

# **County of Albany**

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



## **Meeting Agenda**

**Wednesday, February 24, 2021**

**6:00 PM**

**Held Remotely**

**Law Committee**

**PREVIOUS BUSINESS:**

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. APPROVING THE BYLAWS OF THE ADVANCE ALBANY COUNTY ALLIANCE LOCAL DEVELOPMENT CORPORATION

**CURRENT BUSINESS:**

5. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "A" FOR 2021: A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY
6. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "B" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR REDUCTION OF THE REDEMPTION PERIOD TO ONE YEAR FOR RESIDENTIAL PROPERTY LOCATED WITHIN A LOCAL MUNICIPALITY WHICH HAS BEEN DETERMINED BY IT PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 1111-A (SUBD. 2 (B)) TO BE VACANT AND ABANDONED
7. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "C" FOR 2021 A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM
8. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2021
9. LOCAL LAW NO. "A" FOR 2021: A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY

- 10. LOCAL LAW NO. "B" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR REDUCTION OF THE REDEMPTION PERIOD TO ONE YEAR FOR RESIDENTIAL PROPERTY LOCATED WITHIN A LOCAL MUNICIPALITY WHICH HAS BEEN DETERMINED BY IT PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 1111-a (SUBD. 2(B)) TO BE VACANT AND ABANDONED
  
- 11. LOCAL LAW NO. "C" FOR 2021: A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM
  
- 12. LOCAL LAW NO. "D" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, THE RESTAURANT PROTECTION LAW, IN RELATION TO THIRD-PARTY DELIVERY SERVICES
  
- 13. LOCAL LAW NO. "E" FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR SPECIAL DEFERMENTS AND INSTALLMENT PAYMENTS OF TAXES DURING THE COVID-19 STATE OF EMERGENCY FOR REAL PROPERTY LOCATED WITHIN THE COUNTY OF ALBANY

# **County of Albany**

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



## **Meeting Minutes**

**Wednesday, January 27, 2021**

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

A motion was made that this proposal be tabled by the Sponsor. The motion carried by a unanimous vote.

**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**

A motion was made that this Local Law be tabled by the Sponsor. The motion carried by a unanimous vote.

**4. LOCAL LAW NO. "J" FOR 2020: A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, LIMITING THIRD-PARTY FOOD DELIVERY SERVICES FEES DURING A DECLARED EMERGENCY**

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

**CURRENT BUSINESS:****5. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE OFFICE OF VICTIM SERVICES REGARDING THE VICTIM AND WITNESS ASSISTANCE PROGRAM GRANT**

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

**6. AUTHORIZING AN AGREEMENT WITH THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES REGARDING RAPE CRISIS SERVICES AND PREVENTION PROGRAMMING**

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

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

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

8. APPROVING THE BYLAWS OF THE ADVANCE ALBANY COUNTY ALLIANCE LOCAL DEVELOPMENT CORPORATION

A motion was made that this proposal be tabled by the Committee. 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.



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

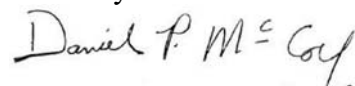
Honorable Andrew Joyce, Chairman  
Albany County Legislature  
112 State Street, Room 710  
Albany, New York 12207

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.

**RESOLUTION NO. 57**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "A" FOR 2021: A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY**

Introduced: 2/8/21

By Mr. Efekoro:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "A" for 2021, "A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY" be held by the County Legislature remotely, with information available on the County website, at 7:15 p.m. on Tuesday, March 23, 2021, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

**RESOLUTION NO. 58**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “B” FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR REDUCTION OF THE REDEMPTION PERIOD TO ONE YEAR FOR RESIDENTIAL PROPERTY LOCATED WITHIN A LOCAL MUNICIPALITY WHICH HAS BEEN DETERMINED BY IT PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 1111-A (SUBD. 2 (B)) TO BE VACANT AND ABANDONED**

Introduced: 2/8/21

By Mr. Peter, Ms. McLaughlin, Messrs. A. Joyce, Feeney, Beston, Ms. Chapman, Messrs. Clay, Cleary, Commisso, Ms. Cunningham, Messrs. Domalewicz, Efekoro, Ethier, R. Joyce, Kuhn, Ms. Lekakis, Mr. Mayo, Mss. McLean Lane, Plotsky, Messrs. Reidy, Reinhardt, Ricard, Ward, Mss. Whalen and Willingham:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “B” for 2021, “A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR REDUCTION OF THE REDEMPTION PERIOD TO ONE YEAR FOR RESIDENTIAL PROPERTY LOCATED WITHIN A LOCAL MUNICIPALITY WHICH HAS BEEN DETERMINED BY IT PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 1111-a (SUBD. 2 (B)) TO BE VACANT AND ABANDONED” be held by the County Legislature remotely, with information available on the County website, at 7:15 p.m. on Tuesday, March 23, 2021, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

*Referred to Law and Audit and Finance Committees – 2/8/21*

**RESOLUTION NO. 59**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "C" FOR 2021 A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM**

Introduced: 2/8/21

By Mr. Efekoro:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. "C" for 2021, "A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM" to be held remotely by the Albany County Legislature at 7:15 p.m. on Tuesday, March 23, 2021, with participation information to be made available on the Albany County website, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

**RESOLUTION NO. 60**

**PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “E” FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR SPECIAL DEFERMENTS AND INSTALLMENT PAYMENTS OF TAXES DURING THE COVID-19 STATE OF EMERGENCY FOR REAL PROPERTY LOCATED WITHIN THE COUNTY OF ALBANY**

Introduced: 2/8/21

By Messrs. Peter, Commisso and Domalewicz:

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed Local Law No. “E” for 2021, “PUBLIC HEARING ON PROPOSED LOCAL LAW NO. “E” FOR 2021: A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR SPECIAL DEFERMENTS AND INSTALLMENT PAYMENTS OF TAXES DURING THE COVID-19 STATE OF EMERGENCY FOR REAL PROPERTY LOCATED WITHIN THE COUNTY OF ALBANY” be held by the County Legislature remotely, with information available on the County website, at 7:15 p.m. on Tuesday, March 23, 2021, and the Clerk of the County Legislature is directed to cause notice of such hearing to be published containing the necessary information in accordance with the applicable provisions of law.

*Referred to Law and Audit and Finance Committees – 2/8/21*

**LOCAL LAW NO. "A" FOR 2021**

**A LOCAL LAW RELATING TO THE PROCEDURES FOR THE ESTABLISHMENT, OPERATION, MODIFICATION, AND DISESTABLISHMENT OF TOURISM IMPROVEMENT DISTRICTS IN ALBANY COUNTY**

Introduced: 2/8/21  
By Mr. Efekoro:

WHEREAS, it is in the public interest to promote the economic improvement of Businesses within the County in order to create jobs, attract new Businesses, increase local revenue and promote tourism; and

WHEREAS, it is of particular local benefit to allow Businesses to fund business related services through the levy of Assessments upon the Businesses that receive benefits from those services; and

WHEREAS, Assessments levied for the purpose of conferring benefits upon the tourism Businesses in a Tourism Improvement District shall be related to the costs of providing the services within the Tourism Improvement District and shall not be taxes for the general benefit of the County; and

WHEREAS, it is the desire of the Albany County Legislature to create a mechanism to allow certain Businesses to initiate the formation of Tourism Improvement Districts for the purpose of providing enhanced services for the benefit of those Businesses within the Tourism Improvement District; and

WHEREAS, the Albany County Legislature determines that the establishment, operation, modification, and disestablishment of Tourism Improvement Districts within the County of Albany is a matter of local concern.

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

Section 1. Purpose.

The purpose of this law is to establish the procedure for the establishment, operation, modification, and disestablishment of Tourism Improvement Districts within the County, and to ensure that Tourism Improvement District assessments conform to all constitutional requirements and are determined and levied in accordance with the procedure set forth in this law.

Section 2. Severability.



This law is intended to be construed liberally and, if any clause, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### Section 3. Definitions.

“Assessment” - means a levy for the purpose of providing Activities and Improvements that will provide benefits to Businesses located within a Tourism Improvement District that are subject to the Tourism Improvement District Assessment. Assessments may be based on a percent of gross business revenue, a fixed dollar amount per transaction, or any other reasonable method approved by the County Legislature.

“Business” - means the type or category of business that is described in the Tourism Improvement District plan and the resolution creating a Tourism Improvement District.

“Business Owner” - means any person recognized by the County as the owner of the Business. The County has no obligation to obtain other information as to the ownership of businesses, and its determination of ownership shall be final and conclusive for the purposes of this law. Wherever this law requires the signature of the Business Owner, the signature of the authorized representative of the Business Owner shall be sufficient.

“Clerk” - means the County Clerk.

“County” - means the County of Albany.

“County Legislature” - means the governing body of the County.

“Local Improvement” - means, but is not limited to, all of the following that benefit Businesses in the Tourism Improvement District:

- (a) Promotion of Business activity, including but not limited to tourism, of Businesses subject to the Assessment within the Tourism Improvement District.

- (b) Other services provided for the purpose of conferring benefits upon Businesses located in the Tourism Improvement District that are subject to the Tourism Improvement District Assessment including, but not limited to, transportation services.
- (c) The acquisition, construction, installation, or maintenance of any tangible property.

“Owners’ Association” - means a private nonprofit entity that is under contract with the County to administer the Tourism Improvement District and implement Activities and Improvements specified in the Tourism Improvement District Plan. An Owners’ Association shall have full discretion to select the specific Activities and Improvements to be funded with Tourism Improvement District Assessment revenue, within the authorized parameters of the Tourism Improvement District Plan. An Owners’ Association may be an existing nonprofit entity or a newly formed nonprofit entity. An Owners’ Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose.

“Tourism Improvement District” - means a Tourism Improvement District established pursuant to this law.

“Tourism Improvement District Plan” - means a proposal as defined in Section 5.

#### Section 4. Establishment of Tourism Improvement District.

A Tourism Improvement District may be established as provided in this law.

#### Section 5. Contents of Tourism Improvement District Plan.

The Tourism Improvement District Plan shall include, but is not limited to, all of the following:

- (a) A map that identifies the Tourism Improvement District boundaries in sufficient detail to allow a Business Owner to reasonably determine whether a Business is located within the Tourism Improvement District boundaries. The boundaries of a Tourism Improvement District may overlap with other Tourism Improvement Districts established pursuant to this law.
- (b) The name of the proposed Tourism Improvement District.
- (c) The Activities and Improvements proposed for each year of operation of the Tourism Improvement District and the estimated cost thereof. If the Activities and Improvements proposed for each year of operation are the

same, a description of the first year's proposed Activities and Improvements and a statement that the same Activities and Improvements are proposed for subsequent years shall satisfy the requirements of this subsection.

- (d) The estimated annual amount proposed to be expended for Activities and Improvements in each year of operation of the Tourism Improvement District. This amount may be estimated based upon the Assessment rate. If the estimated annual amount proposed to be expended in each year of operation of the Tourism Improvement District is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subsection.
- (e) The proposed source or sources of financing, including the proposed method and basis of levying the Assessment in sufficient detail to allow each Business Owner to calculate the amount of the Assessment to be levied against his or her Business. The Tourism Improvement District Plan may set forth specific increases in assessments for each year of operation of the Tourism Improvement District.
- (f) The time and manner of collecting the Assessments and any interest and/or penalties for non-payment.
- (g) The specific number of years in which Assessments will be levied. In a new Tourism Improvement District, the maximum number of years shall be ten (10). In a renewed Tourism Improvement District, the maximum number of years shall be ten (10).
- (h) Any proposed rules and regulations to be applicable to the Tourism Improvement District.
- (i) A definition describing the type or category of Businesses to be included in the Tourism Improvement District and subject to the Tourism Improvement District Assessment.
- (j) Any other item or matter required to be incorporated therein by the County Legislature.

#### Section 6. Initiation of Proceedings; Petition of Business Owners in Proposed Tourism Improvement District

- (a) Petitions, with a signature of assessed Business Owners or their duly authorized representatives, shall be returned to the County Legislature.

- (b) The County Legislature may initiate proceedings to form a Tourism Improvement District by the adoption of a resolution expressing its intention to form a Tourism Improvement District, if it determines that:
  - i) Assessed Businesses representing over fifty percent (50%) of the sleeping rooms in the proposed Tourism Improvement District, which also represent over fifty percent (50%) of all assessed Businesses by number within the proposed Tourism Improvement District, have submitted petitions in favor of the formation of the Tourism Improvement District; or
  - ii) Assessed Businesses who will pay more than fifty percent (50%) of the Assessments proposed to be levied, which also represent over fifty percent (50%) of all assessed Businesses by number within the proposed Tourism Improvement District, have submitted petitions in favor of the formation of the Tourism Improvement District.
  
- (c) The petition of Business Owners required under subsection (a) shall include a summary of the Tourism Improvement District Plan. That summary shall include all of the following:
  - i) A map showing the boundaries of the Tourism Improvement District.
  - ii) The types or categories of Businesses that will be subject to the Assessment.
  - iii) The Assessment rate for each type or category of Business that will be subject to the Assessment.
  - iv) Information specifying where the complete Tourism Improvement District Plan can be obtained.
  - v) Information specifying that the complete Tourism Improvement District Plan shall be furnished upon request.
  
- (d) The resolution of intention described in subsection (a) shall contain all of the following:
  - i) A brief description of the proposed Activities and Improvements, the amount of the proposed Assessment, a statement describing the Businesses within the proposed Tourism Improvement District that will be subject to the Assessment, and a description of the exterior boundaries of the proposed Tourism Improvement District, which may be made by reference to any plan or map that is on file with the Clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable a Business Owner to generally identify the nature and extent of the Activities and Improvements, and the location and extent of the proposed Tourism Improvement District.

- ii) A time and place for a public hearing on the establishment of the Tourism Improvement District and the levy of Assessments, which shall be consistent with the requirements of Section 7.

Section 7. Procedure to Establish or Renew a Tourism Improvement District and Levy Assessment.

- (a) If the County Legislature has adopted a resolution of intention to establish or renew a Tourism Improvement District and levy a new or increased Tourism Improvement District Assessment, it shall hold a public hearing on the establishment or renewal of the Tourism Improvement District prior to adoption of the resolution establishing or renewing the Tourism Improvement District and levying the Assessment. Notice of the public hearing shall be mailed to the owners of the Businesses proposed to be subject to the Assessment.
- (b) The County Legislature shall provide at least thirty (30) days' written notice of the public hearing at which the County Legislature proposes to establish or renew the Tourism Improvement District and levy the Assessment.
- (c) A protest may be made by any Business Owner that will be subject to the proposed Assessment. Every protest must be in writing and shall be filed with the Clerk at or before the time fixed for the public hearing. The County Legislature may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the Business in which the person subscribing the protest is interested sufficient to identify the Business and, if a person subscribing is not shown on the official records of the County as the owner of the Business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the Business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from Business Owners representing more than fifty percent (50%) of the same basis used to determine the petition in Section 6 (a) and protests are not withdrawn so as to reduce the protests to less than fifty percent (50%), no further proceedings to levy the proposed Assessment against such Businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the County Legislature.

Section 8. Changes to Proposed Tourism Improvement District Plan

At the conclusion of the public hearing to establish or renew the Tourism Improvement District, the County Legislature may adopt, revise, change, reduce, or modify the proposed Assessments, the boundaries of the Tourism Improvement District, or the types or categories of Businesses within the Tourism Improvement District subject to the Assessment. Proposed Assessments may only be revised by reducing any or all of them. The proposed Tourism Improvement District boundary may only be revised to exclude territory that will not benefit from the proposed Activities and Improvements. The types or categories of Businesses that will be subject to the proposed Assessment may only be revised to exclude the Business types or categories that will not benefit from the proposed Activities and Improvements. Any modifications, revisions, reductions, or changes to the proposed Tourism Improvement District Plan shall be reflected in the Tourism Improvement District Plan prior to the County Legislature' adoption of the resolution creating or renewing the Tourism Improvement District.

#### Section 9. Resolution Establishing or Renewing a Tourism Improvement District

- (a) If the County Legislature, following the public hearing, decides to establish or renew a proposed Tourism Improvement District, the County Legislature shall adopt a resolution of formation or renewal that shall include, but is not limited to, all of the following:
  - i) A brief description of the proposed Activities and Improvements, the amount of the proposed Assessment, a statement as to the types or categories of Businesses that will be subject to the Assessment, and a description of the exterior boundaries of the Tourism Improvement District, which may be made by reference to any plan or map that is on file with the County Clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the Activities and Improvements and the location and extent of the Tourism Improvement District.
  - ii) The number, date of adoption, and title of the resolution of intention.
  - iii) The time and place where the public hearing was held concerning the establishment or renewal of the Tourism Improvement District.
  - iv) A determination regarding any protests received. The County Legislature shall not establish or renew the Tourism Improvement District or levy Assessments if a majority protest was received.
  - v) A statement that the Businesses in the Tourism Improvement District established by the resolution shall be subject to any amendments to this law.
  - vi) A statement that the Activities and Improvements to be conferred on Businesses in the Tourism Improvement District will be funded by the levy of Assessments. The revenue from the levy of Assessments within a Tourism Improvement District shall not be used to for any purpose

other than the purposes specified in the Tourism Improvement District Plan, as modified by the County Legislature at the hearing concerning establishment or renewal of the Tourism Improvement District.

- vii) A finding that the Businesses within the Tourism Improvement District will be benefited by the Activities and Improvements funded by the Tourism Improvement District Assessments.

- (b) The adoption of the resolution of formation or renewal shall constitute the levy of Assessments in each of the fiscal years referred to in the Tourism Improvement District Plan.

Section 10. Expiration of Tourism Improvement District; Creation of new Tourism Improvement District Plan; Renewal of Tourism Improvement District.

If a Tourism Improvement District expires due to the time limit set pursuant to subsection (g) of Section 5, a new Tourism Improvement District Plan may be created and the Tourism Improvement District may be renewed pursuant to this law.

Section 11. Time and Manner of Collection of Assessments; Delinquent Payments.

The collection of the Assessments levied pursuant to this law shall be made at the time and in the manner set forth by the County Legislature in the resolution establishing or renewing the Tourism Improvement District and levying the Assessments. All delinquent payments for Assessments levied pursuant to this part may be charged interest and penalties.

Section 12. Time for Contesting Validity of Assessment.

The validity of an Assessment levied under this law shall not be contested in any action or proceeding unless the action or proceeding is commenced within thirty (30) days after the resolution establishing or renewing a Tourism Improvement District and levying the Assessment is adopted pursuant to Section 9. Any appeal from a final judgment in an action or proceeding shall be perfected within thirty (30) days after the entry of judgment.

Section 13. Certification to Establish Levels of County Services and Funding.

Prior to the establishment of a Tourism Improvement District, the County Legislature may certify the levels of County services and funding that will continue after a Tourism Improvement District has been formed.

Section 14. Request to Modify Tourism Improvement District Plan.

The owners' association may, at any time, request that the County Legislature modify the tourism improvement district plan. Any modification of the tourism improvement district plan shall be made pursuant to this law. The tourism improvement district plan shall not be modified, except by the request of the Owners' Association and only in the manner requested by the Owners' Association.

Section 15. Modification of Tourism Improvement District Plan by Resolution after Public Hearing; Adoption of Resolution of Intention.

- (a) Upon the written request of the Owners' Association, the County Legislature may modify the Tourism Improvement District Plan after conducting one (1) public hearing on the proposed modifications. The County Legislature may modify the Activities and Improvements to be funded with the revenue derived from the levy of the Assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of new or increased Assessments, the County Legislature shall comply with Section 7. Notice of all other public hearings pursuant to this section shall comply with both of the following:
  - i) The resolution of intention shall be published in a newspaper of general circulation in the County once at least seven (7) days before the public hearing.
  - ii) A complete copy of the resolution of intention shall be mailed by first class mail, at least ten (10) days before the public hearing, to each Business Owner affected by the proposed modification.
- (b) The County Legislature shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than ninety (90) days after the adoption of the resolution of intention.

Section 16. Report by Owners' Association; Approval or Modification by County Legislature.

- (a) The Owners' Association shall cause to be prepared a report for each fiscal year, except the first year, for which Assessments are to be levied and collected to pay the costs of the Activities described in the report. The Owners' Association's first report shall be due ninety (90) days after the first year of operation of the Tourism Improvement District.
- (b) The report shall be filed with the Clerk and shall refer to the Tourism Improvement District by name, specify the fiscal year to which the report



applies, and, with respect to that fiscal year, shall contain all of the following information:

- i) The Activities and Improvements to be provided for that fiscal year.
  - ii) An estimate of the cost of providing the Activities and Improvements for that fiscal year.
  - iii) The method and basis of levying the Assessments in sufficient detail to allow each Business Owner to estimate the amount of the assessment to be levied against his or her Business for that fiscal year.
  - iv) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- (c) The County's Department of Audit and Control shall, upon requests the Owners Association for a copy of all reports and documents provided under this Section.

#### Section 17. Designation of Owners' Association to Provide Activities and Improvements

The Tourism Improvement District Plan may, but is not required to, state that an Owners' Association will provide the Activities and Improvements described in the Tourism Improvement District Plan. If the Tourism Improvement District Plan designates an Owners' Association, the County Legislature shall contract with the designated nonprofit corporation to provide Activities and Improvements in the Tourism Improvement District.

#### Section 18. Renewal of Tourism Improvement District; Transfer or Refund of Remaining Revenues

- (a) Any Tourism Improvement District previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this law.
- (b) Upon renewal, any remaining revenues derived from the levy of Assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed Tourism Improvement District.
- (c) There is no requirement that the boundaries, Assessments, Activities, or Improvements of a renewed Tourism Improvement District be the same as the original or prior Tourism Improvement District.

#### Section 19. Circumstances Permitting Disestablishment of Tourism Improvement District; Procedure.

- (a) Any Tourism Improvement District established or extended pursuant to the provisions of this law, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the Tourism Improvement District, may be disestablished by resolution by the County Legislature in either of the following circumstances:
- i) If the County Legislature finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the Tourism Improvement District, it shall notice a hearing on disestablishment.
  - ii) During the operation of the Tourism Improvement District, there shall be a thirty (30) day period in which Businesses subject to the Assessment may request disestablishment of the Tourism Improvement District. The first such period shall begin two (2) years after the date of establishment of the Tourism Improvement District and shall continue for thirty (30) days. Each successive year of operation of the Tourism Improvement District shall have such a thirty (30) day period. Upon the written petition of Business Owners representing more than fifty percent (50%) of the same bases used to determine the petition in Section 6 (a), the County Legislature shall pass a resolution of intention to disestablish the Tourism Improvement District. The County Legislature shall notice a hearing on disestablishment.
- (b) The County Legislature shall adopt a resolution of intention to disestablish the Tourism Improvement District prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the Assessments levied within the Tourism Improvement District. The notice of the hearing on disestablishment required by this section shall be given by mail to the owner of each Business subject to Assessments in the Tourism Improvement District. The County Legislature shall conduct the public hearing not less than thirty (30) days after mailing the notice to the Business Owners. The public hearing shall be held not more than sixty (60) days after the adoption of the resolution of intention. At the conclusion of the public hearing, the County Legislature shall adopt a resolution disestablishing the Tourism Improvement District.

Section 20. Refund of Remaining Revenues upon Disestablishment or Expiration without renewal of Tourism Improvement District; Calculation of Refund; Use of Outstanding Revenue Collected after Disestablishment of Tourism Improvement District.

Upon the disestablishment or expiration without renewal of a Tourism Improvement District, any remaining revenues, after all outstanding debts are paid, derived from the levy of Assessments, or derived from the sale of assets acquired with the revenues, shall be spent in accordance with the Tourism Improvement District Plan or shall be refunded to the owners of the Businesses then located and operating within the Tourism Improvement District in which Assessments were levied by applying the same method and basis that was used to calculate the Assessments levied in the fiscal year in which the Tourism Improvement District is disestablished or expires.

Section 21. 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 22. Effective Date.

This local law shall take effect immediately.

## LOCAL LAW NO. "B" FOR 2021

### A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR REDUCTION OF THE REDEMPTION PERIOD TO ONE YEAR FOR RESIDENTIAL PROPERTY LOCATED WITHIN A LOCAL MUNICIPALITY WHICH HAS BEEN DETERMINED BY IT PURSUANT TO NEW YORK STATE REAL PROPERTY TAX LAW SECTION 1111-a (SUBD. 2 (B)) TO BE VACANT AND ABANDONED

Introduced: 2/8/21

By Mr. Peter, Ms. McLaughlin, Messrs. A. Joyce, Feeney, Beston, Ms. Chapman, Messrs. Clay, Cleary, Commisso, Ms. Cunningham, Messrs. Domalewicz, Efekoro, Ethier, R. Joyce, Kuhn, Ms. Lekakis, Mr. Mayo, Mss. McLean Lane, Plotsky, Messrs. Reidy, Reinhardt, Ricard, Ward, Mss. Whalen and Willingham:

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

#### Section 1. Legislative Intent and purpose.

A. Section 11 II-a of the Real Property Tax Law provides that, except in cities with a population of one million or more, the enforcing officer of a local municipality or his or her agent may determine that residential real property located therein may be subject to a redemption period of one year, only if the enforcing officer or his or her agent makes an affidavit to that effect and the property has been placed on a local municipal roll, or registry or list of vacant and abandoned property maintained by the taxing municipality

B. Section 1122 (subd. 2 (b)) of the Real Property Tax Law provides that a Tax District may have a separate roll registry or list for residential property identified by a local municipality pursuant to Section 1 III-a of the Real Property Tax Law as being vacant and abandoned.

C. Section 1110 (subd. 2) of the Real Property Tax Law provides that a Tax District may reduce the redemption period for residential vacant and abandoned property located within a local municipality to one year provided the property has been placed on a vacant and abandoned roll, or registry or list prior to the date on which real property taxes became delinquent in the local municipality pursuant to Section 1111-a of the Real Property Tax Law.

D. The purpose of this Local Law is to:

(1) authorize implementation by the County of Albany Tax District of the provisions of Sections 1110 (subd. 2) and 1122 (subd. (2)) of the Real Property Tax

Law with respect to residential vacant and abandoned property located within local municipalities in the County of Albany Tax District that have authorized implementation by said local municipality of Section 1111-a of the Real Property Tax

Law; and

(2) require that those local municipalities located within the Tax District which have as authorized by Section 11 Il-a of the Real Property Tax Law therein at the time of the submission to the Albany County Tax District of said municipality's roll of properties determined by its enforcing officer to be vacant and abandoned, as a prerequisite to the acceptance of said roll by the County of Albany Tax District, shall therewith include an Affidavit of said enforcing officer:

(a) attesting that said local municipality as authorized by Sectionl 1 Il-a of the Real Property Tax Law has duly authorized implementation of said Section 11 Il-a

within said local municipality at the time of its submission to the County of Albany Tax District of its separate roll for properties determined by it to be vacant and abandoned;

(b) attesting that said roll of vacant and abandoned real property submitted by it to the County of Albany Tax District has been created by said local municipality in conformity with the requirements of Section 11 Il-a of the Real Property Tax Law; and

(c) attesting that the time limitation on making an application to the Supreme Court for CPLR Article 78 review pursuant to Section 11 Il-a (subd. 5) of the Real Property Tax Law as to the properties listed on the separate roll for properties determined by said municipality to be vacant and abandoned submitted to the County of Albany Tax District has expired and that there is no such review application is pending as to any of the properties therein listed.

SECTION 2. Severability

If any Section, subsection, paragraph, phrase or sentence of this Local Law is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. Effective Date

This Local Law is adopted subject to permissive referendum pursuant to Section 24 of the New York State Municipal Home Rule Law.

*Referred to Law and Audit and Finance Committees – 2/8/21*

## LOCAL LAW NO. "C" FOR 2021

### A LOCAL LAW ESTABLISHING A DEMONSTRATION PROGRAM IMPOSING OWNER LIABILITY FOR FAILURE OF AN OPERATOR TO STOP FOR A SCHOOL BUS DISPLAYING A RED VISUAL SIGNAL AND STOP-ARM

Introduced: 2/8/21

By Mr. Efekoro, Ms. Lekakis, Messrs. Miller, A. Joyce, Feeney and Miller:

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

#### **Section 1. Legislative Intent**

In April 2019, the Governor signed legislation (S04524-B/A04950) authorizing local governments to enter into agreements with school districts for the installation and operation of school bus photo violation monitoring systems on school buses owned or operated by such school districts.

The State legislation allows local governments to impose liability on the owners of motor vehicles for the failure of the drivers of such vehicles to comply with the Law prohibiting the overtaking and/or passing of stopped school buses displaying red visual signals.

Multiple jurisdictions across the state and country have enacted similar legislation in response to a growing concern over the number of violations that occur while a school bus stop-arm is deployed; thereby endangering the lives of children.

Technological advancements now allow for the monitoring, capture, transfer and review of school bus stop arm infractions in violation of New York State Vehicle and Traffic Law. This Legislature finds that the use of comprehensive school bus photo violation monitoring systems can play an instrumental role in ensuring child safety and motorist accountability throughout Albany County; therefore

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

#### **Section 2. Definitions**

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

- a. "County" shall mean the County of Albany;
- b. "Manual on uniform traffic control devices" or "MUTCD" shall mean the manual and specifications for a uniform system of traffic control devices maintained by the Commissioner of Transportation pursuant to section 680 of the New York Vehicle and Traffic Law;

- c. "Owner" shall have the meaning provided in article two-b of the New York Vehicle and Traffic Law; and
- d. "School bus photo violation monitoring system" shall mean a device that is capable of operating independently of an enforcement officer which is installed to work in conjunction with a school bus stop arm which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of a vehicle at the time it is used or operation in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law.

### **Section 3. Program Established**

- a. There is hereby established a demonstration program imposing monetary liability on owners of vehicles for failure of the operators thereof to comply with section 1174 of the New York Vehicle and Traffic Law.
- b. Under such demonstration program the County is empowered to install and operate school bus photo violation monitoring systems which may be stationary or mobile, and which may be installed, pursuant to an agreement with a school district within the County on school buses owned and operated by such school district or privately owned and operated for compensation under contract with such district. Provided however, that:
  - i. No stationary school bus photo violation monitoring system shall be installed or operated by the County except on roadways under jurisdiction of the County.
  - ii. No mobile school bus photo violation monitoring system shall be installed or operated on any such school buses unless the County and such district enter into an agreement for such installation and operation.
- c. The County Executive is hereby authorized to enter into agreements with school districts for the installation, maintenance and use of school bus photo violation monitoring systems, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other recorded images and data to the County, subject to the provisions of this Section and §1174 of the New York State Vehicle and Traffic Law. Provided however, that the County shall not enter into an agreement with any city school district wholly contained within a city.
- d. Nothing in this Local Law shall be construed to prevent the County or a school district at any time from withdrawing or terminating any agreement entered

into pursuant to this Local Law; provided, however, that the County or the school district shall provide no less than thirty (30) days' notice to other signatories of such agreement before withdrawing or terminating.

- e. The cost to the school district of the installation, maintenance and uses of school bus photo violation monitoring systems pursuant to an agreement authorized by this Local Law shall be borne entirely by the County. On or before September first of each year, the school district shall determine and certify to the County the total cost to the school district for the school year ending the preceding June thirtieth of installing, maintaining and using such systems within the County, for the proper handling and custody of photographs, microphotographs, videotapes, other recorded images and data produced by such systems, and for the forwarding of such photographs, microphotographs, videotapes, other record images and data produced by such systems to the County. On or before the following December first of each year, the County shall pay to the school district such cost so certified to it on or before the preceding September first.
- f. The County shall adopt and enforce measures to protect the privacy of drivers, passengers, pedestrians and cyclists whose identity and identifying information may be captured by a school bus photo violation monitoring device. Such measures shall include:
  - i. The utilization of necessary technologies to ensure, to the extent practicable, that photographs produced by such school bus violation monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle, pedestrians and cyclists;
    - A. However, a Notice of Liability issued pursuant to this Section shall not be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provide however that the County has made reasonable efforts to comply with the provisions of this paragraph;
  - ii. A prohibition on the use or dissemination of vehicle's license plate information and other information and images captured by school bus photo violation monitoring systems except: (a) as required to establish liability under this section or collect payment of penalties; (b) as required by court order; or (c) as otherwise required by law;



- iii. The installation of signage in conformance with standards established in the MUTCD at each roadway entrance of the jurisdictional boundaries of the County giving notice that school bus photo violation monitoring systems are used to enforce restrictions on vehicles violating section 1174 of the New York State Vehicle and Traffic Law. For purposes of this paragraph the terms “roadway” shall not include state expressway routes or state interstate routes but shall include controlled-access highway exit ramps that enter the boundaries of the County; and
- iv. Oversight procedures to ensure compliance with the aforementioned privacy protection measures.

#### **Section 4. Penalties**

An owner found liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law shall be liable pursuant to this Local Law for monetary penalties in accordance with the following fee schedule of fines and penalties:

- a. Two hundred and fifty dollars for a first violation;
- b. Two hundred and seventy five dollars for a second violation committed within eighteen months of the first violation;
- c. Three hundred dollars for a third or subsequent violation, all of which were committed within eighteen months from the first violation, and
- d. An additional penalty of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

#### **Section 5. Notice of Liability**

- a. A Notice of Liability shall be sent by first class mail to each person alleged to be liable as an owner of a vehicle, for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of delivery to the owner of the vehicle.
- b. A Notice of Liability shall contain:
  - i. the name and current address of the person alleged to be liable as an owner for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law; and
  - ii. the registration number of the vehicle involved in such violation; and
  - iii. the specific location where such violation took place, including the name of the road/street, the abutting address, the town/city/village, and the county and state; and
  - iv. the date and time of such violation; and

- v. the identification number of the camera which recorded the violation or other document locator number.
- c. A Notice of Liability shall contain information advising the owner of the manner and the time in which he or she may contest the liability alleged in the notice.
- d. Such Notice of Liability shall also contain a warning to advise the owners that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.
- e. The Notice of Liability shall be prepared and mailed by the County or local municipality in which the violation occurred, or by an entity authorized by the County or local municipality to prepare and mail said Notice of Liability.

### **Section 6. Owner Liability**

- a. The demonstration program established hereunder shall provide that the owner of a vehicle shall be liable for a penalty imposed pursuant to this Local Law if such vehicle was used or operated with the permission of the owner, express or implied, in violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, and such violation is evidenced by information obtained from a school bus photo violation monitoring system; provided, however, that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of NY Vehicle and Traffic Law §1174(a) pursuant to this Local Law. For purposes of this subsection, there shall be a rebuttable presumption that such vehicle was used and operated with the consent of the owner at the time it as used or operated in violation of NY Vehicle and Traffic Law §1174(a).
- b. If an owner receives a Notice of Liability pursuant to this Local Law for any time period during which the vehicle was reported to the police as having been stolen, it shall be a valid affirmative defense to an allegation of liability for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that the vehicle had been stolen and reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the affirmative defense provided by this subdivision, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the court having jurisdiction.
- c. An owner who is a lessor of a vehicle to which a Notice of Liability was issued pursuant to this Local Law shall not be liable for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law, provided that the

entity or person sends to the Court a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within 37 days after receiving notice from the agency of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such 37-day time period shall render the owner liable for the penalty prescribed by this Local Law. Where the Lessor complies with the provisions of this paragraph, the Lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law and shall be sent a notice of liability pursuant to section 4 of this Local Law.

- d. A certificate sworn to or affirmed by a technician employed by the County, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a school bus photo violation monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation, and shall be preserved for said proceeding.
- e. It shall be a defense to any prosecution for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law that such school bus stop-arms were malfunctioning at the time of the alleged violation, and said photographs, microphotographs, videotape or other recorded images shall be made available to any person or entity issued a Notice of Liability or violation to use for a defense.
- f. For the purpose of informing and educating owners of motor vehicles in this County, during the first thirty-day period in which a school bus violation monitoring system is in operation pursuant to the provisions of this Local Law, all owners of motor vehicles who would otherwise be held liable for failure of operators thereof to comply with subdivision (a) of section 1174 of the New York Vehicle and Traffic Law when meeting a school bus marked and equipped as provided in subdivisions 20 and 21-c of section 375 of such law, shall be issued a written warning in lieu of a notice of liability.

## **Section 7. Adjudication of Liability**

Liability pursuant to the demonstration program established hereunder shall be imposed upon owners by the local municipality wherein such violation occurred.

## **Section 8. Action for Indemnification**

If the owner held liable for a violation of subdivision (a) of section 1174 of the New York Vehicle and Traffic Law pursuant to this Local Law was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

## **Section 9. Annual Report**

- a. The County shall submit an annual report on the results of the use of a school bus photo violation monitoring system as required and provided for in NY Vehicle and Traffic Law § 1174-a(m).
- b. The County shall annually provide a copy of the annual report submitted pursuant to this Local Law, to each local law enforcement agency having jurisdiction to enforce violations of the vehicle and traffic law or any ordinance rule or regulation relating to traffic adopted pursuant to such law on roadways within the County.

## **Section 10. SEQRA Determination.**

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 11. Severability**

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

## **Section 12. Effective Date**

This Local Law shall be effective upon filing with the Secretary of State.

## LOCAL LAW NO. "D" FOR 2021

### A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK, THE RESTAURANT PROTECTION LAW, IN RELATION TO THIRD-PARTY DELIVERY SERVICES

Introduced: 2/8/21

By Grimm, Mauriello, Lockart, Perlee, Burgdorf, Drake, Langdon, Tunny and Whalen

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

#### SECTION 1.

##### **Definitions:**

(a) Agreement. The term "agreement" means a written contract between a food service establishment and a third-party food delivery service authorizing the inclusion of the food service establishment's menu or products on the third-party food delivery service's platform.

(b) 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.

(c) 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 someone other than the third party food delivery service itself.

(d) Third-party food delivery platform. The term "third-party delivery platform" means the online or mobile electronic platform of the third-party food delivery service on which a consumer may view products available for sale and place an order for a food service establishment's products.

#### SECTION 2.

##### **Prohibited Advertising/Contract Provisions**

(a) It shall be unlawful for a third-party food delivery service to list, advertise, promote, or sell a food service establishment's products, or arrange for an order of such products, on a third-party

food delivery service platform without a valid written agreement with the food service establishment authorizing the inclusion of their products on such platform.

(b) An agreement executed in accordance with this section shall not include a provision, clause, or covenant that requires a food service establishment to indemnify the third-party food delivery service, any independent contractor acting on behalf of the third-party food delivery service, or any registered agent of the third-party food delivery service, for any damages or harm by an act or omission occurring after the food service establishment's product leaves the place of business of the food service establishment. To the extent an agreement contains such a provision, such provision shall be deemed void and unenforceable.

### **SECTION 3.**

#### **Enforcement.**

(a) A food service establishment included on a third-party food delivery platform in violation of this local law shall have the right to bring an action in a court of competent jurisdiction for damages, penalties as set forth in this section, and injunctive relief. Such court, in its discretion, may also award reasonable court costs and attorneys' fees.

(b) Any person or company that violates any provision of this local law shall be subject to a civil penalty of up to one thousand dollars per violation. Each day a food service establishment is included on a third-party food delivery platform shall be considered a separate violation. Each and every food service establishment improperly included on a third-party food delivery platform shall be considered a separate violation.

### **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.**

#### **Effective Date.**

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

**LOCAL LAW NO. "E" FOR 2021**

**A LOCAL LAW OF THE COUNTY OF ALBANY PROVIDING FOR SPECIAL DEFERMENTS AND INSTALLMENT PAYMENTS OF TAXES DURING THE COVID-19 STATE OF EMERGENCY FOR REAL PROPERTY LOCATED WITHIN THE COUNTY OF ALBANY**

Introduced: 2/8/21

By Messrs. Peter, Comisso and Domalewicz:

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

Section 1. Legislative Intent and Purpose

Governor Cuomo recently signed legislation amending the Real Property Tax Law by adding article 19-A, allowing for limited deferment of the payment of property taxes during the COVID-19 declared state of emergency.

The County believes that the benefits offered to taxpayers by this legislation are crucial during the fiscal crisis caused by the COVID-19 global pandemic.

Accordingly, for any and all municipalities who have previously or come to pass similar legislation allowing a deferment of payment of property taxes and a waiver of interest and penalties under Article 19-A of the Real Property Tax Law during the COVID-19 declared state of emergency, said municipalities shall equally defer the County's portion of the property taxes due.

Section 2. Deferment

Pursuant to Section 1910 of the New York State Real Property Tax law, the municipal fiscal officer of any municipality in the County of Albany which has adopted legislation allowing a deferment of the payment of property, including waiver of interest and penalties during the COVID-19 pandemic are hereby authorized to defer the payment of the County's portion of the property taxes, along with any interest or penalties associated therewith until such date as has been set by a local law of the participating municipality, but at no point shall a deferment of payment due date extend beyond one hundred twenty days past the original due date of such taxes.

Section 3. Effective date and repeal.

This local law shall take effect upon filing with Secretary of State and shall remain in effect until August 1, 2021, upon which date it shall be deemed repealed.

*Referred to Law and Audit and Finance Committees – 2/8/21*