

County of Albany

112 State Street
Albany, NY 12207



Meeting Agenda

Wednesday, September 30, 2020

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. LOCAL LAW NO. "C" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

CURRENT BUSINESS:

3. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND AN INTERDEPARTMENTAL AGREEMENT REGARDING THE STOP VIOLENCE AGAINST WOMEN ACT GRANT PROGRAM
4. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE VICTIM AND WITNESS ASSISTANCE GRANT PROGRAM
5. AMENDING RESOLUTION NO. 393 FOR 1995 REGARDING A TAX SEARCH FEE
6. ADOPTING A GENERAL FUND BALANCE POLICY FOR ALBANY COUNTY

County of Albany

112 State Street
Albany, NY 12207



Meeting Minutes

Wednesday, August 26, 2020

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

Present: Legislator Victoria Plotsky, Legislator Joanne Cunningham, Dennis A. Feeney, David B. Mayo, Matthew T. Peter, Bill L. Ricard, Paul J. Burgdorf, Jennifer A. Whalen and Jeffrey D. Kuhn

1. APPROVING PREVIOUS MEETING MINUTES

A motion was made that the previous meeting minutes be approved. The motion carried by a unanimous vote.

2. LOCAL LAW NO. "A" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK AMENDING SECTION 603 OF THE ALBANY COUNTY CHARTER AND LOCAL LAW NO. 8 FOR 1993 AS SUBSEQUENTLY AMENDED TO CHANGE THE PROCESS FOR THE RELEASE OF THE TENTATIVE ANNUAL BUDGET

This Local Law was withdrawn at the request of the Sponsor.

3. LOCAL LAW NO. "C" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

This Local Law was tabled at the request of the Sponsor.

4. LOCAL LAW NO. "E" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, IMPOSING AN ADDITIONAL ONE PERCENT RATE OF TAX ON SALES AND USES OF TANGIBLE PERSONAL PROPERTY AND OF CERTAIN SERVICES, AND ON OCCUPANCY OF HOTEL ROOMS AND AMUSEMENT CHARGES, PURSUANT TO ARTICLE 29 OF THE TAX LAW OF THE STATE OF NEW YORK

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by a unanimous vote.

5. LOCAL LAW NO. "F" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IMPOSING A TAX ON THE OCCUPANCY OF HOTEL ROOMS IN ALBANY COUNTY

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by a unanimous vote.

- 6. LOCAL LAW NO. "G" FOR 2020: 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

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by a unanimous vote.

- 7. LOCAL LAW NO. "H" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, REPEALING LOCAL LAW 1 FOR 2016 AND PROHIBITING THE USE AND SALE OF SPARKLING DEVICES

A motion was made to move this Local Law forward with a positive recommendation. The motion carried by a unanimous vote.

CURRENT BUSINESS:

- 8. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE GUN INVOLVED VIOLENCE ELIMINATION GRANT

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

- 9. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING THE GUN INVOLVED VIOLENCE ELIMINATION GRANT

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

- 10. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES REGARDING THE SECOND REGIONAL IMMIGRATION ASSISTANCE CENTER GRANT

A motion was made to move the proposal forward with a positive recommendation. The motion carried by a unanimous vote.

LOCAL LAW “C” FOR 2019

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, PROVIDING TECHNICAL AMENDMENTS TO LOCAL LAW NO. 5 FOR 2019

Introduced: 03/09/20
By Ms. Cunningham:

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

Local Law No. 5 for 2019, entitled “A LOCAL LAW TO INCENTIVIZE THE USE OF REUSABLE SHOPPING BAGS AND TO INSTITUTE A FEE ON THE USE OF PAPER BAGS IN ALBANY COUNTY SHOPPING ESTABLISHMENTS” is hereby amended to read as follows:

SECTION 1.

Section 4 of Local Law No. 5 for 2019 is amended to read as follows:

Section 4 Imposition of Fees for Use of Paper Bags

- (a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, persons required to collect tax on tangible personal property within Albany County [Albany County establishments subject to the ban on Plastic Carryout Bags set forth in Section 27-2803 of the New York State Environmental Conservation Law] shall charge consumers [customers] a Paper Carryout Reduction Fee of \$.05 for each Paper Carryout Bag that such persons provide [the Establishment provides] to consumers [customers]. On and after the effective date, all such persons [covered stores] shall indicate on the [customer] receipt the number of Paper Carryout Bags that are provided to consumers [customers] and the fee [at which they were] charged for [the use of] such bag.
- (b) The paper carryout bag reduction fee imposed by this local law shall not apply to any consumer [customer] using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased.
- (c) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by this local law.

SECTION 2.

Section 5 of Local Law No. 5 for 2019 is amended to read as follows:

Section 5 Distribution of Fees and Transparency of Fee Collection

- (a) Per Section 27-2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of purchasing reusable bags for Albany County residents, particularly those of low-income or limited means.
- (b) The fee imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subsection 6 of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this local law.
- (c) Any monies received by Albany County from the New York State Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of § 27-2805. Any monies not expended by Albany County for such purposes shall be returned to the New York State Comptroller at the end of the fiscal year.

SECTION 3.

Section 8 (d) of Local law No. 5 for 2019 is amended to read as follows:

Section 8. Albany County Responsibilities, Enforcement and Penalties.

- (e) Violation: Violations of this law shall be enforced pursuant to Section 27-2807 of the New York State Environmental Conservation Law.

SECTION 4.

Section 10 of Local Law No. 5 for 2019 is deleted in its entirety.

SECTION 5.

Section 11 of Local Law No. 5 for 2019 renumbered to Section 10 and is amended to read as follows:

Section 10. Effective Date.

The effective date of this local law will be December [September] 1, 2020.

LOCAL LAW “5” FOR 2019

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

Introduced: 02/28/19

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

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

Section 1. Title.

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

Section 2. Legislative Purpose and Findings.

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

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

It is now believed that there are 5.25 trillion pieces of plastic debris in the ocean. Of that mass, 269,000 tons float on the surface, while some four billion plastic microfibers per square kilometer litter the deep sea. Ocean debris, which predominantly consists of plastic pollution, has dire consequences for ocean mammals and birds, which commonly mistake plastic bags for food. Plastic bags have been found in the intestines and stomachs of marine life, and one in three leatherback sea turtles have been found with plastic in their stomachs. Plastic ocean debris is

responsible for killing an estimated 1,000,000 seabirds and 100,000 ocean mammals each year. At least 267 different species have been negatively affected by plastic pollution, including plastic bags.

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

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

Section 3. Definitions

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

- (a) “Covered Store” shall mean an establishment engaged in the retail sale of personal, consumer, household items including but not limited to: drug stores, pharmacies, grocery stores, supermarkets, convenience stores, foodmarts, gas stations, hardware and home improvement stores, stationary and office supply stores and food service establishments that provide carryout bags to consumers. Covered stores also include all apparel, clothing and shoe stores, including those in malls.
- (b) “Customer” shall mean any person obtaining goods from a covered store.
- (c) “Person” shall mean any natural person, firm, corporation, partnership or other organization or group, however organized”.
- (d) “Paper Carryout Bag” shall have the same meaning as set forth in Title 27, Section 27-2801 of the New York State Environmental Conservation Law.
- (e) “Retail Sales” shall mean the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sale, farmers’ markets, flea markets and restaurants. The term “retail sales” does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

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

Section 4 Imposition of Fees for Use of Paper Bags

- (a) In accordance with Section 27-2805 of the New York State Environmental Conservation Law, persons required to collect tax on tangible personal property within Albany County shall charge consumers [Albany County establishments subject to the ban on Plastic Carryout Bags set forth in Section 27-2803 of the New York State Environmental Conservation Law shall charge customers] a Paper Carryout Reduction Fee of \$.05 for each Paper Carryout Bag that such persons provide the consumers. [the Establishment provides to customers.] On and after the effective date, all such persons [covered stores] shall indicate on the [customer] receipt the number of Paper Carryout Bags that are provided to [customers] consumers and the fee [at which they were charged for the use of] charged for such bag.
- (b) The paper carryout bag reduction fee imposed by this local law shall not apply to any consumer using the supplemental nutritional assistance program, special supplemental nutrition programs for women, infants, and children, or any successor programs used as full or partial payment for the items purchased. [Exempt individuals that shall not pay the \$.05 fee include any customers identified in Section 27-2805 Subsection 3 of the New York State Environmental Conservation Law.]
- (c) Entities described in paragraphs (1) through (3) of subdivision (a) of section 1116 of the Tax Law of the State of New York shall be exempt from the fee imposed by this local law. [The \$.05 fee shall be reported and paid to the New York State Commissioner of Taxation and Finance per the requirements identified in Section 27-2805 Subsection 4 of the New York State Environmental Conservation Law.]

Section 5 Distribution of Fees and Transparency of Fee Collection

- (a) Per Section 27-2805 of the New York Environmental Conservation Law, forty percent of the fee shall be provided to Albany County for the purpose of purchasing reusable bags for Albany County residents, particularly those of low-income or limited means.
- (b) The fee imposed by this local law shall be administered and collected by the New York State Commissioner of Taxation and Finance as provided in Subsection 6 of § 27-2805 of the Environmental Conservation Law and in a like manner as the taxes imposed under Articles 28 and 29 of the Tax Law; provided, however that: (i) the vendor credit provided in subdivision (f) of § 1137 of the Tax Law shall not apply to this enactment; and (ii) the exemptions provided in section 1116 of the Tax Law, other than the exemptions in

paragraphs one, two and three of subdivision (a) of such section, shall not apply to the fee imposed by this local law. [The Albany County Comptroller, upon receipt of these funds, will provide these funds to the Albany County Department charged with implementing this local law, for purposes of offsetting costs for purchasing reusable bags for Albany County residents, as well as to provide funds to offset expenses for programs, advertising and other initiatives identified in the Model Consumer Education Program (Section 8a of this local law).]

- (c) Any monies received by Albany County from the New York State Comptroller in respect of the fee imposed by this act shall be expended only in accordance with subdivision 7 of § 27-2805. Any monies not expended by Albany County for such purposes shall be returned to the New York State Comptroller at the end of the fiscal year.

Section 6. Responsibilities and Obligations of Covered Stores.

- (a) All covered stores shall post signs at or near the point of sale located in such Covered Stores to notify customers of the provisions of this Local Law. Covered stores shall also indicate in signage that recyclable paper bags will be available for a charge of \$.05 each recyclable paper bag
- (b) Covered Stores must make available, on the customer receipt, the itemized number of recyclable or reusable bags used, on the sales receipt, including online receipts.
- (c) No Covered Store shall provide a credit to any person specifically for the purpose of offsetting or avoiding the carryout bag charge required by this Local Law.
- (d) Covered Stores shall be encouraged to work with organizations seeking to donate reusable bags for customer use that would allow for wide, free distribution of free reusable bags.
- (e) Covered stores shall also be encouraged to adopt “leave-a-bag” “take-a-bag” initiatives that encourage consumer engagement on the use of reusable bags and that aim to enable wide adoption in communities with a high proportion of customers with limited incomes.

Section 7. Deduction from Employee Wages Prohibition

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

Section 8. Albany County Responsibilities, Enforcement and Penalties.

- (a) Consumer Education Program: Upon the date of enactment, the Albany County Executive shall designate a Department within the Albany County

government to immediately begin work to put into place a model Consumer Education Program with the following goals:

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

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

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

- i. the effectiveness of this local law in reducing the use of paper bags;
- ii. the land fill space that is affected by the use of paper bags;
- iii. the number of notices of violation issued pursuant to this Local Law; and

(c) Compliance Assistance to Business and Retail Community: The County Executive shall ensure that information regarding this Local Law, its effective date, penalties and other relevant compliance information shall be distributed via website and other electronic means in order to ensure that Albany County’s Covered Stores shall be well informed about all aspects of compliance and adherence. The Albany County Department that will oversee and implement this law shall provide electronic templates regarding the imposition of the bag

fee that covered stores shall be able to print out and display at points of sale. This template shall be easily downloadable from the County website and hard copies shall be made available at the Albany County Office Building for retail operators who need signage. In addition, the Albany County Department that will oversee this local law shall engage the business and retail community affected by this local law prior to the implementation date to provide technical and other assistance and information, and shared approaches regarding compliance. These outreaches to the business community shall include county-wide business round tables.

(d) Violation: Violations of this law shall be enforced pursuant to Section 27-2807 of the New York State Environmental Conservation Law.

[Violations: In accordance with Section 27-2807 of the New York State Environmental Conservation Law, penalties will be levied. Additional penalties related to violations regarding the implementation of the Paper Bag Carryout fee covered in this local law will be the following:

- i. Any Covered Store found to be in violation of the provisions of this law a first time shall be issued a written warning.
- ii. Any Covered Store found to be in violation of the provisions of this law a second time shall be liable for a civil penalty not to exceed \$100.00.
- iii. Any Covered Store found to be in violation of the provisions of this law a third time shall be liable for a civil penalty not to exceed \$250.00.
- iv. Any Covered Store found to be in violation of the provisions of this law a fourth time shall be liable for a civil penalty not to exceed \$500.00.
- v. For each subsequent violation, daily fines of \$100.00 shall be instituted and applied for violations of this Local Law until compliance is achieved.
- vi. The Albany County Executive's designee department shall have the discretion to institute additional punishments for those Covered Stores that persistently violate this Local Law.]

Section 9. Severability.

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

[Section 10. Reverse Preemption.

This local law shall be null and void on the day that a statewide law is in effect, incorporating either the same or substantially similar provisions as are contained in this local law or in the event that a relevant state or federal administrative agency

issues and promulgates regulations preempting such action by the County of Albany. The Albany County Legislature shall determine by resolution whether or not the identical or substantially similar statewide law or relevant pre-emptive state or federal regulations have been enacted for the purposes of triggering the provisions of this section.]

Section 1[1]0. Effective Date.

The effective date of this local law will be December 1, 2020. [The effective date of this local law will be simultaneous to the effective date of the single-use statewide bag ban, March 1, 2020.]



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
CRIME VICTIM AND SEXUAL VIOLENCE CENTER
112 STATE STREET, ROOM 1010
ALBANY, NEW YORK 12207-2077
(518) 447-7100 FAX: (518) 447-7102
EMERGENCY: (518) 447-7716
www.albanycounty.com
e-mail: cvsvc@albanycounty.com

KAREN ZIEGLER
DIRECTOR

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

September 4, 2020

Dear Chairman Joyce:

I request authorization to be allowed to apply for the NYS New York State Division of Criminal Justice Services STOP Violence Against Women grant that will allow the Albany County Crime Victim and Sexual Violence Center, in coordination with the District Attorney's Office and the Sheriff's Department, to submit a grant application with the New York State Division of Criminal Justice Services. This grant will provide funding from January 1, 2021 through December 31, 2026 for \$50,000. The letter from NYS DCJS is attached and provides further information. In addition, a Memorandum of Understanding between our office and the DA and Sheriff needs to accompany the application.

If any further information is required or if you have any questions regarding this request, please contact me.

I appreciate your consideration this matter.

Respectfully Submitted,

Karen Ziegler
Director

Cc: Dennis A. Feeney, Majority Leader
Frank A. Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Esq. Minority Counsel



Legislation Text

File #: TMP-1841, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract between Albany County and NYS DCJS

Date: 8/17/2020
 Submitted By: Karen Ziegler
 Department: CVSVC
 Title: Director
 Phone: 518-447-7100
 Department Rep.
 Attending Meeting: Karen Ziegler

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.

Source of Funds: Click or tap here to enter text.

Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

Change Order/Contract Amendment

Purchase (Equipment/Supplies)

Lease (Equipment/Supplies)

Requirements

Professional Services

Education/Training

Grant

New

Submission Date Deadline 10/16/2020

Settlement of a Claim

Release of Liability

Other: (state if not listed) Click or tap here to enter text.

Contract Terms/Conditions:

Party (Name/address):

NYS Division of Criminal Justice Services
80 South Swan Street, Albany, NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

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

Scope of Services: The goal for FFY 2020 STOP Violence Against Women Act (VAWA) Formula Grants Program is to support communities in their efforts to develop and strengthen effective law enforcement and prosecutions strategies to combat violent crimes against women and to develop and strengthen victim services in cases involving violent crimes against women. Albany County will provide a coordinated community response to victims over eleven years of age who have experienced domestic violence, sexual assault, dating violence and stalking. The team is comprised of a prosecutor and three victim advocates/witness specialists who provide services to victims. Additionally, CVSVC will provide coordination for the Albany County Sexual Assault Resource Team (SART). The Sheriff's Department will provide an employee for the team.

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

Date of Adoption: Click or tap here to enter text.

CONCERNING ALL REQUESTS

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

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

County Budget Accounts:

Revenue Account and Line: AA4610 03497; AA 1165 03497; AA 3110 03497
Revenue Amount: 50,000.00

Appropriation Account and Line: AA1165 .1; AA3110 .1; AA4610 11028 001; AA4610 12237 001; AA
4610 12237 005
Appropriation Amount: 50,000.00

Source of Funding - (Percentages)

Federal: 100%
State: 0%
County: 0%
Local: 0%

Term

Term: (Start and end date) January 1 2021 - December 31, 2025
Length of Contract: 5 years

Impact on Pending Litigation

Yes No
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 432
Date of Adoption: 11/13/2017

Justification: (state briefly why legislative action is requested)

The funds for this grant contract will be used to pay for part of the salaries of an Assistant District Attorney and three victim advocates/witness specialists who work with victims of domestic violence, sexual assault, dating violence and stalking. It also pays part of the salaries of the CVSVC Director to coordinate the Albany County SART and a Sheriff's Department staff member. An MOU between the three agencies is required for the program.

Russell, Brandon

From: dcjs.sm.VAWA <dcjsVAWA@dcjs.ny.gov>
Sent: Thursday, September 03, 2020 7:24 PM
Cc: Bender, Jeffrey (DCJS); Turner, Yvonne (DCJS); Schaefer, Bill (DCJS); Rudolph, Jennifer (DCJS); Daskalakis, Sophia (DCJS); Berry, Elizabeth (DCJS); Castillo, Cristen (DCJS); Fontenot, Sabrina (DCJS)
Subject: SOLICITATION ANNOUNCEMENT: FFY2020 STOP Violence Against Women Formula Grant Program

Greetings,

The New York State Division of Criminal Justice Services (DCJS) is pleased to announce the availability of funding through the **FFY2020 STOP Violence Against Women Formula Grant Program**. Attached, please find a competitive Request for Proposal (RFP) to solicit applications from local government, tribal nations, hospitals and not-for-profit agencies for the implementation of comprehensive strategies addressing violence against women that are sensitive to the immediate and long-term needs and safety of victims as well as holding offenders accountable for their crimes. DCJS anticipates that approximately \$6,500,000 in STOP funds will be available for local awards. The contract period will be January 1, 2021 to December 31, 2025.

Additional information, including program goals and objectives, eligible applicants and program services, application requirements, and criteria for awards, are outlined in the RFP. **The application deadline is 12:00 Noon, Friday, October 16, 2020.** Applications submitted after the deadline will not be considered for funding. All applications must be submitted through the Grants Gateway in accordance with the instructions outlined in the RFP. Prospective applicants not yet registered or pre-qualified in the Grants Gateway should treat this as a priority and review registration and pre-qualification instructions found here: <https://grantsmanagement.ny.gov>

Requests for technical assistance accessing and using Grants Gateway should be directed to the Grants Gateway Help Desk at (518) 474-5595 or grantsgateway@its.ny.gov between 8am and 4pm on weekdays.

All programmatic inquiries or questions regarding this solicitation must be emailed to dcjsVAWA@dcjs.ny.gov by **Monday, September 14, 2020**.

Please consider sharing this announcement with your constituents and various mailing lists.

Thank you,

Bill

Bill Schaefer

VAWA/Victim Services Unit Manager
Office of Program Development and Funding

New York State Division of Criminal Justice Services

80 South Swan St., Albany, NY 12210
(518) 485-7909 | bill.schaefer@dcjs.ny.gov

www.criminaljustice.ny.gov

www.facebook.com/nyspublicsafety

@NYSPublicSafety

RESOLUTION NO. 432

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

Introduced: 11/13/17

By Law Committee and Mr. Clenahan:

WHEREAS, The Director of the Crime Victim And Sexual Violence Center (CVSVC) has requested authorization to extend the STOP Violence Against Women grant agreement with the NYS Division of Criminal Justice Services in the amount of \$66,750 for the period commencing January 1, 2018 and ending December 31, 2018, and

WHEREAS, The Director also indicated that a Memorandum of Understanding is required between the Albany County CVSVC, District Attorney and Sheriff in order to continue to provide a coordinated community response team to victims of domestic violence, sexual assault, dating violence and stalking, now, therefore be it

RESOLVED, That the Albany County Legislature authorizes the extension of a Memorandum of Understanding between CVSVC, the Albany County Sheriff, and the Albany County District Attorney for the period commencing January 1, 2018 and ending December 31, 2018, to provide a coordinated community response team as aforesaid, and, be it further

RESOLVED That the County Executive is authorized to enter into an agreement with NYS DCJS to accept funding from the NYS Division of Criminal Justice Services for the STOP Violence Against Women grant for the period commencing January 1, 2018 and ending December 31, 2018 in an amount of \$66,750, 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.

Adopted by unanimous vote. 11/13/17

State of New York
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 13th day of November, 2017, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS WHEREOF, I have hereunto set my hand and the
official seal of the County Legislature this 14th day of November, 2017.

A handwritten signature in black ink, appearing to read "Paul J. Deane", is written over a horizontal line.

Clerk, Albany County Legislature



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
CRIME VICTIM AND SEXUAL VIOLENCE CENTER

KAREN ZIEGLER
DIRECTOR

112 STATE STREET, ROOM 1010
ALBANY, NEW YORK 12207-2077
(518) 447-7100 FAX: (518) 447-7102
EMERGENCY: (518) 447-7716
www.albanycounty.com
e-mail: cvsvc@albanycounty.com

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

August 25, 2020

Dear Chairman Joyce:

I am requesting permission to accept an award with the New York State Office of Victim Services through the VOCA Victim and Witness Assistance Grant Program from October 1, 2020 through September 30, 2021. This is the second year of a three year grant award. Further, there may be additional opportunities in the next two years to apply for small amounts of funding for specific NYS OVS projects as well as a one-time two year extension. The turn-around time for the grant is extremely short which is why I am requesting to be allowed to immediately accept this award.

I appreciate your consideration this matter.

Respectfully Submitted,

Karen Ziegler
Director

Cc: Dennis A. Feeney, Majority Leader
Frank A. Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Esq. Minority Counsel



Legislation Text

File #: TMP-1869, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract between Albany County CVSVC and NYS Office of Victim Services

Date: 8/25/2020
 Submitted By: Karen Ziegler
 Department: CVSVC
 Title: Director
 Phone: 518-447-7100
 Department Rep.
 Attending Meeting: Karen Ziegler

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

- Personnel Non-Individual
- Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Renewal

Submission Date Deadline 9/16/2020

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

Contract Terms/Conditions:

Party (Name/address):

NYS Office of Victim Services
80 South Swan Street, Suite 200
Albany, NY 122104768

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$768,748.26
Scope of Services: Partial funding for 15 staff to provide direct services to victims of crime as well as operational costs from 10/1/2020 through 9/30/2021.

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

CONCERNING ALL REQUESTS

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

Is there a Fiscal Impact: Yes No

Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: A4610 03496

Revenue Amount: 768,748.26

Appropriation Account and Line: AA4610 11028 001; AA4610 12232 001; AA4610 12235 001; AA4610 12232 001; AA4610 12233 001; AA4610 12237 003; AA4610 23337 004; AA4610 12237 005; AA4610 12237 001; AA4610 12238 001; AA4610 12239 001; AA4610 12254; 001 AA4610 16401 002; AA4610 19982; AA4610 19950 10000; AA4610 22050, AA4610 44020 10000; AA4610 44021; AA4610 44035 10000; AA4610 44036 10000; AA4610 44038 10000; AA4610 44039 10000; AA4610 44040 10000; AA4610 44041; AA4610 44042 10000; AA4610 44049 10000; AA46510 44300 10000, AA4610 89010 10000; AA4610 89030 10000; AA4610 89060 10000

Appropriation Amount: 768,748.26

Source of Funding - (Percentages)

Federal: 80
State: 20
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term

Term: (Start and end date) 10/1/2020 - 9/30/2021

Length of Contract: 12 months

Impact on Pending Litigation Yes No

If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 317

Date of Adoption: 8/12/2019

Justification: (state briefly why legislative action is requested)

Click or tap here to enter text. The New York State Office of Victim Services (NYS OVS) has awarded CVSVC a three year grant with a possible one-time two year extension out of the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program. This grant provides financial support to community-based organizations providing direct services to the immediate needs of victims of crime. CVSVC offers crisis counseling and supportive therapy, information and referral services, emergency room and law enforcement accompaniments, case management services, a 24 hour crisis hotline, personal and criminal justice advocacy, VINE registration, victim impact statements, and NYS OVS claims assistance. We are anticipating serving more than 5,000 victims of interpersonal crime. Additional grant funding for smaller projects may be available to current grantees in this three year period. The short turn-around time requires the immediate acceptance.



Office of
Victim Services

ANDREW M. CUOMO
Governor

ELIZABETH CRONIN
Director

August 18, 2020

Albany County Of (Crime Victim and Sexual Violence)
112 STATE STREET, ROOM 1010
ALBANY, NY 12207

RE: Contract Number:C10903GG
Funding Source: 2018-V2-GX0047

Dear Colleague:

The New York State Office of Victim Services (OVS) previously awarded your program a Victim Assistance Program grant with a contract term of October 1, 2019 through September 30, 2022. It is now time to submit and finalize your budget and workplan for the 2020-2021 contract year.

Your award amount for the 2020-2021 contract year is: \$768,748.26

Please note that all budget submissions must be completed in the Grants Gateway. Paper submissions will not be accepted. Data that was previously entered in the budget for year 1 expenses will automatically be carried over in the Grants Gateway to year 2 but may need to be modified. Please ensure that you remove all year 1 startup expenses that are not applicable in year 2.

As a reminder, the match requirement has been waived for 2nd year of this contract, and therefore it is optional when entering your budget.

The following items should be saved in the "Grantee Document Folder" that is located in the "Forms Menu" on the Grants Gateway:

- Position Description Form
- SAR Questionnaire
- PMT (Performance Measurement Tool) Spreadsheet
- Program Information Form (if there are changes that need to be made)
- Proof of Workers Compensation insurance (for subcontractors also if applicable)
- Proof of Disability insurance (for subcontractors also if applicable)
- Fringe, Space, Phone, and Indirect Cost Rate Forms (if applicable)
- Consultant Agreements (if applicable)

Please enter your 2020-2021 budget in the "Expenditure Budget" section of the Forms Menu. **Additionally, please save and submit all necessary documents in the Grants Gateway by the close of business on September 16th, 2020.**

Sincerely,

Elizabeth Cronin, Esq.
Director

RESOLUTION NO. 317**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE VICTIM AND WITNESS ASSISTANCE PROGRAM**

Introduced: 8/12/19
By Law Committee:

WHEREAS, The Director of the Albany County Crime Victim and Sexual Violence Center has requested authorization to enter into a multi-year agreement with the New York State Office of Victim Services regarding the federal Victims of Crime Act (VOCA) Victim and Witness Assistance program in a total amount of \$2,009,575 over a three-year term commencing October 1, 2019 and ending September 30, 2022 with a potential two-year renewal option dependent on future VOCA funding on the federal level, and

WHEREAS, The Director has also requested authorization to enter into the first year of the multi-year agreement in the amount of \$638,401 for the term commencing October 1, 2019 and ending September 30, 2020, and

WHEREAS, The Director indicated that the funding will be used to support 15 staff positions providing direct services to crime victims as well as operational costs throughout the duration of the three-year term, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is to enter into an agreement with the New York State Office of Victim Services regarding the VOCA Victim and Witness Assistance program in a total amount of \$2,009,575 over a three-year term commencing October 1, 2019 and ending September 30, 2022 with a potential two-year renewal option, and, be it further

RESOLVED, That the County Executive is further authorized to enter into the first year of the multi-year agreement in the amount of \$638,401 for the term commencing October 1, 2019 and ending September 30, 2020, 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.

Adopted by unanimous vote – 8/12/19

DANIEL P. MCCOY
COUNTY EXECUTIVE



SHAWN A. THELEN
COMMISSIONER

COUNTY OF ALBANY
DEPARTMENT OF MANAGEMENT AND BUDGET
112 STATE STREET, SUITE 1200
ALBANY, NEW YORK 12207
OFFICE: (518) 447-5525
FAX: (518) 447-5589
www.albanycounty.com

M. DAVID REILLY
DEPUTY COMMISSIONER

August 31, 2020

Honorable Andrew Joyce
Chair, Albany County Legislature
112 State St., Rm. 710
Albany, NY 12207

Dear Chairman Joyce:

Legislative authorization is requested to amend existing Resolution 95-393 on Tax Search fees to exclude Albany County Land Bank acquired properties from this fee. Upon acquisition, Land Bank properties are exempt from taxation by authority of NYS Not-for-Profit Corporation Law, section 1608, amended by Chapter 483 of 2018. The Land Bank is responsible for any fees that arise during its period of ownership. The purchaser is responsible for any and all taxes and fees that arise after acquiring the property.

If you have any questions regarding this request I can make myself available at your earliest convenience. Thank you for your consideration.

Sincerely Yours,

David Reilly

cc:
Hon. Dennis Feeney, Majority Leader
Hon. Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1884, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Amendment of Resolution 95-393: Fee for Tax Search

Date: 8/31/2020
 Submitted By: Sameer Modasra
 Department: Management and Budget
 Title: Deputy Commissioner
 Phone: 518-447-5525
 Department Rep.
 Attending Meeting: Dave Reilly

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

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

Contract Terms/Conditions:

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

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

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

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

CONCERNING ALL REQUESTS

Mandated Program/Service: Yes No
If Mandated Cite Authority: NYS Not-for-Profit Corporation Law, Section 1608, as amended by
Chapter 483 of 2018

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

County Budget Accounts:

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

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

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: 100% Revenue

Term

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

Impact on Pending Litigation

If yes, explain: Yes No
Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

Requesting authorization amend existing resolution 393 of 1995 on Tax Search fees to exclude Albany County Land Bank acquired properties from this fee. Due to recent state legislation, upon acquisition, Land Bank properties are exempt from taxation by authority of NYS Not-for-Profit Corporation Law, section 1608, amended by Chapter 483 of 2018. The Land Bank is responsible for any fees that arise during its period of ownership. The purchaser is responsible for any and all taxes and fees that arise after acquiring the property. This amendment will bring County regulation in line with the recent state changes.

SAMPLE AMENDMENT TO RESOLUTION

AUTHORIZING THE ALBANY COUNTY FINANCE DEPARTMENT TO CHARGE A FEE FOR TAX SEARCHES

Introduced:
By:

WHEREAS, The County of Albany has continually reviewed financial management and pursued ways in which to improve efficiency and cost-effectiveness in government, and

WHEREAS, Through an ongoing self-evaluation of the Albany County government, new cost-effective methods have been developed to ensure that services are being provided to the Citizens of Albany County while also making certain that tax dollars are protected, and

WHEREAS, The mission of the Albany County Finance Department includes providing professional cash management with respect to the financial affairs of the County, and an administrative function of the Finance Department is to perform tax searches, and

WHEREAS, It is a common practice of surrounding counties to charge a fee for performing tax searches, now, therefore be it

WHEREAS, NYS Real Property Tax Law, Article 11, Title 3 extinguishes all delinquent taxes due as a condition of County Ownership and

WHEREAS, Albany County continues to make Towns and Cities whole for unpaid taxes at the end of each warrant period, giving the County sole authority over any unpaid amounts due, and

WHEREAS, the current County Disposition Plan allows for transfer of tax foreclosed parcels to the Albany County Land Bank Corporation, by adopted resolutions, free and clear of taxes and liens, and

WHEREAS, Chapter 483 of 2018 exempts land bank parcels from taxation immediately upon acquisition by the land bank, now, therefore be it

RESOLVED, By the Albany County Legislature that effective January 1, 1996, the Albany County Finance Department is authorized to charge a fee of \$25 per tax search performed, 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,

RESOLVED, that the County's Tax Enforcement Officer is directed to provide certification that tax foreclosed parcels sold by the Albany County Land Bank are free and clear of taxes, liens and other fees, waiving the above referenced \$25.00 per search fee.

Section 1608

Acquisition of property Not-for-Profit Corporation (NPC)

(a) The real property of a land bank and its income and operations are exempt from all taxation by the state of New York and by any of its political subdivisions. The real property of a land bank shall be exempt from: (i) all special ad valorem levies and special assessments as defined in section one hundred two of the real property tax law; (ii) sewer rent imposed under article fourteen-F of the general municipal law; and (iii) any and all user charges imposed by any municipal corporation, special district or other political subdivisions of the state, provided, however, that real property of a land bank for which such land bank receives rent, fees, or other charges for the use of such real property shall not be exempt from subparagraphs (ii) and (iii) of this paragraph. Such exempt status shall be effective upon the date of transfer of title to a land bank, notwithstanding the applicable taxable status date.

Notwithstanding any other general, special or local law relating to fees of clerks, no clerk shall charge or collect a fee for filing, recording or indexing any paper, document, map or proceeding filed, recorded or indexed for a land bank, or an officer thereof acting in an official capacity, nor for furnishing a transcript, certification or copy of any paper, document, map or proceeding to be used for land bank purposes.

(b) The land bank may acquire real property or interests in real property by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the land bank considers proper.

(c) The land bank may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts, land contracts, and may accept transfers from municipalities upon such terms and conditions as agreed to by the land bank and the municipality. Notwithstanding any other law to the contrary, any municipality may transfer to the land bank real property and interests in real property of the municipality on such terms and conditions and according to such procedures as determined by the municipality.

(d) The land bank shall maintain all of its real property in accordance with the laws and ordinances of the jurisdiction in which the real property is located.

(e) The land bank shall not own or hold real property located outside the jurisdictional boundaries of the foreclosing governmental unit or units which created the land bank; provided, however, that a land bank may be granted authority pursuant to an intergovernmental cooperation agreement with another municipality to manage and maintain real property located within the jurisdiction of such other municipality.

(f) Notwithstanding any other provision of law to the contrary, any municipality may convey to a land bank real property and interests in real property on such terms and conditions, form and substance of consideration, and procedures, all as determined by the transferring municipality in its discretion. (g) The acquisition of real property by a land bank pursuant to the provisions of this article, from entities other than political subdivisions, shall be limited to real property that is tax delinquent, tax foreclosed, vacant or abandoned; provided, however, that a land bank shall have authority to enter into agreements to purchase other real property consistent with an approved redevelopment plan.

(h) The land bank shall maintain and make available for public review and inspection a complete inventory of all property received by the land bank. Such inventory shall include: the location of the parcel; the purchase price, if any, for each parcel received; the current value assigned to the property for purposes of real property taxation; the amount, if any, owed to the locality for real property taxation; the identity of the transferor; and any conditions or restrictions applicable to the property.

(i) All parcels received by the land bank shall be listed on the received inventory established pursuant to paragraph (h) of this section within one week of acquisition and shall remain in such inventory for one week prior to disposition.

(j) Failure to comply with the requirements in paragraphs (h) and (i) of this section with regard to any particular parcel shall cause such acquisition by the land bank to be null and void.

RESOLUTION NO. 393

**AUTHORIZING THE ALBANY COUNTY FINANCE DEPARTMENT
TO CHARGE A FEE FOR TAX SEARCHES**

Introduced: 12/19/95
By Ms. Wiley:

WHEREAS, The County of Albany has continually reviewed financial management and pursued ways in which to improve efficiency and cost-effectiveness in government, and

WHEREAS, Through an ongoing self-evaluation of the Albany County government, new cost-effective methods have been developed to ensure that services are being provided to the Citizens of Albany County while also making certain that tax dollars are protected, and

WHEREAS, The mission of the Albany County Finance Department includes providing professional cash management with respect to the financial affairs of the County, and an administrative function of the Finance Department is to perform tax searches, and

WHEREAS, It is a common practice of surrounding counties to charge a fee for performing tax searches, now, therefore be it

RESOLVED, By the Albany County Legislature that effective January 1, 1996, the Albany County Finance Department is authorized to charge a fee of \$25 per tax search performed, and, be it further

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

Adopted by unanimous vote. 12/19/95

DANIEL P. MCCOY
COUNTY EXECUTIVE



SHAWN A. THELEN
COMMISSIONER

COUNTY OF ALBANY
DEPARTMENT OF MANAGEMENT AND BUDGET
112 STATE STREET, SUITE 900
ALBANY, NEW YORK 12207
OFFICE: (518) 447-5525
FAX: (518) 447-5589
www.albanycounty.com

M. DAVID REILLY
DEPUTY COMMISSIONER

September 8, 2020

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

Dear Chairman Joyce:

Enclosed is a Request for Legislative Action from the Department of Management and Budget seeking approval/adoption of a Fund Balance Policy. Statement No. 54 from the Governmental Accounting Standards Board (GASB), titled "Fund Balance Reporting and Governmental Fund Type definitions" is intended to provide clear fund balance classifications to enhance the usefulness and accountability of fund balance information.

The Policy attached to this request is based upon the Governmental Accounting Standards Board statement No. 54 as well as other Fund Balance policies from across NY State. These policies are not required by the NY State Comptroller, but are highly recommended. This policy helps to establish parameters by which Albany County can define and account for our fiscal resources.

If you have any additional questions, please contact me at your convenience. I will be at the Committee meetings where this is discussed as well.

Sincerely,

M. David Reilly
Deputy Commissioner

cc: Dennis Feeney, Majority Leader
Frank Mauriello, Minority Leader
Rebekah Kennedy, Majority Counsel
Arnis Zilgme, Minority Counsel



Legislation Text

File #: TMP-1905, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Request to approve a Fund Balance Policy

Date: 09/08/2020
 Submitted By: David Reilly
 Department: Management & Budget
 Title: Deputy Commissioner
 Phone: 447-5525
 Department Rep.
 Attending Meeting: David Reilly

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel
- Personnel Non-Individual

Revenue

Increase Account/Line No.: Click or tap here to enter text.
Source of Funds: Click or tap here to enter text.
Title Change: Click or tap here to enter text.

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

- Change Order/Contract Amendment
- Purchase (Equipment/Supplies)
- Lease (Equipment/Supplies)
- Requirements
- Professional Services
- Education/Training
- Grant

Choose an item.

Submission Date Deadline Click or tap to enter a date.

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

Contract Terms/Conditions:

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

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

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

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

CONCERNING ALL REQUESTS

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

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

County Budget Accounts:

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

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

Source of Funding - (Percentages)

Federal: Click or tap here to enter text.
State: Click or tap here to enter text.
County: Click or tap here to enter text.
Local: Click or tap here to enter text.

Term

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

Impact on Pending Litigation

If yes, explain: Yes No
Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: Click or tap here to enter text.
Date of Adoption: Click or tap here to enter text.

Justification: (state briefly why legislative action is requested)

This policy helps to establish parameters by which Albany County can define and account for our fiscal resources, specifically our Fund Balance. It follows the standards laid out by the Governmental Accounting Standards Board and the New York State Comptroller has supported local governments adopting such policies.

Purpose

Albany County proposes to enact the following policy in an effort to ensure financial stability through the maintenance of a reserve fund that guides the use of resources for financial security.

County reserve funds must be properly established and maintained in order to facilitate an open and transparent use of public funds. The primary objective is to maintain a prudent level of financial resources to provide necessary services while minimizing the need to raise taxes and fees due to unanticipated one-time expenditures or temporary revenue shortfalls. Proper management of a healthy fund balance will also ensure that the County is able to maintain the highest possible credit ratings, further improving the County's fiscal situation in both the near and long term.

Background

Statement No. 54 from the Governmental Accounting Standards Board (GASB), titled "Fund Balance Reporting and Governmental Fund Type Definitions" is intended to provide clear fund balance classifications to enhance the usefulness and accountability of fund balance information.

Minimum Fund Balance for the General Fund

- This policy shall apply to the County's General Fund only.
- The Department of Management and Budget will provide guidance to any changes to fund balance.
- The County shall strive to maintain unexpended surplus funds of not less than 10% and not more than 20% of the adopted appropriations in the general fund, excluding interfund transfers.
- These funds will generally come from excess revenues over expenditures.
- It is the intent of the County to limit the use of these fund balances to address unanticipated, non-recurring needs, or unanticipated future obligations. Fund balances should not normally be applied to recurring annual operating expenditures.
- There shall not be a drawdown of more than 10% of the fund balance in any given year outside of a declared State of Emergency.
- In the event that unassigned fund balance exceeds 20% of adopted budget appropriations, the Department of Management and Budget will consider the funding of accrued liabilities, covering one-time expenditures, or the start-up of expenditures for new programs.
- In the event the unassigned fund balance is below the 10% target the Department of Management and Budget will work towards increasing the amount at the earliest appropriate time.

The County will spend the most restricted dollars before less restricted where such spending is appropriate and the legal restriction does not limit the use of such restricted amounts for the purpose in question in the following order:

- Non-spendable (if funds become spendable)
- Restricted
- Committed
- Assigned
- Unassigned

Definitions

- *Nonspendable* – consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.
- *Restricted* – consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors, grantors, contributors, or laws and regulations of other governments; or through constitutional provisions or enabling legislation.
- *Committed* – consists of amounts that are subject to a purpose constraint imposed by a formal action of the government’s highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint.
- *Assigned* – consists of amounts that are subject to a purpose constraint that represents an intended use established by the government’s highest level of decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the general fund, and in funds other than the general fund, assigned fund balance represents the residual amount of fund balance.
- *Unassigned* – represents the residual classification for the government’s general fund, and could report a surplus or deficit. In funds other than the general fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned.