

County of Albany

Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207



Meeting Agenda

Wednesday, January 27, 2021

6:00 PM

Held Remotely

Law Committee

1. APPROVING PREVIOUS MEETING MINUTES
2. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "I" FOR 2020
3. LOCAL LAW NO. "I" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO PROHIBIT SMOKING IN COMMON AREAS OF MULTIPLE UNIT DWELLINGS
4. A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, LIMITING THIRD-PARTY FOOD DELIVERY SERVICES DURING A DECLARED EMERGENCY

CURRENT BUSINESS:

5. AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE VICTIM AND WITNESS ASSISTANCE GRANT PROGRAM
6. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING RAPE CRISIS SERVICES AND PREVENTION PROGRAMMING
7. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND AN INTERDEPARTMENTAL AGREEMENT REGARDING THE STOP VIOLENCE AGAINST WOMEN ACT GRANT
8. APPROVING THE BYLAWS OF THE ADVANCE ALBANY COUNTY ALLIANCE LOCAL DEVELOPMENT CORPORATION

County of Albany

112 State Street
Albany, NY 12207



Meeting Minutes

Wednesday, November 18, 2020

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

Present: 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

Excused: Legislator Victoria Plotsky

1. APPROVING PREVIOUS MEETING MINUTES

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

2. ADOPTING A GENERAL FUND BALANCE POLICY FOR ALBANY COUNTY

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

3. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "I" FOR 2020

Tabled at the request of the Sponsor.

4. LOCAL LAW NO. "I" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO PROHIBIT SMOKING IN COMMON AREAS OF MULTIPLE UNIT DWELLINGS

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

CURRENT BUSINESS:

5. AUTHORIZING AN AGREEMENT WITH THOMPSON REUTERS REGARDING WESTLAW LEGAL RESEARCH SERVICES SOFTWARE

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

County of Albany

*Harold L. Joyce
Albany County Office Building
112 State Street - Albany, NY 12207*



Meeting Minutes

Monday, January 11, 2021

5:15 PM

Held Remotely

Law Committee

CURRENT 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. RESOLUTION NO. 540 FOR 2020: PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "J" FOR 2021 A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, LIMITING THIRD-PARTY FOOD DELIVERY SERVICES DURING A DECLARED EMERGENCY

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

RESOLUTION NO. 383

PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “I” FOR 2020

Introduced: 10/13/20

By Mr. Efekoro:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “I” for 2020, “A Local Law of the County of Albany, New York To Prohibit Smoking in Common Areas of Multiple Unit Dwellings” be held remotely by the County Legislature, with information available on the County website, at 7:15 p.m. on Tuesday, October 27, 2020, 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. “I” FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK TO PROHIBIT SMOKING IN COMMON AREAS OF MULTIPLE UNIT DWELLINGS

Introduced: 10/13/20
By Mr. Efekoro:

Section 1: TITLE

This Local Law shall be known as the “Albany County Smoke-Free Common Areas Law.”

Section 2: STATUTORY AUTHORIZATION

This Local Law is hereby adopted pursuant to the provisions of the New York Municipal Home Rule Law § 10(1)(ii)(a)(12).

Section 3: FINDINGS; PURPOSE

This Legislature finds that, each year, 41,000 people die prematurely from exposure to second hand smoke. According to the U.S. Surgeon General, there is no safe level of secondhand smoke exposure. E-cigarette aerosol (often called vapor) can also contain harmful and potentially harmful substances including nicotine, ultrafine particles, flavoring chemicals, volatile organic compounds, and heavy metals. For tenants and owners of multiple unit dwellings, such as apartments and condominiums, tobacco smoke and vapor from a neighboring unit that infiltrates their homes results in daily exposure to many hazardous chemicals due to secondhand smoke and vapor which travels through lighting fixtures, cracks in walls, shared heating and ventilation, around plumbing, and under doors.

Therefore, it is the purpose of this Local Law to protect the public health and welfare of the residents of Albany County by prohibiting smoking and “vaping” in common areas in multiple unit dwellings.

Section 4: DEFINITIONS

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

INDOOR COMMON AREA – Every interior enclosed or unenclosed area of a multiple unit dwelling that residents of more than one unit are entitled to enter or use, including but not limited to halls, [pathways], lobbies, interior courtyards, elevators, stairs, community rooms, clubhouses, [playgrounds,] gym facilities, [swimming pool areas, parking garages, parking lots, grassy or landscaped areas, patios, balconies,] restrooms, laundry rooms, cooking areas, eating areas, and meeting rooms.

OUTDOOR COMMON AREA – Every exterior area of a multiple unit dwelling that residents of more than one unit are entitled to enter or use, including but not limited to pathways, stairs, playgrounds, swimming pool areas, tennis courts, basketball courts, parking garages, parking lots, mail areas, and grassy or landscaped areas.

MULTIPLE UNIT DWELLING – Any dwelling which is rented, leased, or subleased out to be occupied [or is occupied] as the temporary or permanent residence or home of three or more families or groups of tenants living independently of each other in separate dwelling units.

DWELLING UNIT – Any room or group of rooms located within a dwelling which forms a single habitable unit with facilities which are used or intended to be used for living or sleeping by human occupants.

SMOKING – The combustion of any cigar, cigarette, tobacco or any similar article or any other combustible substance in any manner or in any form.

VAPING – The release of tobacco, nicotine, or e-cigarette aerosol or vapor in any manner or in any form via e-cigarette, Juul, or other similar device.

Section 5: PROHIBITION

Smoking and vaping are prohibited in indoor common areas of multiple unit dwellings, and within 5 feet of any outdoor ventilation intake, including but not limited to ventilation intakes located on attached balconies or patios.

Section 6: PENALTY FOR VIOLATIONS

Any property owner, property manager and/or other person having control of a multiple unit dwelling who violates any provision of this Local Law shall be subject to the imposition of a civil penalty by the Commissioner of Health of not more than \$500 for each violation.

Section 7: ENFORCEMENT AND ADMINISTRATION

Property owners, property managers and/or other persons having control of a multiple unit dwelling shall include in their lease agreements dated after the effective date of this law that smoking and vaping are prohibited in all indoor common areas of the building(s).

Property owners, property managers and/or other persons having control of a multiple unit dwelling may pursue evictions for violations of this law, to the extent allowable by state and local law.

Property owners, property managers and/or other persons having control of a multiple unit dwelling shall post conspicuous signage at major entrances to the

building(s) and in [all applicable] indoor common areas, stating that smoking and vaping are prohibited in all indoor common areas of the multiple unit dwelling.

Section 8: SEQRA COMPLIANCE

This County Legislature determines that this local law constitutes a “Type II action” pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), and that no further action under SEQRA is required.

Section 9: SEVERABILITY

If any provision of this Local Law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, the remaining provisions of this Local Law shall remain in full force and effect.

Section 10: EFFECTIVE DATE

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

LOCAL LAW “J” FOR 2020

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, LIMITING THIRD-PARTY FOOD DELIVERY SERVICES DURING A DECLARED EMERGENCY

Introduced: 12/21/20

By Messrs. Fein, Peter, Reidy, Mss. McLaughlin, Willingham, Plotsky, Messrs. Efekoro, O’Brien, Reinhardt, Miller, Domalewicz, Mss. Cunningham, McLean Lane, Messrs. Simpson, Ricard, Reinhardt, A. Joyce, Ms. Lekakis, Mr. R. Joyce and Ms. Chapman:

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

SECTION 1.

Definitions:

- (a) Declared emergency. The term “declared emergency” means the period of time during which a State disaster emergency has been declared by the Governor of the State of New York or a state of emergency has been declared by the Albany County Executive, such declaration is in effect in the County, and there are restrictions placed on on-premises indoor dining at food service establishments in the County.
- (b) Delivery fee. The term "delivery fee" means a fee charged by a third-party food delivery service for providing a food service establishment with a service that delivers food from such establishment to customers. The term does not include any other fee that may be charged by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery service platform or fees related to processing the online order.
- (c) Food service establishment. The term "food service establishment" means any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; short-order cafe; delicatessen; luncheonette; grill; tearoom; sandwich shop; soda fountain; bar; tavern; cocktail lounge; night club; roadside stand; take-out prepared food place; retail bakery; industrial feeding establishment; private, public or nonprofit organization or institution, including: schools; nursing homes; day care centers and hospitals; religious and fraternal organizations routinely serving food; catering kitchens; commissary or similar places in which food is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation where food is served or provided for the public, with or without charge.

- (d) Online order. The term "online order" means any order placed by a customer through or with the assistance of a platform provided by a third-party food delivery service, including a telephone order.
- (e) Purchase price. The term "purchase price" means the total price of the items contained in an online order that are listed on the menu of the food service establishment where such order is placed. Such term does not include taxes, gratuities and any other fees that may make up the total cost to the customer of an online order.
- (f) Third-party food delivery service. The term "third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from food service establishments located in the County that are owned and operated by different persons.

SECTION 2.

Fee limits during declared emergencies.

- (a) It shall be unlawful for a third-party food delivery service to charge a food service establishment a delivery fee that totals more than 15% of the purchase price of each online order.
- (b) It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee or fees other than a delivery fee for the use of their service greater than 5% of the purchase price of each online order. Any fees or other charges from a third-party food delivery service to a food service establishment beyond such maximum 5% fee per order, and a delivery fee collected pursuant to subdivision (a) of this section, are unlawful, provided that such cap shall not apply to a credit card fee that is charged to the third-party food delivery service and is charged in the same amount by the third-party food delivery service to such food service establishment.
- (c) It shall be unlawful for a person to cause a third-party food delivery platform to reduce the compensation rate paid to a delivery service driver or garnish gratuities in order to comply with this section.
- (d) The requirements of this section apply only during a declared emergency and for a period of 90 days after the end of a declared emergency.

SECTION 3.

Enforcement.

If a third-party food delivery service charges a food service establishment fees in violation of this law, the food service establishment shall provide written notice to the third-party food delivery service requesting a refund within seven days. If the third-party food delivery service does not provide the refund requested within seven days of receipt of the written notice or the third-party food delivery service continues to charge fees in violation of this law after the initial written notice and seven-day cure period, a food service establishment may enforce this law by means of a civil action seeking damages and injunctive relief. The prevailing party in any such action shall be entitled to an award of reasonable attorney fees.

SECTION 4.

State Environmental Quality Review Act Compliance

This County Legislature determines that the adoption of this Local Law constitutes a “Type II action” as said term is defined in the State Environmental Quality Review Act (“SEQRA”), and that no further action with respect to same is required under SEQRA.

SECTION 5.

Severability.

If any section, subsection, sentence, clause, phrase or other portion of this law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

SECTION 6.

Effective Date.

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

Referred to Law Committee – 12/21/20



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY of ALBANY
CRIME VICTIM and SEXUAL VIOLENCE CENTER
112 State Street, Room 1118
Albany, New York 12207-2077
Office: (518) 447-7100 Fax: (518) 447-7102
24-Hour Sexual Assault Hotline: (518) 447-7716
www.albanycounty.com/cvsvc
e-mail: cvsvc@albanycounty.com

KAREN ZIEGLER
DIRECTOR

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

January 4, 2021

Dear Chairman Joyce:

I am requesting permission to accept a grant opportunity with the New York State Office of Victim Services through the Victims of Crime Act (VOCA) Victim and Witness Assistance Grant Program. The original three year NYS OVS Case Management grant award expires on March 31, 2021. This is an eighteen month extension to the original grant award. The extension period is from April 1, 2021 through September 30, 2022. The funding is \$238,434.00 for the eighteen months.

I appreciate your consideration this matter.

Sincerely,

Karen Ziegler

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



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-2188, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

NYS OVS Case Management Contract with CVSVC

Date:	January 4, 2021
Submitted By:	Karen Ziegler
Department:	CVSVCC
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 2/2/2021

- 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

AE Smith Building

Albany, NY 12210

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

Amount/Raise Schedule/Fee: \$238,434
Scope of Services: Funding for two crime victim case managers to provide direct services to victims of crime as well as operational costs from 4/1/2021 - 9/30/2022.

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: \$238,434

Appropriation Account and Line: A4610 12240 001 450027; A4610 12240 001 450028; A4610 44020;
A4610 44038; A4610 89010; A4610 89030; A4610 89060
Appropriation Amount: \$238,434

Source of Funding - (Percentages)

Federal: 100
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) 4/1/2021-9/30/2022
Length of Contract: 18

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: 9
Date of Adoption: 2/12/2018

Justification: (state briefly why legislative action is requested)

The New York State Office of Victim Services (NYS OVS) has provided funding for two case managers to provide coordinated and comprehensive services to meet immediate and long-term care needs of victims of crime. In the last year, the two case managers have assisted 1,203 individuals with over 3,500 services. These two positions are contingent upon continued grant funding.



Office of Victim Services

The following is a **Broadcast Email** to all OVS Funded Victim Assistance Programs:

Dear Colleague:

The New York State Office of Victim Services (OVS) is exercising our option to extend all contracts executed under the Case Manager procurement for a period of eighteen (18) months. Victim Assistance Programs (VAP) that have case manager contracts that are scheduled to terminate on March 31, 2021 have the option of extending those contracts until September 30, 2022. Additional funding for this period will be based on the amount of your award for the period ending 3/31/21 and will be prorated over the 18-month extension period. One contract extension for the 18-month period will be processed in the grants gateway and additional information will be forthcoming via an award letter.

On behalf of the New York State Office of Victim Services, thank you for your commitment to providing the highest quality services to innocent victims of crime in New York State.

Previous OVS Broadcast Emails are available online at ovs.ny.gov/vap. You can also subscribe to future email correspondences from OVS by clicking the *Subscribe Now!* button below.

[Subscribe Now!](#)



RESOLUTION NO. 9

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE
NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE
VICTIM AND WITNESS ASSISTANCE GRANT PROGRAM

Introduced: 2/12/18

By Law Committee and Mr. Clenahan:

WHEREAS, The Director of the Crime Victim and Sexual Violence Center has requested authorization to submit a grant application to the NYS Office of Victim Services through the Victims of Crime Act (VOCA) Victim and Witness Assistance Program in an amount not to exceed \$480,000 for a three year period, beginning April 1, 2018 and ending March 31, 2021, with a possible two year renewal option, and

WHEREAS, The Director indicated that funding will be used hire two crime victim case managers to provide direct services to victims of crime as well as operational costs, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized to submit a grant application, to the NYS Office of Victim Services through the Victims of Crime Act (VOCA) Victim and Witness Assistance Program in an amount not to exceed \$480,000 for a three year period, beginning April 1, 2018 and ending March 31, 2021, with a possible two year renewal option, and, be it further

RESOLVED, That the County Attorney is authorized to approve said grant 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.

Adopted by unanimous vote. 2/12/18



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

December 4, 2020

Dear Chairman Joyce:

I request the Legislature's approval to be allowed to accept the New York State Division of Criminal Justice Services award which provides funding to support Rape Crisis Services programming. This funding will allow the Albany County Crime Victim and Sexual Violence Center to provide services to sexual assault victims in Albany County. This award will provide funding from October 1, 2020 through September 30, 2021 in the amount of \$94,240. This award is the first of two optional one-year renewals.

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

Respectfully Submitted,

Karen Ziegler
Director

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



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-2120, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract between NYS DCJS and CVSVC for RPE services

Date: 12/4/2020
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 1/5/2021

- 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 DCJS
AE Smith Building
80 South Swan Street, Albany, NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: \$94,240

Scope of Services: To provide Rape Crisis Services and Prevention Programming to sexual assault victims in Albany County.

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

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

CONCERNING ALL REQUESTS

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

Is there a Fiscal Impact: Yes No

Anticipated in Current Budget: Yes No

County Budget Accounts:

Revenue Account and Line: A4610 03497

Revenue Amount: \$94,240

Appropriation Account and Line: A4610

Appropriation Amount: AA4610 11028 001; AA4610 12232 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; AA4610.44021 10000; AA4610 89010 10000; AA4610 89030 10000; AA4610 89060 10000

Source of Funding - (Percentages)

Federal: 100%
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) October 1, 2020 - September 30, 2021

Length of Contract: 12

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: 315

Date of Adoption: 8/12/19

Justification: (state briefly why legislative action is requested)

This request is to allow Albany County Crime Victim and Sexual Violence Center to accept funding for the fourth year from the New York State Division of Criminal Justice Services to support Rape Crisis Services and Prevention Programming. The Albany County Crime Victim and Sexual Violence Center Project will provide direct services to sexual assault victims, including confidential therapy to sexual assault victims and those affected by the sexual assault, criminal justice advocacy in local courts, 24 hour sexual assault hotline services as well as sexual assault prevention activities for students in local elementary, middle and high schools. This award will provide funding from October 2020 through September 2021 with one more optional one-year renewal.



Grant Award Notice

Grantee/Contractor (Sub-recipient): County of Albany	Date: December 3 rd , 2020
SFS Vendor #: 100002428	Award Amount: \$94,240
Program Name: Sexual Assault Crisis and Prevention Program	Contract Materials Return Date: January 5 th , 2021
Contact Name: Philip Calderone, Deputy County Executive	Email: philip.calderone@albanycountyny.gov
Period of Performance: 10/1/20 to 9/30/21	Project Description: Sexual Assault Crisis and Prevention Program

This award is provided as a result of your organization’s eligibility to receive funding to provide sexual assault services and/or promote rape prevention initiatives in New York State. **Your award information will be available to access in the NYS electronic grants management system, the Grants Gateway, on or after December 3rd, 2020.** Once registered in the Grants Gateway, grantees must upload the required documents within it by **January 5th, 2021.**

Please be advised that the award amount indicated above is contingent upon the availability of appropriations, which may be reduced during the contract period pursuant to language included in the FY21 enacted state budget, as well as, execution of the grant contract by the Attorney General and the Office of the State Comptroller.

For guidance on Gateway Registration and the online submission process, please visit <https://grantsmanagement.ny.gov>. Grantees are required to complete the following in the NYS Grants Gateway System:

- Enter Project Budget;
- Upload completed Minority and Women’s Owned Business Enterprise (M/WBE) Forms; and
- Upload signed Sexual Harassment Prevention Certification

Additionally, final contracts will require that grantees adhere to the:

- Standardized workplan in Grants Gateway
- Terms set forth in the Master Contract for Grants (Standard Terms and Conditions; A-1 Program Specific Terms and Conditions; and Attachment D: Payment and Reporting Schedule) and M/WBE. Additional information and forms are located at:

<http://www.criminaljustice.ny.gov/ofpa/applcngntfrms.html>

Grant Questions

Sophia Daskalakis, Public Safety Grants Representative
NYS Division of Criminal Justice Services
Office of Program Development and Funding
Sophia.Daskalakis@dcjs.ny.gov

RESOLUTION NO. 315**AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING RAPE CRISIS SERVICES AND PREVENTION PROGRAMMING**

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 an agreement with the New York State Division of Criminal Justice Services regarding rape crisis services and prevention programming in the amount of \$97,194 for the term commencing October 1, 2019 and ending September 30, 2020 with two one-year options to renew, and

WHEREAS, The Director indicated that the funding will be used to provide direct services to sexual assault victims, criminal justice advocacy in local courts, 24-hour sexual assault hotline services, and sexual assault prevention activities in local schools, 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 Division of Criminal Justice Services regarding rape crisis services and prevention programming in the amount of \$97,194 for the term commencing October 1, 2019 and ending September 30, 2020 with two one-year options to renew, 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

COUNTY of ALBANY
CRIME VICTIM and SEXUAL VIOLENCE CENTER
112 State Street, Room 1010
Albany, New York 12207-2077
Office: (518) 447-7100 Fax: (518) 447-7102
24-Hour Sexual Assault Hotline: (518) 447-7716
www.albanycounty.com/cvsvc
e-mail: cvsvc@albanycounty.com

KAREN ZIEGLER
DIRECTOR

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

December 18, 2020

Dear Chairman Joyce:

I request the Legislature's approval to be allowed to accept the NYS Division of Criminal Justice Services STOP Violence against Women Act (VAWA) award. This grant will provide funding from January 1, 2021 through December 31, 2025 in the amount of \$50,000 per year. The letter from NYS DCJS is attached and provides additional information

In addition, an MOU between our office, the District Attorney, and Sheriff needs to accompany the application.

I appreciate your consideration this matter.

Sincerely,

Karen Ziegler

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



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-2199, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract with NYS DCJS for STOP Violence against Women (VAWA) grant funding

Date:	1/4/2021
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 2/1/2021

- 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
AE Smith Building
80 South Swan Street
Albany, NY 12210

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: 50,000

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

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

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

CONCERNING ALL REQUESTS

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

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

County Budget Accounts:

Revenue Account and Line: A4610 03497
Revenue Amount: 50,000

Appropriation Account and Line: A4610 03497; A1165 03497; A3110 03497
Appropriation Amount: 50,000

Source of Funding - (Percentages)

Federal: 75
State: Click or tap here to enter text.
County: 25
Local: Click or tap here to enter text.

Term

Term: (Start and end date) 1/1/2021 - 12/31/2025
Length of Contract: 60 months

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: 363
Date of Adoption: 9/9/19

Justification: (state briefly why legislative action is requested)

This New York State Division of Criminal Justice Services grant is a five year grant contract. The funding is used to pay for part of the salaries of an three victim advocates who are part of the Albany County Domestic Violence Team. It also pays part of the salaries of the CVSVC Director to coordinate the Albany County Sexual Assault Resource Team (SART) and, with a staff member at the Albany County Correctional Facility (ACCF), Prison Rape Elimination Act (PREA) services at ACCF. An MOU between the three agencies is required for the program

RESOLUTION NO. 363

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

Introduced: 9/9/19

By Law Committee:

WHEREAS, The Director of the Crime Victim and Sexual Violence Center has requested authorization to enter into an agreement with the New York State Division of Criminal Justice Services regarding the STOP Violence Against Women Act grant in the amount of \$66,750 for the term commencing January 1, 2020 and ending December 31, 2020, and

WHEREAS, The Director has also requested authorization to enter into an interdepartmental agreement with the Albany County District Attorney's Office and the Albany County Sheriff's Office in order to continue their coordinated effort in developing and strengthening effective law enforcement, prosecution strategies, and victim services in cases involving violent crimes against women, 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 Division of Criminal Justice Services regarding the STOP Violence Against Women Act grant in the amount of \$66,750 for the term commencing January 1, 2020 and ending December 31, 2020, and, be it further

RESOLVED That the County Executive is also authorized to enter into an interdepartmental agreement between the Crime Victim and Sexual Violence Center, the District Attorney's Office, and the Sheriff's Office in order to continue coordinating their efforts in cases involving violent crimes against women, 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 - 9/9/19

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 9th day of September 2019, 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 THEREOF, I have hereunto set my hand and the official seal of the County Legislature this 11th day of September, 2019.

A handwritten signature in cursive script, appearing to read "Paul J. Deane".

Clerk, Albany County Legislature.



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
OFFICE OF THE EXECUTIVE
112 STATE STREET, ROOM 1200
ALBANY, NEW YORK 12207-2021
(518) 447-7040 - FAX (518) 447-5589
WWW.ALBANYCOUNTY.COM

DANIEL C. LYNCH, ESQ.
DEPUTY COUNTY EXECUTIVE

January 5, 2021

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

Dear Chairman Joyce:

On behalf of the Advance Albany County Alliance Local Development Corporation, please find attached the Bylaws of the LDC as adopted at the Corporation's inaugural meeting on 12/13/2020. The Bylaws were agreed upon by the County Executive and Legislative leadership prior to the establishment of the LDC and are being submitted for Legislative approval.

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

Sincerely

Daniel P. McCoy
Albany County Executive

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



County of Albany

Harold L. Joyce
Albany County Office
Building
112 State Street - Albany,
NY 12207

Legislation Text

File #: TMP-2211, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Requesting Approval of the Bylaws of the Advance Albany County Alliance Local Development Corporation

Date:	1/5/2021
Submitted By:	Lucas Rogers
Department:	Office of the County Executive
Title:	Policy Analyst
Phone:	518-447-5566
Department Rep.	
Attending Meeting:	Lucas Rogers/Kevin O'Connor

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

Yes No

If yes, explain: 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)

On behalf of the Advance Albany County Alliance Local Development Corporation, please find attached the Bylaws of the LDC as adopted at the Corporation's inaugural meeting on 12/13/2020. The adopted Bylaws were agreed upon by the County Executive and Legislative leadership prior to the establishment of the LDC and are being submitted for Legislative approval.

**BY-LAWS OF THE
ADVANCE ALBANY COUNTY ALLIANCE LOCAL DEVELOPMENT
CORPORATION**

ARTICLE I – THE CORPORATION

SECTION 1. Purpose.

This Corporation was formed pursuant to Article 14 of the Not-for-Profit Corporation Law of the State of New York as a charitable not-for-profit corporation. The Corporation shall have such purposes as are now or hereafter set forth in its Certificate of Incorporation which shall include, but not be limited to, vigorously advancing the prosperity, growth and economic development of the residents and businesses of Albany County.

SECTION 2. Name.

The name of the corporation shall be as provided in its Certificate of Incorporation and is currently the “Advance Albany County Alliance Local Development Corporation” (the “Corporation”).

SECTION 3. Seal.

The Corporation’s seal shall be in the form of a circle and shall bear the name of the Corporation and the year of its organization, surrounding the picture of the Halfmoon, the ship captained by Henry Hudson as depicted on the seal for Albany County. The seal may be used by causing it, or a facsimile thereof, to be impressed or affixed or otherwise reproduced.

SECTION 4. Office.

The office of the Advance Albany County Alliance Local Development Corporation shall be located in Albany County at such location as designated by the Board of Directors.

ARTICLE II – NO MEMBERS

SECTION 1. Members.

The Corporation shall have no members.

ARTICLE III – BOARD OF DIRECTORS

SECTION 1. Power of Board.

The Corporation shall be overseen and governed by its Board of Directors who shall exercise oversight and control over the officers and staff of the Corporation. The Board shall have all powers conferred on Boards of not-for-profit corporations pursuant to New York State law, or any other law that is applicable to the Corporation.

SECTION 2. Number of Directors, Qualifications, Election and Term of Office.

(a) Number of Directors. The number of Directors shall be seven (7) Directors. Four (4) voting Directors shall be appointed by the Albany County Executive and three (3) voting Directors shall be appointed by the Chairperson of the Albany County Legislature. As used in these by-laws, the term "Entire Board" shall mean the total number of Directors entitled to vote which the Corporation would have if there were no vacancies on the Board.

(b) Qualifications. All Directors shall be residents of Albany County and an owner/principal/officer/senior employee of a non-government organization (including both for-profit and not-for-profit entities) which possesses a substantial business presence or is involved in economic development activities in Albany County. No Director shall hold an elected government office or be an employee of a government entity. Each Director shall be at least eighteen (18) years of age. The Corporation shall strive to have a Board composed of individuals which represent the diverse citizenry and businesses of Albany County.

(c) Ex Officio Directors. At all times, in addition to the number of Directors identified in Section 2(a) above, the Chairperson of the Albany County Legislature (or her/his designated representative) and the County Executive (or her/his designated representative) shall serve as Ex Officio Directors. Ex Officio Directors shall not possess voting rights. Whenever a certain number of Directors is required in these By-Laws (e.g. quorum, majority, determination of the Entire Board, etc.), only the number of Directors entitled to vote shall be used to determine such required number.

(d) Election and Term of Office. The initial Directors shall be the persons named in the Certificate of Incorporation and shall serve until the organizational meeting (pursuant to section 405 of the New York Not-For-Profit Law) of the Board. At the organizational meeting of the Board, the Directors appointed in accordance with Article III Section 2(a), which may or may not include any/all of the initial Directors named in the Certificate of Incorporation, shall commence their terms as Directors and these by-laws shall be adopted. For the purpose of staggering the Directors' terms of office, the terms of the Directors appointed pursuant to Article III Section 2(a) shall be divided into three classes as nearly equal in number as possible, and shall appoint each such class to a term of three (3) years or less as follows:

- i. One (1) class consisting of one (1) County Executive appointee and one (1) County Legislative appointee shall be appointed for a term of one (1) year;
- ii. One (1) class consisting of one (1) County Executive appointee and one (1) County Legislative appointee shall be appointed for a term of two (2) years; and
- iii. One (1) class consisting of two (2) County Executive appointees and one (1) County Legislative appointee shall be appointed for a term of three (3) years.

Except as otherwise specified in this Article III Section 2(d), all Director terms shall be for a period of three (3) years, thus accomplishing a succession of staggered three-year terms with approximately one-third (1/3) of the Board positions eligible for replacement/re-election each year. In the event of an increase or decrease in the number of Directors, additional Directors

may be elected to terms of one, two, or three years as may be necessary to maintain equality in numbers among the classes of directors. Directors may be elected to any number of consecutive terms.

(e) Vacancies. Vacancies occurring for any reason, including any vacancy occurring by reason of the death, resignation, or removal of a Director, are to be filled by the person or body who appointed the vacant position as described in Section 2 (a) of these by-laws. Each Director so elected shall serve until the next annual meeting and until such Director's successor is appointed.

SECTION 3. Independence.

(a) No Director shall serve as the Corporation's Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Comptroller, or hold any other staff/employee position while also serving as a Director.

(b) The majority of the Board shall be "independent", as such term is defined in Section 2825 of the New York Public Authorities Law.

(c) In accordance with Section 2825(3) of the New York Public Authorities Law, Directors, officers, and employees of the Corporation shall file annual financial disclosure statements with the Albany County Board of Ethics pursuant to Article 18 of the General Municipal Law.

SECTION 4. Resignation and Removal of Directors.

(a) Any Director may resign at any time on delivery of written notice to the Chairperson or the Secretary. Such resignation shall take effect at the time specified therein or, if no time be specified, then on delivery. The acceptance of such resignation shall not be necessary to make it effective.

(b) Any Director may be removed (i) for cause which reason shall be limited to such Director's neglect of duty or misconduct in office as determined pursuant to a written resolution adopted by a majority of the remaining members of the Board; or (ii) pursuant to any applicable provision of New York law.

SECTION 5. Organization.

At each meeting of the Board of Directors, the Chairperson shall preside. The Secretary as designated by resolution shall act as Secretary of the Board of Directors. In the event the Chairperson shall be absent from any meeting of the Board of Directors, the Vice Chairperson shall preside. In the event the Secretary shall be absent from any meeting of the Board of Directors, the Directors at the meeting shall select an alternative Director to serve as such.

SECTION 6. Place of Meetings.

The Board of Directors shall hold its meetings in Albany County, New York, or at such place or places within or without the State of New York as the Board of Directors may from time to time by resolution determine. Said meetings shall be open to the public. The Board may go into executive session as permitted by Section 105 of New York Public Officers Law.

SECTION 7. Annual Meetings.

The Annual Meeting of the Board of Directors shall be held in January or in such other month as the Board of Directors determines, at which time the Directors shall elect (as necessary) Directors and officers and transact such other business as may properly come before the meeting.

SECTION 8. Regular Meetings of Directors.

Regular meetings of the Board of Directors may be held at such place or places within Albany County as the Board may from time to time by resolution determine. Public notice of such meetings shall be provided in accordance with New York's Open Meetings Law.

SECTION 9. Special Meetings.

Special Meetings of the Board of Directors may be called by the Chairperson or on written demand of a majority of Directors. The Secretary, upon receiving the written demand, shall promptly give notice of such meeting to the other Directors, or if she/he fails to do so within five (5) business days thereafter, any Director signing such demand may give such notice. Notice shall be given by electronic mail or regular mail, and shall state the purposes, time and place of the meeting. Public notice of such meetings shall be provided in accordance with New York's Open Meetings Law.

SECTION 10. Waivers of Notice.

Notice of a meeting need not be given to any Director who submits a signed waiver of notice, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to her or him.

SECTION 11. Quorum and Voting.

A majority of the Directors, not including vacancies, shall constitute a quorum for the conduct of business by the Board. If a quorum is not present at any meeting of the Board, a majority of the directors present may adjourn the meeting to another time without notice other than by announcement at the meeting, until such a quorum is present, except that notice of such adjournment shall be given to any directors who were not present at the time of the adjournment.

SECTION 12. Action by the Board.

Except as otherwise provided by statute or these By-Laws, the vote of a majority of the Directors present at the time of a vote, if a quorum is present at such time, shall be an act of the Board.

SECTION 13. Compensation.

Directors may be reimbursed for the expenses reasonably incurred by them in the performance of their duties, annual training, on-going development and/or conducting research.

SECTION 14. Annual Report to Board.

The Chairperson and Treasurer shall prepare and present no less than 60 days and not more than 90 days after the end of its fiscal year, an annual report, as required by Section 519 of the New York Not-For-Profit Corporation Law and Section 2800 of the Public Authorities Law. This annual report shall be also submitted to the New York State Authorities Board Office, Chairperson of the Albany County Legislature, Albany County Executive and filed with the minutes of the annual meeting of the Board. The report shall be verified by the Chairperson and Treasurer (or by a majority of the Directors) and certified by a firm of independent accountants selected by the Board and in accordance with Section 519 of the New York Not-For-Profit Corporation Law and Section 2800 of the New York Public Authorities Law.

SECTION 15. Annual Self-Evaluation.

Pursuant to Section 2824-a of the New York Public Authorities Law, the Board must provide the New York State Authorities Budget Office with a mission statement and proposed measurements report that describes the purpose and goals of the Corporation, a description of the stakeholders, its reasonable expectations of the Corporation, and a list of measurements by which performance of the Corporation and achievement of its goals will be evaluated. The Corporation shall publish a self-evaluation annual based on the stated measurements.

SECTION 16. Conflicts of Interest.

No Director, officer, staff, or key volunteer may acquire any interest, direct or indirect, in real property of the Corporation, in any real property to be acquired by the Corporation, or in any real property to be acquired from the Corporation. No Director, officer, staff, or key volunteer shall have any interest, direct or indirect, in any contract or proposed contract for materials or services.

SECTION 17. Interested Directors and Related Party Transactions.

The Corporation may not enter into any related party transaction unless the transaction is determined to be fair and reasonable and in the Corporation's best interest at the time of such determination. The Corporation shall adopt and maintain a policy for the approval or disapproval of Related Party Transactions.

SECTION 18. Annual Training.

Pursuant to Section 2824 of the Public Authorities Law, within one year of appointment to the Board, each Director must participate in state approved training regarding their legal, fiduciary, financial and ethical responsibilities as Directors. Directors shall participate in continued training as may be required to remain informed of best practices, regulatory and statutory changes relating to the effective oversight of the management and financial activities of the Corporation.

SECTION 19. Property Rights.

No Director shall, by reason of that position, have any rights to or interest in the property or assets of the Corporation.

ARTICLE IV – OFFICERS

SECTION 1. Number.

The officers of the Corporation shall consist of a Chairperson (or President), Vice-Chairperson, Secretary and Treasurer, and such other officers as the Board of Directors, may, in its discretion, elect. Any two or more offices may be held by the same person, except the offices of Chairperson and Treasurer.

SECTION 2. Duties.

2.1. Chairperson (or President) of the Board. The Chairperson/President of the Board will preside at all regular, annual and special meetings of the Board of Directors. The Chairperson/President is charged with the general responsibility of carrying out the policies of the Board between meetings of said Board. In general, she/he shall supervise the business and affairs of the Corporation, and perform all duties incident to the office of Chairperson/President and such other duties as may be prescribed by the Board of Directors from time to time. The Chairperson/President shall sign, as authorized by the Board of Directors, any deeds, mortgages, bonds, contracts or other instruments which the Board of Directors has authorized to be executed, except in those instances where approval of others or the signature of others is expressly required or designated by these By-Laws, authorized by a resolution adopted by the Board, or by any law of the State of New York.

2.2 Vice Chairperson/Vice-President. In the absence of the Chairperson/President or in the event of her/his inability, removal, or refusal to act, the Vice Chairperson shall perform the duties of the Chairperson/President, and when so acting, shall have all the powers of and be subject to all restrictions placed upon the Chairperson/President. The Vice Chairperson shall perform such duties as from time to time may be assigned to her/him by the Chairperson/President or by the Board of Directors.

2.3 Treasurer. The Treasurer or her/his Board-approved designee shall receive, hold and be responsible for all financial matters and funds of the Corporation and shall deposit said funds in the name of the Corporation in such banks or banking institutions as directed to by the

Board of Directors. The Treasurer shall keep, or cause to be kept, a true and accurate account of all receipts and disbursements and said books of account shall be open to inspection of any Director at the office of the Corporation upon request. The Treasurer shall also perform all other duties customarily incident to the office of the Treasurer and such other duties as from time to time may be assigned to the Board.

2.4 Secretary. The Secretary or his/her Board-approved designee shall keep, or cause to be kept, an accurate record of all proceedings of the meetings of the Board of Directors. The Secretary shall also be responsible for proper safe keeping of the papers and correspondence of the Corporation and as custodian of the corporate records, shall ensure that the Corporation remains in good standing under the laws of the State of New York, reporting on that subject to the Chairperson. Further, the Secretary shall with the Chairperson execute any formal documents requiring the presence of the corporate seal. The Secretary shall give notice, or cause such notice to be given, to the Directors of their respective meetings and shall generally perform all duties usually appertaining to the office of Secretary. The Board of Directors may designate an assistant secretary.

SECTION 3. Election.

All officers shall be elected at the annual meeting of the Board of Directors scheduled to occur prior to the expiration of their respective term. Officers may succeed themselves.

SECTION 4. Term of Office.

All officers shall hold office until their successors have been duly appointed or until removed as hereinafter provided.

SECTION 5. Additional Officers.

Additional officers may be selected for such period, have such authority and perform such duties, either in an administrative or subordinate capacity, as the Board of Directors may from time to time determine.

SECTION 6. Resignation.

Any officer may resign at any time by giving written notice to the Chairperson or the Secretary. Any such resignation shall take effect upon receipt of said notice, or the effective date in said notice. The acceptance of such resignation shall not be necessary to make it effective.

SECTION 7. Removal of Officers.

Any officer may be removed by majority vote of the Directors, with or without cause, at any time.

SECTION 8. Vacancies.

A vacancy in any officer position shall be filled by the majority vote of the Directors.

ARTICLE V – CHIEF EXECUTIVE OFFICER

SECTION 1. Chief Executive Officer.

The Corporation shall select and retain a Chief Executive Officer by resolution of the Board. The Chief Executive Officer shall serve at the pleasure of the Board, and may be removed for any or no cause by resolution of the Board.

SECTION 2. Duties and Responsibilities of Chief Executive Officer.

The Chief Executive Officer shall report to the Chair of the Board of the Corporation, and to the Board at all regular and special meetings of the Board of Directors. She or he shall have general supervision and management of the Corporation and all Corporation staff and employees shall report directly to the Chief Executive Officer. Except as may otherwise be authorized by a resolution adopted by the Board, the Chief Executive Officer shall: (a) cosign all purchase orders and instruments and check over certain dollar thresholds as is established by the Corporation's procurement policy, or by resolution of the Board; (b) prepare the annual budget of the Corporation with the consultation and cooperation of the Audit and Finance Committees and the Chairman of the Board, for submission to the Board for approval; (c) lead the Corporation to carry out its Mission Statement and fulfill its public purposes; (d) ensure that the Corporation complies with all financial and other reporting requirements imposed by law, including those requirements in the New York Public Authorities Law; and (e) perform all other duties customarily incident to the office of a Chief Executive Officer (or that of the most senior non-Director position) of a not-for-profit corporation, New York State local development corporation, or local public authority of the State of New York and such other duties as may be assigned by the Board.

ARTICLE VI – COMMITTEES

SECTION 1. Committees.

The committees of the Corporation shall include the following: Executive Committee, Finance Committee, Audit Committee and Governance Committee.

(a) Members of committees shall be appointed by not less than a majority vote of the Entire Board, for a one (1) year term or, in the case of appointments due to vacancy(ies), from the time of appointment, and ending at the close of the fiscal year.

(b) Each committee must consist of at least three independent (3) Directors.

(c) The Board shall adopt a Committee Charter to identify the purpose, function, procedures of the committees, including any requirements pursuant to the New York Public Authorities Law.

SECTION 2. Other Committees.

The Board of Directors, by resolution, may designate from among its members other committees consisting of three (3) or more Members.

SECTION 3. Meetings and Action of Committees.

Committee meetings shall be held at such time and place as shall be fixed by the respective committee Chair or by vote of a majority of all of the members of the committee.

SECTION 4. Quorum and Manner of Acting.

A majority of the members of a committee shall constitute a quorum for the transaction for business and the vote of a majority of the members of the committee shall be an act of the committee.

ARTICLE VII – CONTRACTS, CHECKS, DRAFTS AND BANK ACCOUNTS

SECTION 1. Execution of Contracts.

The Board, except as otherwise provided in these By-Laws, may authorize any officer or officers, staff member or members, agent or agents in the name of and on behalf of the Corporation, to enter into any contract or execute and deliver any instrument and such authority may be general or confined to specific instances but, unless so authorized by the Board of Directors or expressly authorized by these By-Laws, no officer, agent or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable pecuniarily in any amount for any purpose.

SECTION 2. Loans.

No loans shall be contracted on behalf of the Corporation unless specifically authorized by the Board.

SECTION 3. Checks, Drafts, etc.

All checks, drafts and other orders for the payment of money out of the funds of the Corporation, shall be signed by the Chief Executive Officer, Chair or Treasurer on behalf of the Corporation in such manner, from time to time, as determined by these By-Laws, by the Corporation's procurement policy, or by action of the Board.

SECTION 4. Deposits.

All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in banks, trust companies or other depositories or in such other investments as the Board may select.

SECTION 5. Investments.

The Board may authorize the Corporation to contract with an investment advisor and custodian to manage its investments in accordance with an investment policy established by the Board.

ARTICLE VIII – NON-DISCRIMINATION

In all of its dealings, neither the Corporation nor its duly authorized agents shall discriminate against any individual or group for reasons of race, color, creed, sex, age, culture, national origin, marital status, sexual preference, mental or physical handicap, or any category protected by state or federal law.

ARTICLE IX – INDEMNIFICATION & INSURANCE

SECTION 1. Authorized Indemnification.

Unless clearly prohibited by law or Section 2 of this Article, the Corporation shall indemnify any person (“Indemnified Person”) made, or threatened to be made, a party in any action or proceeding, whether civil, criminal, administrative, investigative or otherwise, including any action by or in the right of the Corporation, by reason of the fact that she or he (or her or his executor or administrator) whether before or after adoption of this Section:

- (a) is or was a Director, officer or employee of the Corporation; or
- (b) is serving or served in any capacity at the request of the Corporation as a director or officer of any other corporation, or any partnership, joint venture, trust, employee benefit plan or other enterprise.

The indemnification shall be against all judgments, fines, penalties, amounts paid in settlement (provided the Corporation shall have consented to such settlement) and reasonable expenses, including attorney’s fees and costs of investigation, incurred by any Indemnified Person with respect to any such threatened or actual action or proceeding, and any appeal thereof.

SECTION 2. Prohibited Indemnification.

The Corporation shall not indemnify any person if a judgment or other final adjudication adverse to the Indemnified Person (or to the person whose actions are the basis for the action or proceeding) establishes, or the Board in good faith determines, that such person’s acts were committed in bad faith or were the result of active and deliberate dishonesty and were material to the cause of action so adjudicated or that she or he personally gained, in fact, a financial profit or other advantage to which she or he was not legally entitled.

SECTION 3. Advancement of Expenses.

The Corporation shall, on request of any Indemnified Person who is or may be entitled to be indemnified by the Corporation, pay or promptly reimburse the Indemnified Person's reasonably incurred expenses in connection with a threatened or actual action or proceeding prior to its final disposition. However, no such advancement of expenses shall be made unless the Indemnified Person makes a binding, written commitment to repay the Corporation, with interest, for any amount advanced for which it is ultimately determined that he or she is not entitled to be indemnified under the law or Section 2 of this Article. An Indemnified Person shall cooperate in good faith with any request by the Corporation that common legal counsel be used by the parties to such action or proceeding who are similarly situated unless it would be inappropriate to do so because of actual or potential conflicts between the interests of the parties.

SECTION 4. Determination of Indemnification.

Before indemnification can occur the Board must explicitly find that such indemnification will not violate the provisions of Section 2 of this Article. No Director with a personal interest in the outcome, or who is a party to such actual or threatened action or proceeding concerning which indemnification is sought, shall participate in this determination. If a quorum of disinterested Members is not obtainable, the Board shall act only after receiving the opinion in writing of independent legal counsel that indemnification is proper in the circumstances under than applicable law and these By-Laws.

SECTION 6. Binding Effect.

Any person entitled to indemnification under these By-Laws has a legally enforceable right to indemnification, which cannot be abridged by amendment of these By-Laws with respect to any event, action, or omission occurring prior to the date of such amendment.

SECTION 7. Director and Officer Liability Insurance.

The Corporation may purchase such insurance (or any other type of insurance) in connection with this Article as authorized and approved by the Board. To the extent permitted by law, such insurance may insure the Corporation for any obligation it incurs as a result of this Article or operation of law and it may insure directly the Directors, officers, employees, or volunteers of the Corporation for liabilities against which they are not entitled to indemnification under this Article as well as for liabilities against which they are entitled or permitted to be indemnified by the Corporation.

SECTION 8. Nonexclusive Rights.

The provisions of this Article shall not limit or exclude any other rights to which any person may be entitled under law or contract. The Board is authorized to enter into agreements on behalf of the Corporation with any Director, officer, employee or volunteer providing them rights to indemnification or advancement of expenses in connection with potential indemnification in addition to the provisions therefore in this Article, subject in all cases to the limitations of Section 2 of this Article.

ARTICLE X – GENERAL

SECTION 1. Loans to Directors and Officers.

The Corporation, either directly or indirectly, including through any subsidiary, is prohibited from extending or maintaining credit, arranging for the extension of credit or renewing any extension of credit, in the form of a personal loan to or for any Director, officer, employee or to any other company, corporation, firm, association or other entity in which one or more of the Directors, officers or employees of the Corporation are members, director or officers or hold a substantial financial interest.

SECTION 2. Books and Records.

These shall be kept at the office of the Corporation: (1) correct and complete books and records of accounts; (2) minutes of the proceedings of the Board and committees; (3) a current list of the Directors, committee members and officers of the Corporation; (4) a copy of the Certificate of Incorporation, as amended; (5) a copy of these By-Laws, as amended; and (6) any other records required by law to be so kept.

SECTION 3. Freedom of Information Law.

The Corporation is subject to Freedom of Information Law, and shall comply with the Freedom of Information Law of the State of New York, as set forth within Article 6 of the Public Officers Law.

SECTION 4. Open Meetings Law.

The Corporation is subject to Open Meetings Law, and shall comply with the Open Meetings Law of the State of New York as set forth within Article 7 of the Public Officers Law.

SECTION 5. Public Authorities Accountability Act.

The Corporation is subject to the Public Authorities Accountability Act of 2005 (the “PAAA”) and shall comply with the PAAA, as set forth within the New York State Public Authorities Law.

SECTION 6. Electronic Signatures.

Wherever a written instrument is required to be executed hereunder, an electronic signature, to the extent permitted by applicable law, shall be deemed to be a written signature.

ARTICLE XI – FISCAL YEAR

The fiscal year of the Corporation shall commence on January 1 of each calendar year and end on the last day of December.

ARTICLE XII – RULES OF ORDER AND BYLAW CHANGES

SECTION 1. Rules of Order.

Meetings of the Members and the Board of Directors and its committees shall be governed by Robert's Rules of Order, except in cases otherwise provided for by these By-Laws.

SECTION 2. Changes to the Certificate of Incorporation and By-Laws.

The Certificate of Incorporation and these By-Laws may be amended, repealed or adopted by resolution of the Albany County Legislature.