

County of Albany

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



Meeting Agenda

Wednesday, March 24, 2021

6:00 PM

Held Remotely

Law Committee

PREVIOUS BUSINESS:

1. APPROVING PREVIOUS MEETING MINUTES
2. 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
3. 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
4. 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
5. 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
6. 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
7. 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

CURRENT BUSINESS:

8. PUBLIC HEARING ON 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

9. AUTHORIZING AGREEMENTS WITH THE NEW YORK STATE DEPARTMENT OF HEALTH, PLANNED PARENTHOOD OF GREATER NEW YORK AND YWCA MOHAWK VALLEY REGARDING PREVENTION EDUCATION

County of Albany

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



Meeting Minutes

Wednesday, February 24, 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 the Public Hearing date be amended to March 23rd. The motion carried by a unanimous vote.

A motion was made to move the proposal forward with a positive recommendation as amended. 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

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

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

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

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**

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

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

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

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

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

8. PUBLIC HEARING ON PROPOSED LOCAL LAW NO. "E" FOR 2021

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

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

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

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

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

- 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

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

- 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

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

- 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

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

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 and Ms. Cunningham:

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, lobbies, interior courtyards, elevators, stairs, community rooms, clubhouses, gym facilities, 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 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, marijuana, or any similar article or any other combustible substance in any manner or in any form.

VAPING – The release of tobacco, nicotine, marijuana, 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: PENALTIES FOR VIOLATIONS

Any tenant or invitee of a tenant of a multiple unit dwelling who violates the provisions of Section 5 of this Local Law shall be subject to the imposition of a civil penalty by the Commission of Health of not more than \$250 for a first violation, \$350 for a second violation, and \$500 for each violation thereafter.

Any property owner, property manager and/or other person having control of a multiple unit dwelling who violates any provision of Section 7 of this Local Law shall be subject to the imposition of a civil penalty by the Commissioner of Health of not more than \$250 for a first violation, \$350 for a second violation, and \$500 for each violation thereafter. Proof of compliance with the provisions of Section 7 of this Local Law shall serve as an absolute defense to a charge pursuant to this Local Law.

Section 7: ENFORCEMENT AND ADMINISTRATION

Property owners, property managers and/or other persons having control of a multiple unit dwelling shall include in their written 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). In instances where a written lease is not used, property owners, property managers and/or other persons having control of a multiple unit dwelling must advise in writing such tenants 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 shall post conspicuous signage at major entrances to the building(s) and in indoor common areas, stating that smoking and vaping are prohibited in all indoor common areas of the multiple unit dwelling.

[Property owners, property managers and/or other persons having control of a multiple unit dwelling may pursue evictions for] Violations of this Local Law by a tenant or invitee of a tenant shall constitute just cause to bring an eviction proceeding against the tenant, to the extent allowable by state and local law.

Section 8: SEQRA COMPLIANCE

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

Section 9: SEVERABILITY

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

Section 10: EFFECTIVE DATE

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

LOCAL LAW 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.

Referred to Law and Economic Development Committees – 2/8/21



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

August 3, 2020

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

Dear Chairman Joyce:

The Office of the Albany County Executive respectfully requests that the Legislature enact a Local Law enabling the establishment of Tourism Improvement Districts (TID) in Albany County. The attached draft Local Law outlines the procedures the establishment, operation, modification, and disestablishment of these Districts. Tourism Improvement Districts, similar to Business Improvement Districts, are self-assessments on businesses in order to fund marketing efforts to increase the number of overnight visitors to an area.

The Albany County Convention and Visitors Bureau (Discover Albany), in partnership with the County Executive's Office, has worked with local hotels to develop widespread support for this supplemental funding which will provide enhanced services for the benefit of businesses within a District. These services include, but are not limited to: (1) marketing, (2) sales, (3) visitor enhancements, and (4) destination enhancements.

Hotels rely on consistent and effective marketing to increase occupancy, fill meeting space, and increase visitation during the winter season. Limited marketing funding, relative to our competition, has resulted in lost tourism opportunities for Albany County in recent years. By supplementing Hotel Occupancy Tax funding with a two percent fee on room bills, a TID will allow Discover Albany to better compete for tourism without burdening County taxpayers.

Additionally, while protecting public health remains the top priority during COVID-19, the impact of the pandemic on the tourism industry cannot be overstated. Establishing the framework for a Tourism Improvement District is an important first step in the effort to help rebuild our tourism industry in Albany County.

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

Sincerely

A handwritten signature in cursive script that reads "Daniel P. McCoy". The signature is written in black ink and is positioned above the printed name.

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



Legislation Text

File #: TMP-1746, Version: 1

REQUEST FOR LEGISLATIVE ACTION

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

Enabling the Establishment of Tourism Improvement Districts in Albany County

Date: 8/1/2020
 Submitted By: Lucas Rogers
 Department: Office of the County Executive
 Title: Senior Policy Analyst
 Phone: 518-447-7040
 Department Rep.
 Attending Meeting: Lucas Rogers/Michael McLaughlin

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

- Contractual
- Equipment
- Fringe
- Personnel

- Personnel Non-Individual
- Revenue

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

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

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

Choose an item.

Submission Date Deadline Click or tap to enter a date.

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

Contract Terms/Conditions:

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

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

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

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

CONCERNING ALL REQUESTS

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

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

County Budget Accounts:

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

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

Source of Funding - (Percentages)

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

Term

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

Impact on Pending Litigation

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

Previous requests for Identical or Similar Action:

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

Justification: (state briefly why legislative action is requested)

The Office of the Albany County Executive respectfully requests that the Legislature enact a Local Law enabling the establishment of Tourism Improvement Districts (TID) in Albany County. The attached draft Local Law outlines the procedures the establishment, operation, modification, and disestablishment of these Districts. Tourism Improvement Districts, similar to Business Improvement Districts, are self-assessments on businesses in order to fund marketing efforts to increase the number of overnight visitors to an area.

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Additionally, while protecting public health remains the top priority during COVID-19, the impact of the pandemic on the tourism industry cannot be overstated. Establishing the framework for a Tourism Improvement District is an important first step in the effort to help rebuild our tourism industry in Albany County.

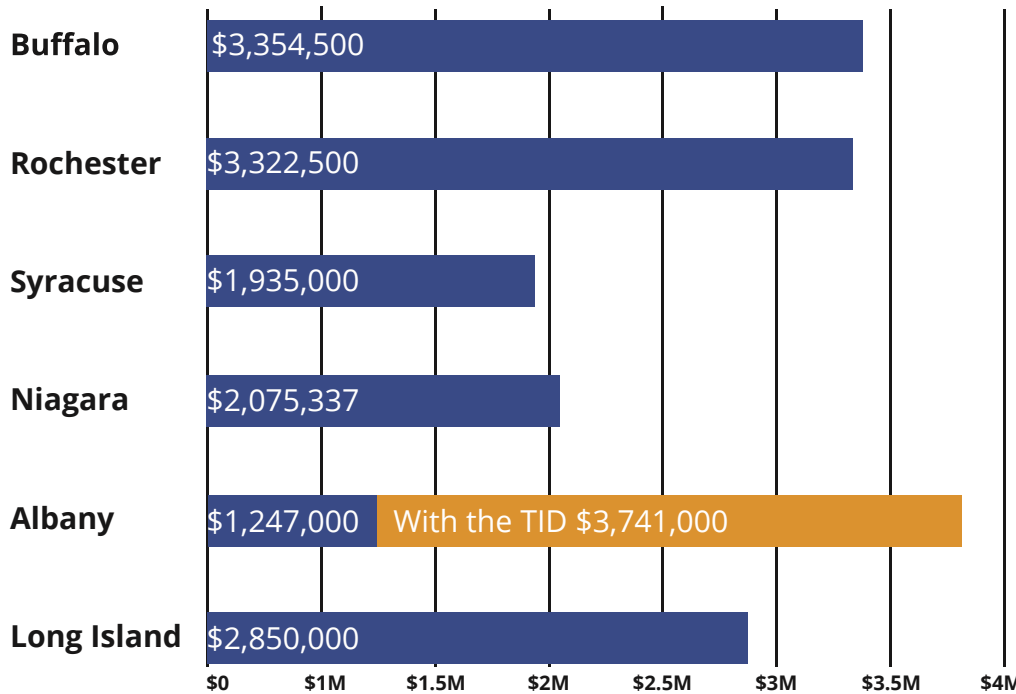
Albany County

TOURISM IMPROVEMENT DISTRICT (TID)

What is a TID?

A TID, or Tourism Improvement District, much like a Business Improvement District is a self-assessment on a business in order to fund marketing efforts which would increase the number of overnight visitors to the area.

Discover Albany is not asking the County for more money. They are asking the County to **allow them to raise their own additional funds**. This is how they will catch up to – and ultimately surpass – their competition.



*Based on pre-COVID-19 Occupancy Tax data.

Why is this in addition to the current HOT tax and not a Replacement?

This is supplemental funding - the hotels are self-imposing this assessment via a 2% fee on room bills in order to enhance the work that their current Occupancy Tax collections support. If you take away one, the remaining funds will be insufficient to achieve the goals of the destination. In addition, hotels will not be willing to self-assess without continuation to receive existing funding at the current rate which is their responsibility to collect.

How Discover Albany will use the TID to invest in Albany County Tourism?

SALES



Sports

Bid Fees

MARKETING



TV/Social Videos

Discover Albany Brand Awareness

Enhanced Ad Campaigns to Bring International Travelers

VISITOR ENHANCEMENT



Mobile Visitors Center for County-Wide Events

Adopt technology to enhance visitor experience

DESTINATION ENHANCEMENTS



Invest Money into Destination to Improve Visitor Experience

COVID-19 RECOVERY



Events lost due to lack of funding:

United Church Pentecost International	U.S. National Jump Rope Championships
New York State Association of Fire Chiefs	New York State Association of Professional Land Surveyors
Future Business Leaders of America	National Grange of the Order of the Patrons of Husbandry
Association of Food and Drug Officials	Drum Corp Championships
NYS Rural Water Association	Lions Club of New York

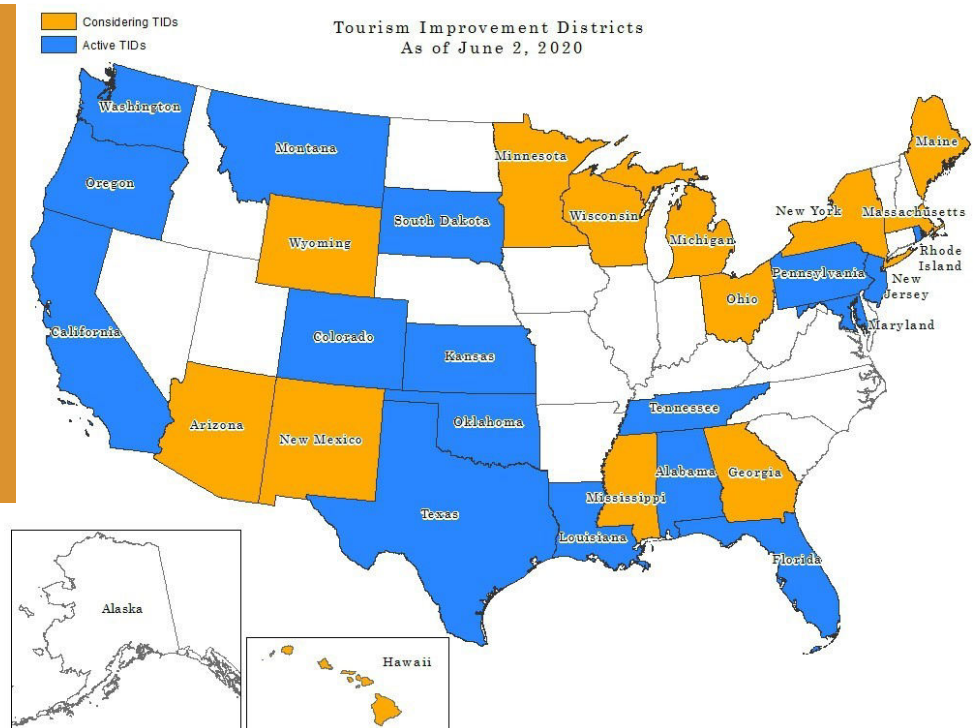
With the lack of marketing funds and focus, we have lost these events totaling over 22,000 room nights and \$17 million in economic impact to Albany County and local hotels. These hotels rely on consistent and creative marketing to:

- Increase Occupancy
- Fill Meeting Space
- Increase visitation during the winter season
- Increase annual REVPAR

It is Discover Albany's responsibility to ensure that hoteliers continue to see an increase in occupancy and ADR making this a viable destination for the investment for years to come.

Who else is doing it?

Each year, more than 180 tourism improvement districts throughout the United States raise more than \$430 million for destination marketing. There are currently active TIDs in 17 states, with the latest formation happening in Mobile, AL in May 2020.



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. 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.

Referred to Law and Mass Transit Committees – 2/8/21

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.

Referred to Law Committee – 2/8/21

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:

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

Section 1. Legislative Intent and Purpose

On January 30, 2021, 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 and waiver of the associated interest and penalties 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.

The collection of real property taxes is administered through [the] local municipalities, which then make payment to the County of Albany for the portion of County taxes due. The County believes that the deadlines for collection of the municipal and county portions of taxes must remain consistent [within a municipality in order] to avoid confusion for local taxpayers.

Accordingly, for any [and all] municipality which has passed or does pass [similar] legislation allowing for deferment of payment of property taxes and [a] waiver of interest and penalties pursuant to [under] Article 19-A of the Real Property Tax Law during the COVID-19 declared state of emergency, [said municipality] this Local Law shall act to 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 County of Albany hereby defers the payment of the County's portion of property taxes, including waiver of interest and penalties, for property located in any municipality in the County of Albany which has adopted legislation pursuant to Real Property Tax Law Section 1910. [allowing a deferment of the payment of property taxes, including waiver of interest and penalties, during the COVID-19 pandemic.] Any deferment of payment of the County's portion of property taxes shall be applicable only to those municipalities which have adopted legislation regarding the deferment of local property taxes pursuant to Article 19-A of the Real Property Tax Law, and such deferment shall be coterminous with the date established by each individual municipality.

At no point shall deferment of property tax payment due date extend more than one hundred twenty days past the original due date of such taxes. If any municipality authorizes a deferment of payment of taxes to a date in excess of one hundred twenty days from the original due date for such taxes, the deferment of the County's portion of property taxes shall be one hundred twenty days past the original due date for 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 June [August] 1, 2021, when [upon which date] it shall be deemed repealed.

RESOLUTION NO. 95

PUBLIC HEARING ON 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: 3/8/21

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

RESOLVED, By the County Legislature of the County of Albany that a public hearing on proposed 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” to be held remotely by the Albany County Legislature at 7:15 p.m. on Tuesday, April 27, 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.



DANIEL P. MCCOY
COUNTY EXECUTIVE

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

KAREN ZIEGLER
DIRECTOR

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

February 9, 2021

Dear Chairman Joyce:

I am requesting permission to accept a grant award extension from NYS Department of Health, Bureau of Maternal, Infant and Adolescent Health. This grant is for the period 2/1/2022 through 1/31/2024. This is a two year regional grant extension for \$166,750 to be shared between Albany County Crime Victim and Sexual Violence Center, the Planned Parenthood of Greater New York and the YWCA Mohawk Valley. This requires Albany County to have Memorandums of Understanding with PPGNY and the YWCA for the two year period of the grant award.

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

Respectfully Submitted,

Karen Ziegler
Director

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



County of Albany

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

Legislation Text

File #: TMP-2300, **Version:** 1

REQUEST FOR LEGISLATIVE ACTION

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

Contract Extension between NYS DOH Rape Prevention and Education and CVSVC

Date:	February 9, 2021
Submitted By:	Karen Ziegler
Department:	CVSVC
Title:	Director
Phone:	518-447-7100
Department Rep.	
Attending Meeting:	Karen Ziegler

Purpose of Request:

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

CONCERNING BUDGET AMENDMENTS

Increase/decrease category (choose all that apply):

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

Revenue

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

CONCERNING CONTRACT AUTHORIZATIONS

Type of Contract:

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

Renewal

Submission Date Deadline 4/1/2021

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

Contract Terms/Conditions:

Party (Name/address):

NYS Department of Health
Bureau of Women, Infant, and Adolescent Health
Empire State Plaza, Corning Tower, Rm. 821

Albany, New York 12237

Additional Parties (Names/addresses):

Click or tap here to enter text.

Amount/Raise Schedule/Fee: 166750

Scope of Services: Click or tap here to enter text. CVSVC will work with Planned Parenthood of Greater New York and the YWCA Mohawk Valley to provide community and societal level prevention education in Albany, Schenectady, and Oneida counties.

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

CONCERNING ALL REQUESTS

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

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

County Budget Accounts:

Revenue Account and Line: A4610 03495
Revenue Amount: 166,750

Appropriation Account and Line: attached spreadsheet
Appropriation Amount: 166,750

Source of Funding - (Percentages)

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

Term

Term: (Start and end date) 2/1/2022 to 1/31/2024
Length of Contract: 24 months

Impact on Pending Litigation Yes No
If yes, explain: Click or tap here to enter text.

Previous requests for Identical or Similar Action:

Resolution/Law Number: 502
Date of Adoption: 11/13/2018

Justification: (state briefly why legislative action is requested)

The request is to accept this two year grant award extension for \$166,750 to allow CVSVC to continue to partner with Planned Parenthood of Greater New York and the YWCA Mohawk Valley to provide community and societal level prevention education against sexual violence. The grant requires Memorandums of Understanding between Albany County and PPGNY and the YWCA.

Below are some contract updates for RPE. Please reach out with any questions or concerns.

RFA Update for Years 4 & 5

Due to the programmatic challenges presented by COVID-19, we have received approval from NYSDOH leadership and HRI to extend your contracts through the remainder of the 5 year grant cycle (2/1/9 – 1/31/24) without completing a competitive RFA at the end of year 3, as was previously planned. We look forward to continuing to work with each of you for the remaining three years of this grant.

Thank you all for your hard work during these difficult times.

Warmly,

Rachel Wilson, LMSW, MPH

RPE Program Coordinator

(she, her)

New York State Department of Health

Bureau of Women, Infant and Adolescent Health

Empire State Plaza, Corning Tower Rm. 821, Albany, NY 12237

(518) 474-0535 | Rachel.Wilson@health.ny.gov

www.health.ny.gov

Personnel			% of cost
A 4610 11028 001 450001	Director		4
A 4610 12232 001 450003	Clinical Supervisor		13
A 4610 12235 001 450005	CV Therapist 1		13
A 4610 12243 001 450029	Coordinator of Community Education		25
A 4610 12254 001 450020	Volunteer Coordinator		13

Contractual Expenses 44020 - 44903

A4610 44020	Office Supplies		2
A4610 44038	Travel		4
A4610 44039	Conferences		5
A4610 44042	Printing		15
A 4610 44046	Fees For Services		60

Fringe 89010 - 89060

A 4610 89010	State Retirement		3
A 4610 89030	FICA/Social Security		5
A 4610 89060	Health & Medical Insurance		2

RESOLUTION NO. 502

AUTHORIZING A GRANT APPLICATION AND TO ENTER INTO AGREEMENTS WITH THE NEW YORK STATE DEPARTMENT OF HEALTH, PLANNED PARENTHOOD MOHAWK HUDSON AND THE YWCA REGARDING PREVENTION EDUCATION

Introduced: 11/13/18

By Law Committee and Mr. Clenahan

WHEREAS, The New York State Department of Health (NYSDOH) has notified the Crime Victim and Sexual Violence Center that grant funding is available regarding the Rape Prevention Education Grant, and

WHEREAS, The Director of the Department of Crime Victim and Sexual Violence Center has requested authorization to apply for and accept grant funding and to enter into an agreement with the (NYSDOH) regarding the Rape Prevention Education Grant for the period commencing February 1, 2019 through January 31, 2022 in the amount of \$166,750, and

WHEREAS, The Director also requested authorization to enter into agreements with Planned Parenthood Mohawk Hudson and the YWCA Mohawk Valley in order to utilize said funding and provide community and societal level prevention education against sexual violence, now, therefore be it

RESOLVED, By the Albany County Legislature that the County Executive is authorized apply and accept grant funding to enter into an agreement with the NYSDOH regarding the Rape Prevention Education Grant in an amount not to exceed \$166,750, commencing February 1, 2019 through January 31, 2022, and, be it further

RESOLVED, That the County Executive is authorized to enter into agreements with Planned Parenthood Mohawk Hudson and the YWCA Mohawk Valley regarding the provision of community and societal level prevention education against sexual violence, commencing February 1, 2019 through January 31, 2022, and, be it further

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

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

Adopted by unanimous vote - 11/13/18

State of New York
County of Albany

This is to certify that I, the undersigned, Clerk of the Albany County Legislature, have compared the foregoing copy of the resolution and/or local law with the original resolution and/or local law now on file in the office, and which was passed by the Legislature of said County on the 14th day of November, 2018, a majority of all members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such original resolution and/or local law and the whole thereof.



IN WITNESS WHEREOF, I have hereunto set my hand and the
official seal of the County Legislature this 15th day of November, 2018.

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

Clerk, Albany County Legislature