the County Executive by whom the appointment was made, except as otherwise provided by State Law or the provisions of this Charter. Appointing without confirmation by the County Legislature, such assistants, officers, and employees of the County Executive's office, within the limits provided by provided by appropriation

Renumber existing Section 302(f) as Section 302(h) and renumber Section 302(g) as Section 302(i).

Add new Section 302(f) to read as follows:

(f) Approving or vetoing any local law, legalizing act, ordinance, or resolution, all as provided for in Article 2 of this Charter.

Add new Section 302(g) to read as follows:

(g) Authority to promote and execute economic development in the County;

Delete existing Section 303 and add new Section 303 to read as follows:

Section 303. Vacancy.

In the event of a vacancy in the office of County Executive as described in Section 30 of the Public Officers Law of the State of New York, such office shall be filled by appointment of a qualified elector of the County by vote of a majority of the whole number of members of the County Legislature. The appointment shall be made within thirty (30) days after the vacancy occurs. If the appointment is not made within said thirty (30) days, a special election shall be conducted to fill the vacancy within ninety (90) days after the vacancy; provided, however, that if there shall be a general election within one hundred twenty (120) days after said vacancy occurs, the vacancy shall be filled at the general election. The person appointed shall hold office by virtue of such appointment until the commencement of the calendar year next succeeding the first annual election after the happening of the vacancy at which a successor can be elected, at which election a County Executive shall be elected for the balance of the unexpired term, if any. The Acting County Executive designated in the manner prescribed in this Article shall serve during any vacancy in the office of County Executive until such vacancy is filled.

Delete existing Section 306 and add new Section 306 to read as follows:

Section 306. Acting County Executive; how designated; when to act.

(a) The County Executive shall designate in writing, and in order of succession, the person or persons who shall serve as Acting County Executive to perform administrative duties of the County Executive in the event the County Executive is temporarily unable to perform the powers and duties of the office, as established by either (1) by the County Executive certifying in writing and filing with the County Clerk a statement that she is unable to perform or exercise such powers and duties; or (2), in the event that, upon advice sought by a majority of the whole number of members elected to the County Legislature by formal action not subject to veto by the County Executive, her inability to serve is certified by qualified and competent medical authority designated by, and subject to judicial review of, a Justice of the New York State Supreme Court.

(b) Only a Deputy County Executive and persons incumbent in County government in positions subject to confirmation by the County Legislature may be designated to any list of succession for possible service as Acting County Executive.

(c) If the Office of County Executive becomes vacant in the manner provided in Section 30 of the Public Officers Law of the State of New York, the person designated Acting County Executive shall serve in such position no longer than the earliest date at which the vacancy in the Office of County Executive is filled as provided for in this Article.

(d) At any time during the remainder of the term for which she was elected, a person elected as County Executive may file a retraction in writing with the County Clerk of her earlier statement of inability to perform or exercise the duties of office and immediately resume service in that office.

(e) At any time during the remainder of the term for which a County Executive was elected after he or she was found unable to perform or exercise the duties of office by competent medical authority, but prior to the time a vacancy in the office would otherwise occur in the manner provided in Section 30 of the Public Officers Law of the State of New York, that authority may file a retraction in writing with the County Clerk, and thereafter the County Executive may immediately resume service in that office.

(f) The designation of an order of succession for the position of Acting County Executive shall be filed with the County Clerk and the Clerk of the County Legislature and may be revised at any time by the County Executive filing a new written designation of order of succession. In the absence of such written designation of order of succession, and in the event of the County Executive's inability to perform and exercise the powers and duties of her office, the County Legislature shall appoint a person then serving in a position subject to its confirmation as Acting County Executive.

(g) The Acting County Executive shall have and exercise all of the powers of the County Executive.

Amend Section 403(b) to read as follows:

(b) be the chief fiscal and auditing officer of the County; and the chief administrative officer of the Department of Audit and Control. The Comptroller shall organize the department into such administrative units as may be required.

Amend Section 403(i) to read as follows:

(i) perform such additional and related duties as may be prescribed by local law, or as may be directed by the County Executive or the County Legislature.

Add new Section 405 to read as follows:

Section 405. Deputy and Assistant County Comptrollers and staff.

The County Comptroller shall appoint such Deputy and Assistant Comptrollers, assistants and employees of the Department of Audit and Control within the appropriations made therefor. All Deputy and Assistant County Comptrollers, assistants and employees shall serve at the pleasure of the County Comptroller.

Add new Section 406 to read as follows:

Section 406. Acting County Comptroller.

The County Comptroller shall designate in writing, and in order of succession, the Deputy County Comptroller and assistants who shall be Acting County Comptroller in the event the County Comptroller's absence from the County or inability to perform and exercise the powers and duties of her office. Such designation shall be filed with the Office of the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the County Comptroller filing a new written designation and order of succession. The Acting County Comptroller shall have all the powers and perform all the duties of the County Comptroller. The provisions of Article 30 of the Public Officers Law relating to the creation of a vacancy in public office shall remain applicable notwithstanding the County Comptroller's designation of an Acting County Comptroller pursuant to this Section.

Delete existing Section 503 and add new Section 503 to read as follows:

Section 503. Real Property Tax Service Agency established; Director; appointment; qualifications; term; powers and duties.

There shall be a within the Department of Management and Budget an independent Real Property Tax Service Agency headed by the Director of the Real Property Tax Agency. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. At the time of the Director's appointment, and throughout his or her term of office, he or she shall possess such qualifications that conform to those prescribed by the State of New York for county directors of real property tax service agencies pursuant to Article 15-A, Section 1530 of the Real property Tax Law of the State of New York. The Director shall be appointed on the basis of her administrative experience and other qualifications for the responsibilities of this

office, except that if the Director is appointed for a fixed term of years pursuant to a provision of state law, he or she may only be removed for cause, after written notice of charges and an opportunity to be heard. The independent Real Property Tax Service Agency shall:

(a) Have all of the powers and perform all of the duties conferred or imposed by Article 15-A of the Real Property Tax Law of the State of New York, including, but not limited to, the extension of real estate taxes, the issuance of tax bills, the maintenance of County assessment records, the submission to the County Executive of tax equalization rates and the rendering of assistance to assessors throughout the County in the performance of their responsibilities;

(b) Prepare tax maps for the use of the assessor of all the assessing units in the County; on such maps shall be shown each separately assessed parcel of real property with its boundaries properly marked, pursuant to the Real Property Tax Law of the State of New York;

(c) Perform such other and related duties as may be required by the County Executive or the County Legislature; and

(d) On or before the first (1st) day of March of each year, make an annual report to the County Executive and County Legislature for the immediately preceding calendar year, covering generally the work of the Agency. The Agency shall make such other reports at such times as may be required by the County Executive, County Legislature or any applicable law. Copies of all reports shall be filed with the County Executive and the Clerk of the County Legislature.

Delete existing Section 603(b) and add new Section 603(b) to read as follows:

(b) Departmental estimates. On or before the first (1st) day of July, each department and administrative unit head shall submit to the County Executive and County Legislature, in writing, and through such channels and processes as specified by the County Executive, an overall estimate for that department and administrative unit and estimates by program within that department and administrative unit of expected expenses and revenues for the next ensuing fiscal year. These estimates shall be called "departmental estimates" and shall be organized with proposed grand totals of expenses and revenues for personnel services and other than personnel for each program within each department or administrative unit. A statement of actual expenses and actual revenues for the immediately preceding completed fiscal year, budgeted expenditures and revenues for the current fiscal year, and expenditures and revenues to date for the current fiscal year shall be included in the departmental or administrative unit submission, prepared in the same specified format for comparison purposes. Each departmental

estimate of expenses and revenue by program shall be supported by such other detail and other supporting information concerning the economy, efficiency and effectiveness of departmental performance as the County Executive shall require. Departmental estimates shall be public records and shall at all reasonable times be available and open to public inspection. In the event any department or administrative unit head fails to submit an estimate by the first (1st) day of July, the Commissioner of the Department of Management and Budget shall prepare an estimate for that department or administrative unit.

Delete existing Section 603(c) and add new Section 603(c) to read as follows:

(c) Review of requests. The Commissioner of the Department of Management and Budget, upon receipt of the departmental estimates, shall proceed to review such estimates with the heads of the department and administrative unit heads as the Commissioner of the Department of Management and Budget deems necessary. Officers or employees of the various departments and administrative units shall furnish data and information and answer inquiries pertinent to such review. The Audit and Finance Committee of the County Legislature shall be entitled to the information developed by the various departments and administrative units.

Delete existing Section 603(d)(i) and add new Section 603(d)(i) to read as follows:

(i) Budget Message. The County Executive shall submit with the tentative annual budget a budget message summarizing and explaining the main features of the tentative annual budget, including information identifying and analyzing new or changed programs, with such supporting schedules and explanatory materials as he or she may deem desirable or the County Legislature may by resolution require. The County Executive's budget message shall include a clear summary demonstration that there is a balanced relationship between the total estimated expenditures and the total estimated revenues for the next ensuing fiscal year and shall compare these figures with the actual receipts and expenditures for the last completed fiscal year and the year-to date-actual and current fiscal year projected total expenditures and revenues. The County Executive's budget message shall also outline the existing and any proposed financial policies of the County relating to the capital program, including a description of each capital project proposed to be undertaken in the preceding fiscal year and not yet completed. The budget message shall specify the manner in which the County Executive is overseeing management of departmental operations to assure economic, efficient, effective delivery of public services, and contain such additional information as the County Executive may deem appropriate, and shall be posted on the County's website.

Amend Section 603(d)(iv) to read as follows

(iv) A legislative operational budget. The legislative operational budget shall include an estimate of appropriations required by the County Legislature for its operations, as submitted to the County Executive by the Clerk or such other officer or employee by the Chairperson no later than August 1, inclusive of any amendments made thereto and adopted pursuant to Section 604 of this Charter.

Amend Section 604(a) to read as follows:

(a) First public hearing. Not later than October 20, the Clerk shall cause to be published on the County's website and in the official newspapers, and such other newspapers as may be designated by the County Legislature, a notice of the place and time [not less than (5) days after such publication, nor later than October 30] at which the County Legislature will hold a public hearing on the tentative annual budget as submitted by the County Executive.

Amend Section 604(c) to read as follows

(c) Second public hearing. Not later than November 20, the Clerk shall cause to be published on the County's website and in the official newspapers, and such other newspapers as may be designated by the County Legislature, a notice of the place and time [not less than (5) days after such publication, nor later than December 1] at which the County Legislature will hold a public hearing on the proposed additions and/or deletions to the tentative annual budget.

Amend Section 604(d)(v) to read as follows

(v) Certification and availability Four (4) copies of the final annual budget as adopted, shall be Certified by the County Executive and the Clerk, and one (1) each of such copies shall be filed in the office of the County Executive, the office of the Comptroller, the office of the Director of Finance and the Office of the Clerk. The final annual budget as so certified shall be a public record and be printed or otherwise reproduced and copies shall be made available to the public on the County's website and at suitable places in the County.

Amend Section 608(d) to read as follows

(d) The method of financing for each capital expenditure and capital improvement; indicating:

(i) the amount proposed to be financed by direct budgetary appropriation or duly established reserve funds;

(ii) the amount, if any, estimated to be received from the federal and/or state governments; and

(iii) the amount to be financed by the issuance of obligations, showing the proposed type or types of obligations, together with the period of probable usefulness for which they are proposed to be issued.

Amend Section 609(a) to read as follows

Notice and Hearing. The County Legislature shall publish on the County's website and in the official newspapers of the County, and such other newspapers as it may designate, a summary of the capital program and a notice stating:

(i) the times and places where copies of the Capital Program are available for inspection by the public; and

(ii) the time and place (which shall be not less than two weeks after such publication) for a public hearing on the Capital Program.

Add Section 702(f) to read as follows:

(f) Have all the powers and duties of a county director of planning and conservation or metropolitan or regional planning board, as authorized by law;

Add Section 702(g) to read as follows:

(g) Assist the County Planning Board in the performance of its duties and functions;

Add Section 702(h) to read as follows:

Organize within the Department of Public Works such administrative units as may be required, with approval of the County Executive, including, but not limited to, divisions of highways, parks and recreation, and highway engineering; and an Office of Natural Resources Conservation that shall be advisory to and assist the Commissioner, the County Executive and the County Legislature on matters related to the inventory, conservation, management, and use of the natural resources of the County and County compliance with related environmental regulations; and

Add Section 702(e) to read as follows:

Perform such other duties as may be required by the County Executive or the County Legislature.

Delete existing A703 and add new Section A703 to read as follows

Section A703. Division of Code Enforcement

There shall be within the Department of General Services a Division of Code Enforcement headed by a Director. The Director shall be appointed by the County Executive, subject to confirmation by the County Legislature, and serve at the pleasure of the County Executive. The Director shall be appointed on the basis of her administrative experience and qualifications for the duties of the office. The Director shall enforce the New York State Uniform Fire Prevention and Building Code for all County owned buildings, premises and equipment and perform such other and related duties as may be required by the County Executive or the County Legislature.

Amend Section 801 to read as follows

Section 801. Department of Social Services established; Commissioner; appointment; term; qualifications.

There shall be a Department of Social Services headed by the Commissioner of Social Services. The Commissioner shall be appointed by the County Executive for a term prescribed by the Social Services Law of the State of New York, subject to confirmation by the County Legislature. The Commissioner shall be appointed on the basis of her administrative experience and qualifications for the duties of office as prescribed by such Social Services Law and the rules and regulations made pursuant thereto.

Renumber existing 802(c) as Section 802(e)

Add new Section 802(c) to read as follows:

(c) Represent the Department of Social Services in the maintenance of all contracts or communications with public or private agencies regarding aid to qualified needy persons throughout the County;

Delete existing Section 802(d) and add new Section 802(d) to read as follows:

(d) Publish and otherwise disseminate such information regarding administrative procedures and practices affecting the public as shall facilitate the Department of Social Services's response to the needs of the community;

Delete existing Section 901 and add new Section 901 to read as follows:

Section 901. Qualifications; Compensation; Term of Office; Removal.

There shall be a Department of Health headed by a Commissioner of Health. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Commissioner shall be a physician licensed to practice medicine in the State of New York and possess the qualifications for that

office as prescribed in the New York State Sanitary Code or otherwise by the New York State Public Health and Health Planning Council. The County Health Commissioner shall receive such compensation as may be fixed by the Legislature; provided, however, that such compensation shall not be reduced at any time during his or her term of office. The County Health Commissioner shall serve for a term of six (6) years, in accordance with Section 351 (3) of the Public Health Law, and shall not be removed during the term for which he or she shall have been appointed except upon written charges after a hearing upon due and sufficient notice.

Delete existing 903 and add new Section 903 to read as follows:

Section 903. County Board of Health.

There shall be within the Department of Health a County Board of Health, whose members shall be appointed by the County Legislature in the manner and for the term provided for in the Public Health Law of the State of New York. The County Board of Health shall, at the request of the Commissioner of Health, and may, on its own initiative, advise the Commissioner of Health, County Legislature and County Executive on matters relating to the preservation and improvement of the public health within the county, including but not limited to proposed revisions to the Albany County Sanitary Code, and shall be advisory only, except to the extent that the Board of Health shall possess and may, at the request and subject to the direction of the County Commissioner of Health, exercise those quasi-judicial powers of investigation and review conferred upon boards of health by Public Health Law. The County Board of Health shall also advise the County Legislature with respect to the qualifications of candidates recommended by the Board for appointment to the position of Commissioner of Health.

Delete existing 904 and add new Section 904 to read as follows:

Section 904. Sanitary Code.

The County Legislature shall adopt, amend or repeal all rules, regulations, orders and directions relating to health in the County in such manner and form provided in and not inconsistent with the Public Health Law of the State of New York or the State Sanitary Code. Any such rules, regulations, orders and directions so adopted, amended or repealed by the County Legislature shall be known as the "Albany County Sanitary Code" and published in the Administrative Code. The provisions of the sanitary code shall have the force and effect of law upon their publication in the Administrative Code. Penalties for violation of the Sanitary Code shall be as provided in the Sanitary Code or other applicable law. Certified copies shall be received in evidence in all courts and proceedings in the State.

Amend Section 1302 to read as follows

Section 1302. Other Contract Approvals.

The County Executive shall be empowered to approve and execute contracts in an amount less than twenty thousand dollars (\$20,000). The County Legislature shall be empowered to approve contracts for execution by the County Executive in amounts over one hundred thousand dollars (\$100,000), in addition to those mentioned in Section 204(m) of this Charter. The County Executive shall not, through change orders, amendments, renewals, or any other method or device, exceed such twenty thousand dollar (\$20,000) limit with respect to any vendor or subject matter, without approval of the County Legislature.

Delete existing Section 1502 and add new Section 1502 to read as follows:

Section 1502. Powers and duties.

The County Attorney shall:

- (a) Be the chief administrative officer of the Department of Law;
- (b) Be the legal adviser for the County;
- (c) Advise all County officers and employees in all County legal matters of a civil nature;
- (d) Prosecute and defend all actions or proceedings of a civil nature by or against the County;
- (e) At the request of the Chairman of the Legislature, Majority Leader of the Legislature or by the Minority Leader of the Legislature, prepare resolutions, legislation, legalizing acts, local laws and ordinances to be presented for action by the County Legislature;
- (f) Organize the Department of Law into such administrative units as may be required, with approval of the County Executive; and
- (g) Have all the powers and perform all the duties conferred or imposed by law upon a County Attorney, except as may be inconsistent with this Charter, and perform such other and related duties required by the executive branch of County government.

Delete existing Section 1503 and add new Section 1503 to read as follows:

Section 1503. Assistant County Attorneys and staff.

The County Attorney shall appoint such confidential Assistant County Attorneys, officers and employees of the Department of Law within appropriations made therefor. All Assistant County Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York, be in the exempt class of the civil service, and serve at the pleasure of the County Attorney, subject to applicable law.

Amend title of Article 16 to read as follows:

ARTICLE 16 COUNTY CLERK

Amend Section 1601 to read as follows:

Section 1601. County clerk; election.

There shall be a Department of Records headed by a County Clerk who shall be elected from the County at large. Her term of office shall be for four years, beginning on January 1st following her election. At the time of her election and throughout her term of office, she shall be a qualified elector of the County and shall hold no other Public Office. Commencing January 1st, 1995, she shall not hold the position of chair, vice-chair, secretary or treasurer of a County Political Party Committee. She shall have been a resident of the County continuously for at least of one year preceding her election. The compensation of the County Clerk shall not be increased or decreased during her term of office.

Amend Section 1701 to read as follows:

Section 1701. District Attorney; election; term; qualifications; compensation.

There shall be a District Attorney elected from the County at large. Her term of office shall be for four (4) years, beginning on the first (1st) day of January following her election. ~~At the time of her election~~ The District Attorney shall have been a resident of the County continuously for at least one (1) year preceding her election, and throughout her term of office, she shall be a qualified elector of the County, duly admitted to practice law in the State of New York. ~~She shall hold no other public office.~~ The District Attorney may not hold any other public office or the position of chair, vice chair, secretary, treasurer or other comparable office of a County political party committee. The compensation of the District Attorney shall be as provided in Section 183-a of the Judiciary Law of the State of New York or other applicable State Law.

Amend Section 1702 to read as follows:

Section 1702. Powers and Duties.

The District Attorney shall have and exercise all powers and duties now or hereafter conferred or imposed upon her by any applicable law. ~~The District Attorney shall have the power to appoint Assistant District Attorneys and employees as may be authorized by the County Legislature.~~ She shall perform such other and related duties as shall be required of or delegated to her by the County Legislature. The District Attorney shall appoint such deputy and Assistant District Attorneys, investigators and employees of the Office of District Attorney within appropriations made therefore. All Deputy and Assistant District Attorneys shall be duly admitted to practice law in the State of New York, except as otherwise authorized pursuant to sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant District Attorneys, investigators and employees shall serve at the pleasure of the District Attorney, subject to applicable law.

Delete existing Section 1802 and add new Section 1802 to read as follows

Section 1802. Powers and Duties.

The Sheriff shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not necessarily limited to, the following:

- (a) Be the head and chief administrative officer of the Office of Sheriff;
- (b) Organize and maintain a trained and operational law enforcement staff to protect and otherwise serve the needs of the County and cooperate with other law enforcement agencies within and outside the County in furtherance thereof;
- (c) Manage the County Correctional Facility and provide for the care and custody of persons committed to the Sheriff's custody by competent courts or by intergovernmental agreement;
- (d) Manage the Department of Natural Disaster Preparedness and Emergency Management Services within the Office of Sheriff and assist the County Executive and County Legislature in developing and implementing disaster preparedness programs and coordinating emergency response functions and such other functions and related duties as shall be authorized or required pursuant to provisions of the New York State Executive Law and other law;
- (e). Perform the civil duties specified in applicable law;
- (f) Organize the Office of the Sherriff into such administrative units as may be required; and

(g) Perform such other duties as may be required by the County Executive or the County Legislature.

Delete existing Section 1803 and add new Section 1803 to read as follows:

Section 1803. Undersheriff, Deputy Sheriffs and staff.

The Sheriff shall appoint an Undersheriff, Deputy Sheriffs, such assistants and employees of the Office of Sheriff within appropriations made therefor. Such Undersheriff, Deputy Sheriffs, assistants and employees shall serve at the pleasure of the Sheriff, subject to applicable law.

Add new Section 1804 to read as follows:

Section 1804. Acting Sheriff.

The Sheriff shall designate in writing, and in order of succession, the Undersheriff, Deputy Sheriffs and Assistants who shall serve as Acting Sheriff in the event of the Sheriff's absence from the County or inability to perform and exercise the powers and duties of her office. Such designation shall be filed with the County Clerk and the Clerk of the County Legislature and may be revoked at any time by the Sheriff filing a new written designation and order of succession. The Acting Sheriff shall have all the powers and perform all the duties of the Sheriff. The provisions of Section 30 of the public Officers Law of the State of New York relating to the creation of a vacancy in public office shall remain applicable notwithstanding the Sheriff's designation of an Acting Sheriff pursuant to this Section.

Add new Section 1805 to read as follows:

Section 1805. Absence of restriction.

Nothing in this article shall be construed to limit the powers and duties of the office of Sheriff, as provided by the New York State Constitution and other laws, to read as follows

Section 1904. Certification.

Within two (2) years of taking office, a person elected as Coroner must become certified as a Death Investigator by an accredited association or body legally authorized to issue such certification and approved by the County Legislature. Such two year period may be extended by vote of the County Legislature for up to six (6) months. Failure to become certified shall be cause for removal from office by the County Legislature. A person so removed shall be ineligible for election to such office unless and until they have become certified as set forth above.

Amend Section 2201 to read as follows:

Section 2202. Powers and Duties.

The Director shall have and exercise all the powers and duties heretofore or hereafter lawfully granted or imposed by this Charter, local law or resolution of the County Legislature, or by applicable law not inconsistent with this Charter, which shall be necessary to enable her to manage and supervise the County Nursing Home ~~and the Ann Lee Home,~~ and any similar institution of the County. The Director is responsible to and shall report to the County Executive and the Chairperson any deficiencies in the operation of the Department, and submit proposed measures to correct such deficiencies.

Amend Section 2301 to read as follows:

Section 2301. Public Defender; appointment; qualifications; assistants.

There shall be an office of the Public Defender headed by an attorney duly admitted to the practice of law in the State. The Public Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature as provided in Section 302(c) of this Charter, and serve at the pleasure of the County Executive. The Public Defender shall have the power to appoint such assistant public defenders and employees as may be authorized by the County Legislature and within the appropriations made for such purpose. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Public Defenders, investigators and employees shall serve at the pleasure of the Public Defender, subject to applicable law.

Delete existing Section 2302 and add new Section 2302 to read as follows:

Section 2302. Powers and Duties

Provide Legal representation, without charge, as requested by a court of competent jurisdiction, to persons whom the court has determined are financially unable to retain private counsel and who are charged with a crime as defined in Section 722-a of the County Law of the State of New York, or who are entitled to assigned counsel pursuant to the Family Court Act of the State of New York or other statutory provision;

Add new Section 2303 to read as follows:

Section 2303. Alternate Public Defender; appointment; qualifications; powers and duties.

There shall be an Alternate Public Defender to provide representation for indigent defendants who qualify for representation by the Office of Public Defender under the law of New York State but where a conflict of interest precludes the Office of Public Defender from providing such representation. The Alternate Public Defender shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Alternate Public Defender shall appoint such Deputy and Assistant Alternate Public Defenders, investigators and employees of the Office of Alternate Public Defender within appropriations made therefor. At the time of their appointment, and throughout their service in office, all Deputy and Assistant Alternate Public Defenders shall be duly admitted to practice law in New York State, except as otherwise authorized pursuant to Sections 478 and 484 of the Judiciary Law of the State of New York. All Deputy and Assistant Alternate Public Defenders, investigators and employees shall serve at the pleasure of the Alternate Public Defender, subject to applicable law.

Delete existing Section 2501 and amend to read as follows:

Section 2501. (Reserved)

Amend Section 2506 to read as follows:

Section 2506. Other boards; how appointed.

~~The Board of Elections, the Alcoholic Beverage Control Board, the Forest District Practice Board, the Board of Commissioners of the County Sewer District and the County Youth Board shall continue as provided by law. Appointments to these Boards shall be made by the County Legislature. The appointment of any head, board or agency in relation to a County sewer, water, or any other County District of a similar nature shall be made by the County legislature.~~

Add New Article 30 to read as follows:

ARTICLE 30 DEPARTMENT OF PROBATION

Section 3001. Department of Probation established; Commissioner; appointment; qualifications.

There shall be a Department of Probation headed by the Commissioner of Probation. The Commissioner shall be appointed by the County Executive, subject to confirmation by the County Legislature, in accordance with Article 12-A of the Executive Law of the State of New York. The Commissioner shall meet

qualifications as prescribed by the Department of Personnel in conjunction with the New York State Office of Probation and Correctional Alternatives and be appointed on the basis of his or her administrative experience and qualifications for the duties of office.

Section 3002. Powers and duties.

The Commissioner of the Department of Probation shall have and exercise all powers and duties now or hereafter conferred or imposed upon him or her by any applicable law, including, but not limited to, the following:

- (a) Be the head and chief administrative officer of the Department of Probation;
- (b) Organize the Department of Probation into such administrative units as may be required, with approval of the County Executive; and
- (c) Perform such other duties as may be required by the County Executive or the County Legislature.

Add New Article 31 to read as follows:

ARTICLE 31 BOARD OF ELECTIONS

Section 3101. There shall be within the County a Board of Elections, organized as provided in the Election Law and appointed as provided herein.

Section 3102. The Commissioners of Election shall be appointed by the County Legislature, pursuant to a certificate of party recommendation filed with the Clerk of the County Legislature at least thirty (30) days before the first day of January of any year in which a commissioner of election is to be appointed. Such certificate shall be filed by the chairman or secretary of the county committee of the political party of which he or she is a member and by which he or she is being recommended for appointment. Such recommendation shall be made by the county committee as a whole or by such other committee as the rules of the party may provide, by a majority of the votes cast at a meeting of the members of such committee at which a quorum is present.

Section 3103. The term of office of an election commissioner shall be four (4) years, beginning January first of the odd-numbered year next succeeding his or her appointment.

Section 3104. If at any time a vacancy occurs in the office of any election commissioner, other than by expiration of term of office, such vacancy shall be filled as hereinabove provided for the regular appointment of a commissioner, except that a person who fills a vacancy shall hold such office during the remainder of the term

of the commissioner in whose place he or she shall serve. A certificate of party recommendation to fill such vacancy shall be filed not later than forty-five (45) days after the creation of such vacancy.

Section 2. The effective date of this Local Law is January 1, 2017. Pursuant to Municipal Home Rule Law Section 33, this Local Law, amending the present Albany County Charter 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 the general election of November 8, 2016.

Referred to Law Committee. 7/11/16

LOCAL LAW NO. "L" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY

Introduced: 8/8/16

By Mr. Ward:

BE IT ENACTED by the County Legislature of the County of Albany that Local Law No. 3 for 1980 as amended by Local Law No. 8 for 1981, Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local law No. 8 for 2009 and Local Law No. 10 for 2010 pursuant to Chapter 693 of the Laws of 1980 of the State of New York, Chapter 375 of the Laws of 1985 of the State of New York, Chapter 531 of the Laws of 2005 of the State of New York, Chapter 194 of the Laws of 2006 of the State of New York, Chapter 105 of the Laws of 2009 of the State of New York, Chapter 401 of the Laws of 2010 of the State of New York, Chapter 312 of the Laws of 2012 of the State of New York, Chapter 228 of the Laws of 2014 of the State of New York and Chapter _____ of the Laws of 2016 of the State of New York is hereby amended as follows:

SECTION 1. During the period January 1, 2017 to December 31, 2018, Section 2 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009, Local Law No. 10 for 2010, Local Law No. 2 for 2012 and Local Law No. 4 for 2014 is amended to read as follows:

Imposition of Tax

On and after the first day of January 1, 2017, there is hereby imposed and there shall be paid a tax of six percent of the per diem rental rate charged to occupants for each hotel or motel room except that the tax shall not be imposed upon a permanent resident.

SECTION 2. During the period January 1, 2017 to December 31, 2018, Section 12 of Local Law No. 3 for 1980 as amended by Local Law No. 3 for 1986, Local Law No. 3 for 2005, Local Law No. 11 for 2006, Local Law No. 8 for 2009 Local Law No. 10 for 2010, Local Law No. 2 for 2012 and Local Law No. 4 for 2014 is amended to read as follows:

Disposition of Revenues

All revenues resulting from the imposition of the tax under the local law shall be paid into the treasury of the County of Albany and shall be credited to and deposited into three special funds as follows:

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided

for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to two-thirds of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-sixth of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 3. On and after the Albany Convention Center completion date, defined as the date on which the architect for the convention center project issues a certificate of substantial completion in substantial conformity with AIA Document G704-2000 stating that the convention center facility is sufficiently complete in accordance with the contract or contracts for construction that the owner can occupy or utilize the convention center facility for its intended use:

(a) Revenues from the tax imposed by such local law up to an amount equal to one-sixth of such total revenue shall be credited to and deposited in a special fund for convention and tourist development. The County of Albany is authorized to retain up to a maximum of ten per centum of such revenue derived from this fund to defray the necessary expenses of the County in administering such tax. The revenue derived from this portion of the tax, after deducting the amount provided for administering such tax, shall be allocated to pay for services performed, subject to the terms and conditions in contracts, which may be entered into between the County and the Albany County Convention and Visitors Bureau, Inc., all at the option of the County, its successors or assigns. Said funds so allocated shall be used for the purpose of promoting Albany County, its cities, towns and villages, in order to increase convention/trade show and tourism business.

(b) Revenues from the tax imposed by this local law equal to one-third of such total revenue shall be credited and deposited in a special account to be known as "Civic Center Debt Service Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, money therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used, subject to appropriation, solely for the purpose of making debt service payments on obligations issued by the County to finance the acquisition, development (including construction), operation and repair and continuing use and maintenance of a civic center and ancillary facilities therefore, which ancillary facilities shall include but not be limited to, any buildings, structures, parking facilities, machinery, equipment, facilities and appurtenances incidental thereto.

(c) Revenues from the tax imposed by this local law equal to one-half of such total revenue shall be credited and deposited in a special account to be known as the "Albany Convention Center Authority Fund" and shall be maintained separate and apart from other funds and accounts of the County. Moneys in such account shall be deposited in one or more banks designated in the manner provided by law, as a depository of funds of the County of Albany. Pending expenditure from such fund, moneys therein may be invested in the manner provided in section 6-f of the General Municipal Law or in a successor statute to such section. Any interest earned or capital gain realized on the moneys so deposited or invested shall accrue and become part of the fund. Said moneys so deposited shall be used solely and exclusively by the Albany Convention Center Authority for the development of a convention center project to be located in the City of Albany. Albany County shall pay the moneys in such fund over to such authority upon application for such moneys by the authority.

SECTION 4. This local law supersedes Local Law No. 4 for 2014 and shall take effect January 1, 2017 and expire and be deemed repealed December 31, 2018.

LOCAL LAW NO. "M" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ENACTING A MORTGAGE RECORDING TAX PURSUANT TO SECTION 253-p OF THE TAX LAW OF THE STATE OF NEW YORK

Introduced: 8/8/16

By Mr. Ward:

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

SECTION 1. Pursuant to the provision of Section 253-p of the Tax Law of the State of New York, there is hereby imposed in the County of Albany, New York a tax of twenty-five cents for each one hundred dollars and each remaining major fraction thereof of principal debt or obligation which is or under any contingency may be secured at the date of execution thereof, or at any time thereafter, by a mortgage on real property situated within Albany County and recorded on or after October 31, 2008 and a tax of twenty-five cents on such mortgage if the principal debt or obligation which is or by any contingency may be secured by such mortgage is less than one hundred dollars.

SECTION 2. The tax imposed by this local law shall be administered and collected in the same manner as the taxes imposed under subdivision one of section two hundred fifty three and paragraph (b) of subdivision one of section two hundred fifty-five of Article 11 of the Tax Law and shall be paid as provided in Section 253-p of the Tax Law and shall be in addition to the taxes imposed by Section 253 of the Tax Law.

SECTION 3. This local law shall expire December 1, 2018, provided further, however, that such expiration shall not preclude the adoption and enactment of additional local laws by the County of Albany pursuant to the provisions of Section 253-p of the Tax Law upon the expiration of this local law or any subsequent local law adopted and enacted pursuant to the provisions thereof.

SECTION 4. Notwithstanding any provision of Article 11 of the Tax Law to the contrary, the balance of all monies paid to the recording officer of the County of Albany during each month upon account of the tax imposed pursuant to this local law, after deduction of the necessary expenses of the recording officer's office as provided in Section 262 of the Tax Law, except taxes paid upon mortgages which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the New York State Commissioner of Taxation and Finance, shall be paid over by such officer on or before the tenth day of each succeeding month to the Albany County Director of Finance and, after the deduction by the Director of

Finance of the necessary expenses as provided in Section 262 of the Tax Law, shall be deposited in the General Fund of the County of Albany for expenditure on County purposes. Notwithstanding the provisions of the preceding sentence, the tax so imposed and paid upon mortgages covering real property situated in two or more counties, which under the provisions of this local law or Section 260 of the Tax Law are first to be apportioned by the Commissioner of Taxation and Finance, shall be paid over by the recording officer receiving the same as provided by the determination of the Commissioner.

SECTION 5. This local law shall take effect on December 1, 2016, provided that the Clerk of this Legislature shall mail a certified copy hereof by registered or certified mail to the Commissioner of the New York State Department of Taxation and Finance at least 30 days prior to such date. The Clerk of this Legislature shall also file certified copies hereof with the County Clerk of the County of Albany, the Secretary of State of the State of New York and the State Comptroller within five days after the enactment of this local law.

LOCAL LAW NO. "N" FOR 2016

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING ALBANY COUNTY GOVERNMENT FROM DISCRIMINATING AGAINST POTENTIAL EMPLOYEES BASED ON THEIR CRIMINAL ARREST RECORD OR CONVICTION

Introduced: 8/8/16

By Mr. Fein, Ms. McKnight, Mr. Simpson, Mss. Chapman, Willingham, Messrs. Clay, Commisso and Ward:

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

Section 1. Title

This local law shall be known as the "Albany County Employee Fair Chance Act"

Section 2. Legislative Intent

The Legislature finds that those with a criminal history regularly face discrimination in many areas of life, including employment.

The Legislature further finds that studies indicate that stable employment is one of the best predictors of post-conviction success.

The Legislature further finds that the ability of people with a criminal history to successfully reintegrate into their communities and find employment improves public safety and benefits local taxpayers, as less crime leads to safer communities, strengthens families, and saves taxpayers money on costs associated with law enforcement and incarceration.

The Legislature determines that those who have been incarcerated have paid their debt to society and should be considered fully free men and women. They should not be further punished once they are released from prison and should be evaluated based on their qualifications to perform a job rather than their criminal history.

The Legislature determines that people with a criminal history represent a workforce with skills to contribute and a desire to add value to their communities.

The Legislature determines that the main goal of a criminal justice system should be rehabilitation and that once people enter back into society, they should be treated fairly and without discrimination based on a prior conviction.

The Legislature finds that job discrimination based on criminal history can affect anyone regardless of race, religion, national origin, gender, or sexual orientation. However, African Americans are disproportionately hurt by discrimination based on criminal history due to a long history of policies that have led to African Americans being incarcerated at rates more than five times that of Whites and more than two and a half times that of Hispanics.

The Legislature determines that due to a criminal justice system, in which minorities are incarcerated at much higher rates than Whites, African Americans and Hispanics bear the brunt of discrimination based on criminal history in employment.

The Legislature finds that nine municipalities and two counties in the state of New York have implemented policies to protect job applicants against potential discrimination, including the three largest cities in the state: New York City, Buffalo, and Rochester.

The Legislature further finds that over twenty states and over one hundred municipalities and counties throughout the United States have implemented policies to protect job applicants from potential discrimination.

The Legislature further finds that there is broad support for fair chance hiring practices across political lines. Democratic President Obama signed an executive order in 2015 ordering all federal agencies to “ban the box” from job applications. Republican Governor John Kasich of Ohio signed a bill in 2015 that banned the box for all public employees in Ohio. Koch Industries, a company owned by the Koch Brothers, also banned the box for their employees in 2015. Koch Industries’ general counsel Mark Holden stated that the company believes they “shouldn’t be rejecting people at the very start of the hiring process who may otherwise be capable and qualified, and want an opportunity to work hard.”

The Legislature further finds that New York Correction Law does not prohibit employers from inquiring about criminal history on job applications. In the application processes where the vast majority of applications are tossed aside during an initial review for a variety of reasons, it makes it extremely difficult for an applicant to prove that he or she was not hired due to his or her criminal history.

Therefore, the purpose of this Local Law is to ensure that everyone receives a fair chance in seeking employment with Albany County, regardless of one’s arrest record or criminal history.

Section 3. Definitions

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

A. "Applicant" means any person considered or who requests to be considered for employment by Albany County

B. "Adverse action" means to refuse to hire or promote, to discharge a person, or revoke an applicant's conditional offer of employment.

C. "Arrest" means a record or action by any jurisdiction that does not result in a conviction, or any encounter with a law enforcement agency that does not result in a conviction. This includes information indicating that a person has been questioned, apprehended, taken into custody or detained, or held for an investigation by a law enforcement, police, or prosecutorial agency.

D. "Conviction" means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, suspended sentence, a sentence of probation, or sentence of unconditional discharge.

E. "County" means the County of Albany, its departments, administrative units, and related agencies.

F. "Criminal history" means an individual's prior arrest or arrests, or prior conviction or sentencing.

G. "Employer" means the County of Albany.

H. "Employment" means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work, and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay.

Section 4. Prohibitions Against Unfair Discrimination

A. No employer shall inquire about an applicant's criminal history during the application process, including any question or "box" on a job application, question during an interview, or any other inquiry. No employer shall inquire about an applicant's criminal history until after a conditional offer of employment is made.

B. No employer shall take adverse action against an individual due to an individual's criminal history until after a conditional offer of employment is made.

C. No employer shall take adverse action against an individual due to the individual's criminal history unless the employer follows the regulations and guidelines explained in this Local Law, or unless allowed by law.

Section 5. Regulations Relating to Background Checks

A. All job announcements and position descriptions shall contain the following information if the position requires a background check, unless otherwise noted by law: *"This position is subject to a background check for any convictions directly related to its duties and responsibilities. Only job-related convictions will be considered and will not automatically disqualify the candidate. No background check will occur until after a conditional offer of employment has been made. Any revocation of employment due to criminal history will include a clear explanation and instructions for appeal."*

B. No employer shall use the following criminal records in relation to a background check: records of arrest not followed by a valid conviction, sealed, dismissed, or expunged convictions, violations, and infractions.

Section 6. Guidelines for Consideration of Criminal History, Revocation of Offer of Employment, and Appeal Process

A. After a conditional offer of employment is made, no employer shall inquire about an applicant's criminal history or conduct a background check unless the employer has made a good faith determination that the relevant position is of such sensitivity that an inquiry into the applicant's criminal history or a background check is warranted or is required by law.

B. Prior to conducting a background check or inquiring about an applicant's criminal history, the employer shall send the applicant a conditional offer of employment and notice of rights under this Local Law.

C. After a conditional offer of employment is made, if based on a good faith determination the employer has determined that a criminal history inquiry or background check is warranted or is required by law, the employer may only take adverse action against the applicant pursuant to New York Correction Law Article 23-A.

D. If an employer determines that an applicant's conviction history contains information that may be the basis for an adverse action, the employer shall supply the applicant with a pre-adverse action notice containing the following:

- a. The conviction item(s) that are the basis for the potential adverse action;
- b. A copy of the conviction history report, if any;

- c. An individualized assessment explaining why the employer believes that adverse action may be appropriate based on the applicant's criminal history.
- d. Instructions on how to respond to a pre-adverse action notice.

E. If an employer sends the applicant a pre-adverse action notice, the applicant shall have twenty business days, after receipt of the notice, to respond with information rebutting the basis for the adverse action, including challenging the accuracy of the information, submitting mitigation or rehabilitation evidence, and submitting reference letters.

F. After receiving the applicant's adverse action response, the employer must review the response for a minimum of ten business days unless the employer determines that adverse action is not warranted and hires the applicant. If the employer takes adverse action against the applicant, the employer shall supply the applicant with an adverse action final notice containing the following:

- a. A copy of the pre-adverse action notice and the applicant's response to the notice;
- b. An explanation of why the applicant's response to the pre-adverse action notice was not sufficient; and
- c. An adverse action appeal form.

G. If the employer takes adverse action against the applicant, the applicant may appeal the adverse action by filling out the adverse action appeal form and submitting it to the Albany County Department of Human Resources Division of Affirmative Action within three months of the applicant's receipt of the adverse action final notice. The applicant shall also submit the employer's pre-adverse action notice, the applicant's response to the pre-adverse action, and the employer's adverse action final notice.

H. Nothing shall prevent an employer from taking adverse action against any applicant or denying employment for reasons other than such applicant's arrest or criminal conviction record.

Section 7. Data Collection

The employer shall maintain a record of the number of positions requiring background checks and for those positions, shall maintain a record of the number of applicants and the number of applicants who were provided a conditional offer of employment. In addition, the employer shall maintain a record of the number of applicants who were provided a pre-adverse action notice; the number of applicants who provided a response to the pre-adverse action notice; the number of applicants who were provided a final adverse action notice; the number of applicants who received a pre-adverse action that were eventually hired; and the number of

applicants who received an adverse action final notice that were eventually hired. The employer shall also maintain a record of the race/ethnicity and gender of all applicants for all of the required data collection categories listed above.

Section 8. Exceptions

A. The prohibitions of this Local Law shall not apply if inquiries about an applicant's criminal history or adverse action prohibited in this Local Law are specifically authorized by any other applicable law.

B. The prohibitions of this Local Law shall not apply to any law enforcement agency, fire department, or to any other employer hiring for "police officer" and "peace officer" positions, as defined by New York Criminal Procedure Law § 1.20 and § 2.10.

C. The prohibitions of this article shall not apply to any service provider or direct services provider specific to the care or supervision of children, young adults, senior citizens, or the physically or mentally disabled.

D. An employer hiring for positions where certain convictions or violations are a bar to employment in that position under New York State or Federal law, shall not be constrained from asking questions about those convictions or violations.

E. An employer hiring for licensed trades or professions, including positions such as internships and apprentices for such licensed positions, may ask applicants the same questions asked by the trade or professional licensing body, in accordance with New York State law.

Section 9. Enforcement

The Albany County Division of Affirmative Action within the Human Resource Department is authorized to enforce this Local Law, to promulgate additional rules and regulations, and take any and all other reasonable actions necessary to implement and enforce this Local Law. Any rules and regulations set forth in this Local Law and/or promulgated by the Division of Affirmative Action shall be made available on the County of Albany website in a manner approved by the Division of Affirmative Action.

The Division of Affirmative Action shall pursue employers that violate this Local Law, investigate all violations of this Local Law, and fine all employers who violate this Local Law with the penalties prescribed in this Local Law.

The Division of Affirmative Action shall develop an adverse action appeal form that shall be made available online on the County of Albany website and shall

make an active effort to distribute it to all relevant departments of Albany County government. The Division of Affirmative Action shall be responsible for conducting proper outreach about this Local Law. The committee to review all appeals to an adverse action taken against an individual shall consist of the Director of Affirmative Action and the members of the Albany County Human Rights Commission. The Director of Affirmative Action shall be responsible for conducting the review, however the Director of Affirmative Action and each member of the Albany County Human Rights Commission shall each receive one vote if a unanimous consensus is not agreed upon. The committee reviewing appeals shall look over the submitted adverse action appeal form, the pre-adverse action notice, the applicant's response to the pre-adverse action, and the adverse action final notice. The committee may also reach out to the employer and the applicant to seek more information. The committee shall make a final decision within three months.

Section 10. Audit

The Division of Affirmative Action shall collect all data described in Section 7 of this Local Law once every year and release a report to the Albany County Legislature and to the public, to be posted on the County of Albany website that shall clearly show all data collected. The report shall include an analysis of all data collected in Section 7 and shall include a racial impact statement.

Section 11. 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 12. 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 13. Effective Date and Applicability

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